

**City of South Daytona
City Council Meeting Minutes
Tuesday, January 10, 2023,
immediately following the 6:00pm
Community Redevelopment Agency Meeting (CRAg)**

City Council Chambers, 1672 S. Ridgewood Avenue, South Daytona, Florida
and FaceBook Live (www.facebook.com/CityOfSouthDaytona)

A. Opening. Call to Order: Mayor William C. Hall called the City of South Daytona Regular City Council Meeting to order at 6:03 pm.

Roll Call:

Present:

Mayor William C. Hall

Vice-Mayor Eric Sander

Councilwoman Lisa O'Neal

Councilman Doug Quartier

Councilman Brandon Young

City Manager James L. Gillis, Jr.

City Attorney Wade Vose

Not Present: None

Pledge of Allegiance led by Mayor William C. Hall followed by the **Invocation** led by Councilman Brandon Young.

Item 5: City Manager Report:

City Manager Gillis reported he attended the Volusia County Legislative Delegation Meeting on Monday, January 9, 2023, at DeLand City Hall with Code Compliance Manager Josh McEnany. He said they had the privilege of speaking before Senator Travis Hutson, District 7, Representative Webster Barnaby, District 29, Senator Tom Wright, District 14, Representative Tom Leek, District 28, Representative Chase Tramont, District 30 and Representative Stan McClain, District 27. Each City was afforded an opportunity to speak before the Legislative Delegation to explain their legislative appropriations request for the next Fiscal Year (2023-2024). Mr. Gillis said most Cities were requesting sewer and water quality projects. He discussed the septic to sewer projects South Daytona had successfully completed. Mr. Gillis explained this year we will be requesting \$750,000 for sewer lining which will make our aging sewer pipes virtually new again. He said that the project was so important that the City offered to match the request dollar for dollar. He felt the presentation was successful and the delegation was excited to receive the request.

Mr. Gillis discussed upcoming events consisting of the Drive In Movie: Spider-Man No Way Home set for January 27, 2023 at 5:30pm at Reed Canal Park which will be sponsored by the South Daytona Fire Department with additional concessions available by the Citizens Alert Council. He also discussed the Piggotte Community Center Ribbon Cutting and Civics 101 Class set for Thursday, February 2nd at 5:00pm at the newly renovated Piggotte Community Center. The Volusia League of Cities will present a Civics 101 class, to explain the importance of local government at 6:00pm, he concluded.

Mayor Hall discussed the Piggotte Center Open House night noting the beautiful renovations and informed the City Manager that he has invited our local groups of CERT, Citizens Alert Council and the Historic Society to set up tables during the event to encourage community outreach and membership.

Item 6: City Attorney Report:

City Attorney Wade Vose provided an update on items addressed since the previous council meeting. He discussed reviewing Land Development matters including a Master Development Agreement, Rezoning and other land use matters. He said he will attend the February Planning and Appeals Board Meeting to provide

Sunshine Law, Public Records and Voting Conflicts training. City Attorney Vose also reported he reviewed the agenda in its entirety.

B. Citizens to be Heard:

CJ Allen (2929 Gaslight Drive) questioned what an increase in the water rates proposed by the City of Port Orange would mean to South Daytona. Mayor Hall explained that it would not affect our residents as we purchase our water from the City of Daytona Beach.

C. Consent Agenda: (Items 8-12):

Mayor Hall introduced the Consent Agenda and said the matters included under the consent agenda are self-explanatory and not expected to require discussion for approval. Items will be enacted by one motion. If discussion is desired by any member of the City Council, that item must be removed from the consent agenda and considered separately.

Item 8: Approval of minutes: December 13, 2022, City Council Meeting

Item 10: Consideration of approving an agreement with Bureau Veritas North America Inc for supplemental Building Official Services.

Item 11: Resolution No. 2023-01. A Resolution of the City Council of the City of South Daytona, Florida, appointing members to the Planning and Appeals Board (PAB); providing for terms; and providing an effective date. First and only reading.

Item 12: Consideration of approving a Façade Improvement Grant in the amount of \$3,405 to Hometown Auto Service and Transmission at 2227 South Ridgewood Avenue as was presented in tonight's C.R.A.G. meeting.

Councilman Brandon Young requested discussion on Item 9, Consideration of approving a request for a six-month extension of Final Site Plan for 3151 South Ridgewood Avenue and associated parcels for the Silvestri Townhomes/Condominiums Project.

Motion to approve the consent agenda as presented excluding Item 9 by Vice-Mayor Eric Sander. Second by Councilman Brandon Young. Motion carried unanimously.

Item 9: Consideration of approving a request for a six-month extension of Final Site Plan for 3151 South Ridgewood Avenue and associated parcels for the Silvestri Townhomes/Condominiums Project.

Councilman Brandon Young requested an update from City Manager Gillis.

City Manager Gillis provided a recap of the project which is located at 3151 S. Ridgewood Avenue. This development includes seventeen two-story townhomes on the water, as well as two seven-story condominium towers. He said the Council approved construction and a first extension was requested in June 2022. He explained this will be the second and final extension for the project with a deadline of July 31, 2023. Mr. Gillis said they submitted a construction schedule which was included in the Agenda Package. He discussed the construction schedule and stressed staff's goal was to see this project under construction soon.

Councilman Young said we have eagerly awaited construction on this project to begin and he is concerned that by granting the extension, it will further delay the project. Since the developer has mentioned that they are waiting until their project in New Smyrna is complete before starting in South Daytona, Councilman Young suggested staff reach out to New Smyrna Beach for a status of their ongoing project.

City Manager Gillis said he appreciates the inquiries, and assured Councilman Young that he will share these concerns with the developer.

Motion to approve by Councilman Brandon Young. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

D. Regular Agenda:

Item 13: Resolution No. 2023-02. A Resolution of the City of South Daytona, Florida; adopted pursuant to Chapter 5 (Building, Housing and Structural Regulations, Article X, Dangerous Structures) of the South Daytona Code of Ordinances, finding the structures located at 509 Big Tree Road, South Daytona, Florida are unsafe and unfit for human habitation and potentially injurious to the public health, welfare and safety of the community; authorizing the city to proceed with the demolition of said structures and liening the said property pursuant to the City's Code of Ordinances; providing for severability, conflicts and an effective date.

Public Hearing. First and only reading.

City Attorney Vose read the Title of Resolution Number 2023-02.

City Manager Gillis described the disrepair of the home at 509 Big Tree Road. He said the property was brought before the Special Master in 2020 and over a year ago the home was declared unsafe for human habitation by the Building Official and potentially injurious to the health, safety and welfare of the general public. He explained the roof was originally damaged during the 2004 hurricanes. In 2016, a roof permit was applied for but was not completed. It has been over seven years since the home has been habitable and water usage recognized through the city utility bill. Mr. Gillis explained staff has met with the homeowners on several occasions to secure the residence and strive towards compliance but efforts have been fruitless. He referenced pictures of the property. Mr. Gillis said a case came before the Special Master in February 2020 where the property was found in violation and a fine began. Staff presented a new case in March 2022 where the property was found in violation of being unfit for human occupancy due to its dilapidated, unsafe condition. At the May 2022 Special Master Hearing no progress was made but two days prior to the hearing before the Special Master, a permit was applied for by TAHZ LLC. The Special Master did not rule at the May Hearing and provided an additional month for the property owners to demonstrate progress. At the June 16, 2022, Hearing, although permits were submitted, demonstrated progress of moving the project forward was not shown and the Special Master signed an Order Imposing Fine/Lien in the amount of \$250.00 per day. On November 4, 2022, Hero Construction cancelled the Roof Permit for 509 Big Tree Road (Permit No. 202205159) and the Permit under the contractor of TAHZ LLC has not progressed.

Due to the continued deterioration of the structure, he said, staff requests the Council sign the order for the structures on the property at 509 Big Tree Road be demolished, removed and site stabilized by seeding/hay installation if not repaired or removed by the property owner on or before April 30, 2023. If the property owner fails to complete the repair with final approval by the City or remove the structure on May 1, 2023. The cost for the city to remove the structure will be approximately \$9,500, he explained.

City Manager Gillis continued that the damage to the home has been ongoing over many years, not caused by the recent hurricanes. He said staff and the Council has received numerous complaints especially since Big Tree Road is a main thoroughfare for our City. The house has been in disarray for many years and staff has been unsuccessful in working with the property owner to complete the renovation. Mr. Gillis explained the seriousness of a demolition request and there is simply no other solution for this home. He discussed an errant Homestead Exemption which has been applied to the property which staff will be in contact with Volusia County Property Appraiser to get corrected. He reiterated that there has not been water consumption since 2016 and the home must be renovated or

removed. He concluded with staff recommendation of approval of Resolution 2023-02 and if the home is not completed by April 30, 2023, the City will demolish on May 1, 2023.

Mr. Gillis said the property owner was in attendance at the meeting and noted a permit was applied for yesterday in hopes to delay the decision but emphasized the project needed to move forward.

Mayor Hall opened the Public Hearing.

Edwin Palmer, owner of 509 Big Tree Road and resident of 550 Big Tree Road. He said the home was not damaged in 2004 but in 2016 and was in use until 2016. He said they have had three different contractors attempt to assist in the renovations of the home. After 2016 storms, Mr. Palmer said, he pulled an owner builder roof permit. Since then, he has had heart issues and could not finish it. Mr. Palmer discussed Hero Construction who completed a roof for his home at 550 Big Tree Road but has since cancelled the work at for 509 Big Tree Road. He explained he had been working with them since November 2021. He discussed the contractor Thomas Huger who came to the Special Master Hearings but he has also abandoned the job. Mr. Palmer discussed the money he has expended on plans, securing contractors and deposits. He introduced Mr. Ortega who represents a contractor who can finish the job. Mr. Palmer presented a letter to the Council from the Contractor, Patrick Stack, Skellig Construction, LLC with a timeline to complete the work. Mr. Palmer discussed working with staff and securing the residence when requested. He said the home is secure.

Pastor Angel (Orlando, Florida, affiliated with the contractor Skellig Construction, LLC) said he has discussed the situation with a truss company, and they can have roof trusses delivered within 6 to 8 weeks. He discussed his outreach program of feeding the homeless from a Radio Station on Beville Road. Mr. Patrick Stack is the contractor, and he is ready to complete the project, he continued. He said it is devastating and he is ready for the opportunity to complete the project within a short period of time.

Mayor Hall closed the Public Hearing.

Councilman Brandon Young sought clarification that on January 9, 2023, the contractor submitted permit application. City Manager Gillis answered yes, similar to the application applied for before the May 2022 Special Master Hearing. He noted that staff has met with each contractor on-site and they have all walked away.

City Manager Gillis highlighted the caveat at the end of the recently submitted homeowner letter stating the schedule proposed is at the mercy of the supply chain which leaves the schedule open ended. He explained staff does not intend to be egregious and we share a similar goal with the property owner to have the home completed and livable or demolished. He said the home is not secure as the windows are open as shown on the pictures which were taken on Friday, January 6, 2023.

Councilman Doug Quartier said he has received numerous calls regarding this home as the lawn and home is both in despair. He said the neighbors have complained about rodent (rat and raccoon) issues. He has discussed the process with the neighbors, and they are concerned about the rodents and the dilapidated structure. Neighbors are frustrated as it appears nothing is being done, he concluded.

Mayor Hall counted there is 15 weeks until April 30 and said based on the schedule provided, we should have a ribbon cutting at the home in 15 weeks. If it's not complete, then it will be demolished, he said.

Councilman Young recalled this is the third home brought before the Council for removal noting all had very different situations. He said he struggled with the timeline as even if the home deteriorated in 2016, it is 2023. Councilman Young expressed his concern with approving 15 additional weeks as he believed the

homeowner has had sufficient time to renovate the home by now if he truly wanted to. He requested input from City Attorney Vose.

City Attorney Vose asked Mr. Palmer to address the ownership of the property.

Mr. Edwin Palmer answered there is a mortgage on the property with approximately \$80,000 remaining.

City Attorney Vose explained the process of demolition, titles and mortgages. He discussed future foreclosures and liens.

Councilman Young questioned interest of the Mortgage Company in the property which City Attorney Vose answered the city does not have a duty of notice to the Mortgage Company and Due Process has been satisfied.

Councilman Quartier asked if the home was under foreclosure which Mrs. Palmer answered the mortgage is being paid.

Mayor Hall clarified that a fine of \$250 per day will continue to accrue and he is not in favor of providing 15 additional weeks.

Councilman Young requested clarification that if passed this evening, they will have 15 weeks to complete.

City Manager Gillis clarified the permitted scope of work, which calls for a complete restoration of the existing home, which must be completed and approved with final inspection from City Staff with City Attorney Vose adding or demolition of the home.

Pastor Angel (representative) clarified the property owner hopes to repair the entire home.

Mayor Hall said he will be monitoring progress.

Motion to approve by Councilman Doug Quartier. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

Item 14: Consideration of awarding the Water Meter Replacement Program project (RFP 2022-001) to Water Works in the amount of \$1,540,882.86 as budgeted in the current fiscal year and supplemented with ARPA (American Rescue Plan Act) funds subject to Contract approval by the City Attorney.

City Manager Gillis said this is an exciting time for the city as we continue to invest in us. He said one project we have been working towards and staff is proud to bring forth is the Water Meter Replacement Program. He explained this project will allow residents to monitor water usage on a daily basis. This project includes replacement of every meter within the City. He shared South Daytona is one of the last municipalities who manually reads each water meter and this project will propel us into the latest technology.

Mr. Gillis discussed the customer portal which can be customized with notices and alarms. He said currently water leaks and issues are not discovered until the meter is read at the end of the month concluding that this technology will be a great benefit to our residents. He also discussed the ability to bill to the gallon as rounding can be difficult to understand.

Mr. Gillis said staff is recommending the lowest bid, as per the City's purchasing policy which was WaterWorks in the amount of \$1,540,882.86 as budgeted in the current fiscal year and supplemented with ARPA (American Rescue Plan Act) funds. He recalled the Council decided to invest in us and our infrastructure and this will work towards those goals. He recapped the American Rescue Plan Act and the funding.

City Manager Gillis discussed the software costs and how he was able to negotiate no increase for the cost for the Software as a Service for the first 5 years. He also negotiated after the first five years an increase associated with the Software PPI which is much less than the Consumer Price Index. He explained this should benefit the City in the long term.

If approved, construction is expected to begin in April 2023 and have an estimated completion date of June 2024, he said. The sequence of construction will begin with the installation of the software and tower components followed by meter replacements in cycles designed to minimize interruptions to service and billing. Mr. Gillis discussed notification and minimizing disruptions of service for our residents during this transition.

Vice-Mayor Sander questioned the security of the system which IT Director Mike Janiszewski answered that the vendor is current with industry standards and they are aware of the security needs of the City. He continued to explain the vendor will only handle the data of water usage, not the customer information.

Mayor Hall noted the dollar amount and said the last 1.5 million dollar expenditure was a hurricane loan we were forced to sign in 2016 because we had no reserves or funding whatsoever to cover expenses. He said it feels good to pay as you go instead of taking out loans.

Motion by Vice-Mayor Eric Sander. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

Item 15: Ordinance No. 2023-01. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Code of Ordinances, Chapter 8, Health and Sanitation, Article II, Weeds and Offensive Conditions on Property, Sections 8-19, 8-20, and 8-21 to revise the notice period for the abatement of nuisances, and to allow for the cost and expenses of nuisance abatement to be included on the City Utility Bill; amending Chapter 20, Water and Sewer Service, Article V, Water and Sewer Billing, Section 20-70, to include the cost and expenses of nuisance abatement on the City Utility Bill; and providing for conflicts, severability, applicability, codification, and an effective date. **First Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2023-01.

City Manager Gillis said this Ordinance is presented to improve our Code Compliance process. He explained staff feels 509 Big Tree was a major failure and we strive to address these issues more expeditiously in the future. He said another home is scheduled to be brought before the Council for demolition in the upcoming months. Mr. Gillis explained our goal is to beautify the community and this Ordinance will help staff be more proactive.

City Manager Gillis provided the typical process for an abatement for high grass which begins with a courtesy notice to the resident. The resident is given five days which includes a weekend to mow. The vast majority of property owners resolve the issue immediately upon receiving the courtesy notice. For those few who do not resolve the issue, a notice of abatement is given. Currently this notice gives the property owner an additional 10 days to mow. If the grass still has not been mowed, then the City will proceed to hire a contractor to cut it. The charge for the abatement is then compiled and a lien is placed on the property. He said staff is experiencing issues with this process. First, the current process allows for 15 days to transpire before we contract the mowing of the property. The contractor typically needs a few days to schedule the mowing; therefore, it may take three weeks to get the yard cut. During the summer months, three weeks added on to a property already with high grass is frustrating some of the neighbors who want their neighborhoods to look their best, he explained.

Under the City's proactive measures of Code Compliance, at the time nuisance abatement is required, property owners have received notification and education. When the nuisance has escalated to the City Manager, it is important for swift action to protect the health, safety and welfare of our residents while striving to achieve beautification. Staff recommends reducing the notice for these abatements from ten (10) to five (5) days. The five day requirement moves us more in line with what our neighboring jurisdictions use as a sufficient time period, he said.

City Manager Gillis relayed the second issue with the current process is recouping the cost of the abatements. Liens are being placed on the properties to cover the cost of the abatements. The lien is not typically paid

until the property is sold which could take many years. To ensure a timelier reimbursement, staff is proposing to add these abatement costs to the utility bill in lieu of filing a lien. With these costs added to the utility bill, customers will recognize the need for compliance with City Codes, create payment plans and remove the need for a lien against the property.

If approved by the City Council, Code Compliance will continue to educate residents of our overreaching goal of promoting, protecting, and maintaining the City's residential character and small-town atmosphere. Approval will contribute another tool that Code Compliance can use to ensure compliance with our codes. Our focus will continue to be on achieving compliance through education to reduce the occurrences of abatement orders.

Mr. Gillis concluded with a staff recommendation of approval of Ordinance No. 2023-01 for modifying nuisance abatement notification from 10 to 5 days with associated costs added to the Utility Bill.

Mayor Hall opened the public hearing. No public comments. Mayor Hall closed the public hearing.

Mayor Hall requested the typical cost of abatement which Josh McEnany, Code Compliance Manager answered approximately \$100. City Manager Gillis contributed the cost is higher as the work is typically extensive.

Motion to approve by Councilman Doug Quartier. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

E. Council Comments:

Vice-Mayor Eric Sander thanked staff for the last push for the storm debris clean up before the Christmas Holiday, elaborating when things look better people feel better about their community and clean up helps towards healing. He said he is looking forward to the movie night at the end of the month.

Councilwoman Lisa O'Neal echoed the sentiments and had no additional comments.

Councilman Brandon Young said Happy New Year.

Councilman Doug Quartier said the city is looking pretty good and people on the Flag Football field seem happy.

Mayor Bill Hall acknowledged the new appointed Port Orange South Daytona Chamber of Commerce Executive Director Diane Charles as well as Kelly Moore who attended the meeting. He recognized that January is National Slavery and Human Trafficking Prevention Month and that Law Enforcement Appreciation Day was on Monday, January 9, 2023.

Mayor Hall concluded the meeting with 2023 is the place to be.

F. Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council 7:10 pm.

Deputy City Clerk, Becky Witte

Mayor William C. Hall