

## MINUTES

### FACEBOOK LIVE

The South Daytona City Council met in a regular session on Monday, September 14, 2020 at 6:11 p.m. in the City Council Chambers at City Hall, 1672 S. Ridgewood Avenue, South Daytona, Florida.

**PRESENT:** Mayor William C. Hall  
Vice-Mayor Lisa O'Neal  
Councilman Brandon Young  
Councilman Doug Quartier  
Councilman Ralph Schoenherr  
City Manager James L. Gillis, Jr.  
City Attorney Scott Simpson

The audience joined the Council in the pledge of allegiance to the flag, followed by invocation by Councilman Young.

#### **CITY MANAGER REPORT:**

City Manager Gillis began his report by moving the Charter Discussion to the last item on the agenda followed by Councilmember comments. COVID-19 related grants were obtained by the South Daytona Police Department in the amount of \$60,641 to purchase COVID related items such as UV filtration for our A/C units, anti-microbial flooring, two portable electronic message boards, hands free entry, and a car cleaning machine. Mr. Gillis acknowledged and thanked Vice-Mayor O'Neal for her suggestion to apply for COVID-19 grant funding. The River to Sea Transportation Organization (TPO) has approved a feasibility study for the Reed Canal Park Wood Bridge Replacement project. With funding from TPO, the City's portion would be 10% or \$4,388.16. The new bridge will be concrete with wood elements tying it in with the Park's natural motif. Daytona Beach received a grant to conduct an experiment which they called "Toilet to Tap" which demonstrated that sewer effluent could be treated to drinking water standards. Some of our residents heard about the experiment and questioned whether we were being served "Toilet to Tap" water and the answer is no; it was just an experiment. WSBB, 106.9FM on your radio dial, will broadcast previews and recaps of the City Council meeting beginning in September. This is another great way to communicate with South Daytona residents and keep them informed of the happenings in their community, stated Mr. Gillis. The newly named "Courts at Riverfront" are currently being resurfaced and re-netted along with new sidewalks and signage. The construction will be complete by the end of October and will feature two (2) pickleball courts and one (1) tennis court. Mayor Hall reminded the City Manager of the new firetruck event. South Daytona Fire Department was awarded a grant for a new engine which was delivered this week. The City will conduct a long-standing tradition of blessing the truck with a ceremonial "Wet Down, Push In" event to be held on Friday, September 18, 2020 at 10:00 a.m. at the Fire Department and Live on Facebook. The new Engine 98 features a dragon on the rear of the engine representing the South Daytona Elementary School mascot, an etched window memorializing 9/11 and many other amenities to assist our firefighters in helping the community.

**CITY ATTORNEY REPORT:** None

**CITIZENS TO BE HEARD:**

Justin French, 516 Sherman Road, South Daytona, came to the podium requesting to amend an ordinance to allow potbelly pigs within South Daytona city limits. Mr. French gave extensive background on potbelly pigs and their companion animal status, their non-aggressive nature and the USDA not regulating them as livestock. Mr. French thanked council for their consideration.

June Terillo, 1015 North Halifax Avenue, Daytona Beach, came to the podium in support of Mr. French and potbelly pigs. Ms. Terillo spoke of the intelligence of pigs and her own potbelly pig "Duck". Ms. Terillo thanked council for their time and consideration to allow the French family to have their beloved family pet pig back in their South Daytona home.

**PROCLAMATION**

Mayor Hall read and presented a proclamation declaring September 2020 Childhood Cancer Awareness Month to Connie and Jerry Fields. Mayor Hall presented Councilman Doug Quartier with a proclamation honoring Childhood Cancer Awareness. Councilman Quartier's daughter, Kailynne Quartier, lost her battle to childhood cancer. The annual Kailynne Quartier Ride will be postponed this year due to the COVID-19 pandemic, but we be back for the fall 2021.

**CONSENT AGENDA**

Those matters included under the consent agenda are self-explanatory and are not expected to require review or discussion. 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. (Read by Mayor Hall)

Consent Agenda Approval

Approval of minutes: August 11, 2020 Workshop and City Council Meeting.

**Resolution No, 2020-31** a Resolution of the City Council of the City of South Daytona, Florida, approving a route through the City to be designated as a portion of the United States Bike Route 1; providing for conflicting resolutions; providing for severability; and providing an effective date. **First Reading.**

Consideration of approving the purchase of a Smith & Loveless lift station to replace the existing one inside Banana Cay.

A motion to approve the consent agenda was made by Councilman Schoenherr, second by Vice-Mayor O'Neal.

**VOICE VOTE: ALL YES (5)**

## **REGULAR AGENDA**

**Resolution No 2020-16** a Resolution of the City of South Daytona, Volusia County, Florida, adopting the tentative millage rate for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021; providing for severability; and providing for an effective date. **First and Only Reading. Public Hearing.**

City Manager Gillis stated that staff was able to balance the budget at the same millage rate of 7.75. It was important to this Council to hold the millage rate the same as it has been for the last several years, stated Mr. Gillis, and we were able to deliver. No discussion from Council. Vice-Mayor O'Neal made a motion to approve, second by Councilman Quartier.

**VOICE VOTE: ALL YES (5)**

**Resolution No. 2020-17** a Resolution of the City of South Daytona, Volusia County, Florida, adopting the tentative budget for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021; providing for severability and providing for an effective date. **First and Only Reading. Public Hearing.**

City Manager Gillis stated that this budget was bare bones and included those necessary services that our citizens have come to depend on as vital. We are proud to say that we are going to continue investing in our community by replacing police vehicles, paving Magnolia Avenue from Beville Road to Big Tree Road and replacing the playground equipment at Riverfront Park. No discussion from Council. Vice-Mayor O'Neal made a motion to approve, second by Councilman Quartier.

**VOICE VOTE: ALL YES (5)**

**Ordinance No. 2020-06** an Ordinance of the City Council of the City of South Daytona, Florida repealing Section 10-13 (Fireworks); providing for severability; providing for conflicting ordinances; and providing an effective date. **First Reading.**

City Attorney Simpson summarized that State law is more detailed and efficient at governing the use and sale of fireworks than our current code language. It was advised that the City repeal our code language on fireworks and follow State law. No discussion from Council. Vice-Mayor O'Neal made a motion to approve, second by Councilman Schoenherr.

**VOICE VOTE: ALL YES (5)**

**Ordinance No. 2020-19** an Ordinance of the City Council of the City of South Daytona, Florida amending Section 16-19(13)(A) regulating the requirement for a business tax receipt for rental property to provide a rebuttable presumption of a rental arrangement when someone other than the owner occupies a residential residence; providing for how the presumption is rebutted; providing for severability; providing for conflicting ordinances; and providing an effective date. **First Reading.**

City Attorney Simpson stated that our current code does not allow for a rebuttable presumption when it comes to rental arrangements. The code language being amended will provide such a rebuttal and allow for those property owners who must foreclose upon their tenants to avoid obtaining a Business

Tax Receipt for a rental home. No discussion from Council. Vice-Mayor O'Neal made a motion to approve, second by Councilman Quartier.

**VOICE VOTE: ALL YES (5)**

**Ordinance No 2020-09** an Ordinance of the City Council of South Daytona, Florida, amending the Consolidated Land Development Regulations, Article V. Zoning Regulations, Section 5.5 Schedule of Zoning District Regulations, S. Community Redevelopment District Overlay adding prohibited uses L. Smoke Shop/Tobacco Store, E-Cigarette/Vape Shop, Smoking Bar/Lounge; adding definitions for purposes of Section L; Providing for repeal of ordinance in conflict herewith; providing for severability; providing an effective date. **First Reading.**

City Manager Gillis stated this item would add Smoke Shop/Tobacco Store, E-Cigarette/Vape Shop and Smoking Bar/Lounge to the list of prohibited uses in the CRA. No discussion from Council. A motion was made by Vice-Mayor O'Neal, second by Councilman Schoenherr.

**VOCIE VOTE: ALLL Yes (5)**

**Resolution No. 2020-34** a Resolution of the City Council of the City of South Daytona, Florida, adopting revisions to the City's financial policies by amending the fund balance policy, creating a disaster relief reserve, and creating a capital assets policy; providing for severability; providing for conflicting resolutions; and providing and effective date. **First and Only Reading.**

City Manager Gillis stated that this policy will do three things. First it will increase our required reserves from 10-20% to 15%-20% to be more aligned with the GFOA. Second, it will create a Disaster Relief Reserve with a goal of having \$1.25 million by 2026. Third, it will create a capital asset policy. Councilman Schoenherr stated glad to see it. Councilman Young inquired why the 1.25 million goal and Vice-Mayor O'Neal asked if there was a cap. City Manager Gillis replied that the \$1.25 million is the approximate cost of cleaning up after a hurricane and no, there is not a cap. A motion to approve was made by Councilman Schoenherr, second by Vice-Mayor O'Neal.

**VOICE VOTE: ALL YES (5)**

**Ordinance No 2020-10** an Ordinance of the City Council of the City of South Daytona, Florida, repealing and replacing Chapter 2, Article IV, Purchases, Sales and Contracts; providing for severability; providing for codification; providing for conflicts; and providing for an effective date. **First Reading.**

City Manager Gillis stated this new article is more transparent and straight-forward and will be a more effective tool to control purchasing for this City. No discussion from Council. A motion was made by Vice-Mayor O'Neal to approve, second by Councilman Quartier.

**VOICE VOTE: ALL YES (5)**

**Resolution No. 2020-28** a Resolution of the City Council of the City of South Daytona, Florida adopting a policy to govern all transactions made with a City purchasing card; providing for severability; providing for conflicting resolutions; and providing for an effective date. **First and Only Reading.**

City Manager Gillis stated that this new purchasing card policy will help control purchases made on City issued credit cards and punish those that try to misuse it. Councilmember Brandon Young stated the City Manager should have oversight and be held accountable for purchasing cards along with how many cards are disbursed. A motion was made by Vice-Mayor O'Neal, second by Councilman Schoenherr.

**VOICE VOTE: ALL YES (5)**

**Resolution No. 2020-29** a Resolution of the City Council of the City of South Daytona, Florida, establishing a policy for the collection of delinquent utility accounts; providing for severability; providing conflicting resolutions; and providing for an effective date. **First and Only Reading.**

City Manager Gillis stated that this policy will give our Utility Billing Department the means to collect on unpaid balances. No discussion from Council. A motion was made by Vice-Mayor O'Neal, second by Councilman Schoenherr.

**VOICE VOTE: ALL YES (5)**

Consideration of approving a collection services agreement with Online Information Services to address delinquent tenant utility accounts.

City Manager Gillis stated the collection services cannot be performed in house with the current City staff, so the recommendation is to go with a contracted firm who specializes in this work. It would not cost the City anything upfront, the contractor would keep 18% of what they collect. The City would keep the remaining 82%. A motion was made by Vice-Mayor O'Neal, second by Councilman Quartier.

**VOICE VOTE: ALL YES (5)**

**Resolution No. 2020-30** a Resolution of the City Council of the City of South Daytona, Florida, authorizing the Mayor and City Manager to execute a subrecipient agreement with Volusia County to participate in the Coronavirus Relief Fund Municipal Subrecipient Program; and providing for an effective date. **First and Only Reading.**

Volusia County received \$15 million for COVID-19 relief funds of which South Daytona will receive around \$450,000 based on our population. A list of the proposed items being purchased to help us through this pandemic is contained within your packet. A motion was made by Vice-Mayor O'Neal, second by Councilman Quartier.

**VOICE VOTE: ALL YES (5)**

Consideration of ratifying a three-year union labor agreement with the International Association of Firefighters (IAFF)

Councilman Quartier abstained from voting. He completed and submitted Form 8B Memorandum of Voting Conflict. City Manager Gillis stated that he promised all employees he would listen to their needs and treat each of them fairly when it comes to salary increases. The Fire Department does an excellent job for our citizens and we could not be prouder of them stated Mr. Gillis. The City Council agreed. No further discussion from Council. A motion was made by Vice-Mayor O'Neal, second by Councilman Schoenherr.

**VOICE VOTE: ALL YES (4)**

Consideration of ratifying a three-year union labor agreement with the Coastal Florida Public Employee Association (CFPEA)

City Manager Gillis stated that the General Employee Union was getting the same salary increase as the Fire Department in accordance with a promise to treat everyone fairly. I am so proud of our staff as each of them came to work every day during this pandemic and worked hard throughout. The City Council commended all the City employees for their hard work through this pandemic. No further discussion from Council. A motion was made by Vice-Mayor O'Neal, second by Councilman Schoenherr.

**VOICE VOTE: ALL YES (5)**

**PUBLIC HEARING**

**Ordinance No. 2020-18** an Ordinance of the City Council of the City of South Daytona, Florida, amending the Code of Ordinances, Section 7.5 Traffic/Parking Management, B. Parking Control (6) Location of Parking Spaces; adding F. Parking Standards for Commercial Zoning Districts and providing for severability; providing for conflicting ordinances; and providing an effective date. **Second Reading. Public Hearing. Passed first reading on 08/11/2020.**

City Manager Gillis stated that this Ordinance would require those businesses with oversized trucks to park behind their business to maintain a neat, clean corridor. No discussion from Council. A motion to approve was made by Vice-Mayor O'Neal, second by Councilman Quartier.

**VOICE VOTE: ALL YES (5)**

Discussion of establishing a Charter Review Committee to provide recommendations to the City Council concerning the revision and updating of the City Charter.

City Council had an open discussion about the Charter, the possibility of creating a Charter Review Committee, and changes/items to add to the City Charter.

Councilman Schoenherr began the conversation stating most cities in the area have a Charter Review Committee in the interest of transparency and the National Civic League City Charter is an excellent resource as a tool to work through the process of establishing a review committee. Councilman Schoenherr listed changes he would like to see:

- Minimum residency requirement for City Council Candidates

- City Manager appointed and removed by a simple majority
- City Manager's benefit package must be equal to department heads
- Annual reviews of the City Manager by Council
- City Charter to establish boards
- City Attorney appointed by City Council
- Establish a limit on debt level
- Limit Auditors to five consecutive years
- Name Florida Retirement System as official retirement for all employees
- City Council should have investigative powers for activities/personnel

Mayor Hall recommended term limits for council. Councilman Quartier brought up for discussion whether the City Attorney should be a full time City employee instead of being on contract like our current situation. Mayor Hall echoed those sentiments and requested research into the pros and cons of utilizing a contracted city attorney versus hiring a full time City staff member as our City Attorney.

Councilman Quartier agreed and requested information on our surrounding cities in the area and their practices. This would be helpful and requested to review the City Attorney's contract.

Vice-Mayor O'Neal stated the last Charter review was in 2012 and reminded council the discussion is about establishing a Charter Review Committee not the City Attorney changes that council might like to see.

Councilman Young cautioned council not to pigeon-hole future councils with restrictions that may be detrimental in a real emergency. The charter should have a wide guard rail which allows for flexibility during those times when it is most needed like after a devastating hurricane.

City Attorney Simpson cautioned council that the City Charter directs how the City is operated. There is no discretion or flexibility. Language changes to the City Charter need to be carefully reviewed to avoid unintended consequences down the road.

City Manager Gillis is to provide council with a copy of the city attorney contract for review, information on contract versus full-time City staff member as City Attorney and other municipalities practices.

#### **COUNCIL COMMENTS**

Councilman Schoenherr stated his term ends in two (2) months and a replacement for the Transportation Planning Organization will need to be chosen. Many residents have remarked how happy they are about the Pickleball courts and asked the City Manager if a pedestrian crosswalk was included in the Reed Canal wood bridge project, Mr. Gillis replied yes, it is included.

Councilman Quartier thanked all for attending and supporting Childhood Cancer.

Vice- Mayor O'Neal had no further comments.

Councilman Young had no further comments.

Mayor Hall acknowledged the unrest in the nation and assured Police Chief Cheatham he and council stood behind him and the police department. Mayor thanked Patty Rippey, Redevelopment Director for her work with businesses within the community. Mayor also acknowledged potbelly pigs and the city will research them as family pets and not livestock.

Mayor Hall adjourned the meeting at 7:55 p.m.

---

Recording Secretary

---

Mayor William C. Hall