

**City of South Daytona
City Council Meeting Minutes
Tuesday, November 9, 2021, at 6:00pm**

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 6:00 pm.

Roll Call:

Present:

Mayor William C. Hall
Vice-Mayor Doug Quartier
Councilman Brandon Young
Councilwoman Lisa O'Neal
Councilman Eric Sander
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 said the Blaine O'Neal Memorial Golf Tournament was held on Saturday, October 16, 2021, at Cypress Head Golf Club. He said with support from our local business community, charitable organizations, and private donations, approximately \$12,500 was raised for the South Daytona Community Trust Fund. The Community Trust is designed to assist our residents with repairs to their homes when needed.

Mr. Gillis said the city held the annual Drive-Thru Boo Halloween Event on Friday, October 29th at Reed Canal Park and over 1,000 kids received candy from 12 ghostly stations operated by local businesses, staff, and the city council.

City Manager Gillis announced our annual BBQ and Bluegrass Festival which is set for Saturday November 20th from 10:00am until 6:00pm at Reed Canal Park. BBQ teams will be competing in a Florida BBQ Association sanctioned competition, he announced. He encouraged attending to enjoy some excellent BBQ from one of the many food vendors, activities for the kids, an arts and craft festival and to enjoy music from several of the top Bluegrass bands from around the state.

Mr. Gillis announced our North Pole Drive-Thru Event which will be held on Friday, December 3, 2021, from 6:00 pm until 8:00pm at Reed Canal Park. Participants will drive through holiday themed stations providing hot chocolate, cookies and other treats ending with Santa Claus sitting alongside our Christmas tree.

He said all this information and more is available on the City's Facebook page.

City Manager Gillis thanked our Police, Fire, Public Works, other staff and the City Council who helped this past Friday during the severe rain event. He said we received 7 to 10 inches of rain. Ormond Beach, Holly Hill, Daytona Beach, South Daytona, Port Orange, and New Smyrna all had flooding issues. He discussed the efforts of the staff and members of the council in putting up barricades and assisting residents. Mr. Gillis explained that unfortunately this is part of being a coastal community and that the combination of the heavy rain and high tide conditions caused this flooding event. Some sections of Palmetto are at an elevation of four feet. When it rains this heavy during a high tide, the Halifax River can stage as much as two feet higher than the roadway. It is impossible to fight the river or raise the road so flooding will occur, he explained. He reassured the residents that city staff and the city council will assist before, during and after these types of events to ensure everyone's well-being.

Item 6: City Attorney Report:

City Attorney Wade Vose updated the council on items addressed since the last council meeting. Mr. Vose discussed completing the letter of intent for the sale of the cell tower and work of negotiating the asset purchase agreement. He said he has been working with city staff on a professional services agreement template. Mr. Vose discussed the comprehensive plan amendment for the property rights element which is on the agenda. He is developing a lot combination agreement for a future development project within the City. City Attorney Vose also reviewed the agenda in its entirety.

B. Presentations:

Item 7: Purple Heart Flag Ceremony. Presented by the Mayor and City Council to the Military Order of the Purple Heart, Local Chapter 316.

Mayor Hall explained that we are grateful to be able to recognize, honor and show appreciation for Purple Heart recipients' valor and patriotism. He presented the official City of South Daytona Purple Heart Flag which will be flown at City Hall and Riverfront Veterans Memorial Park as well as the designation of a veterans only parking space in front of City Hall to honor all who have served.

Mayor Hall asked the veterans in the room to stand and be recognized. He then asked two World War II Veterans Frank Kaszuba and Hank Ehlbeck to join him in presenting the flag. The members of the Military Order of the Purple Heart joined the Council, City Manager and Senator Tom Wright for pictures.

Mayor Hall asked Captain Cooper from Atlantic High School ROTC to assist in the flag raising ceremony in front of City Hall immediately following the Council meeting.

A picture was taken and included Councilman Brandon Young, Vice-Mayor Doug Quartier, Military Order of the Purple Heart, Volusia County Chapter 316 member Stacy Cantu,

Commander Military of the Purple Heart Department of Florida Rolf Mattar who attended with his service dog Reiko, Senior Vice Commander Military Order of the Purple Heart, Volusia County Chapter 316 Rod Phillips, Commander Military Order of the Purple Heart, Volusia County Chapter 316 John Hanes, Vice Commander Military Order of the Purple Heart, Volusia County Chapter 316 Daniel Lahiff, Captain Willie Cooper from Atlantic High School ROTC, Frank Kaszuba (local Veteran), Senator Tom Wright, Councilwoman Lisa O'Neal, Hank Ehlbeck (local Veteran), Councilman Eric Sander, and City Manager James Gillis.

Senator Tom Wright presented three reserved parking signs for our City's Purple Heart recipients. Senator Wright also announced an event he is hosting on Thursday, November 11, 2021, at Destination Daytona featuring Gary Puckett & the Union Group at 5:00pm. The charity benefit concert is an event to honor our Veterans and show our appreciation.

Item 8: Recognition of City Manager Gillis as an ICMA (International City/County Manager Association) Credentialed Manager, earned in August 2021. Presented by the Florida City and County Manager Association (FCCMA) representatives Mike Grebosz (City of DeLand Assistant City Manager) and Michael Pleus (City of DeLand City Manager).

Mayor Hall, along with FCCMA representatives Mr. Grebosz and Mr. Pleus explained this designation is presented after achieving a combination of education and experience in professional local government management, by adhering to high standards of integrity, and by a demonstrated commitment to lifelong learning and professional development. They explained receiving the designation is truly an honor and shows the commitment and integrity of Mr. Gillis.

Mayor Hall commended Christy Gillis for her participation with the Volusia Growth Management Commission as secretary and thanked her for her service.

C. Citizens to be Heard:

Mary Phinney, 2306 Oriole Lane requested an update on the home which was recently demolished on Kenilworth Avenue which City Manager Gillis provided. He explained that new construction permitting is on hold due to code enforcement fines.

Ron Harris, 2215 Garfield Drive, discussed a proposed Bike Week special event at the Skate Park on S. Ridgewood Avenue. City Manager Gillis noted that the proposed special event application will be presented for City Council consideration at an upcoming meeting.

D. Consent Agenda: (Items 9-13):

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 10: Approval of minutes: October 12, 2021, City Council Meeting.

Item 11: Consideration of approving the purchase of four (4) patrol vehicles for the Police Department utilizing the State of Florida's purchasing contract as budgeted in FY 2021-22.

Item 12: Consideration of approving the purchase of a new truck for the Parks and Recreation Department as budgeted in FY 2021-22.

Item 13: Resolution No. 2021-27. A Resolution of the City of South Daytona, Florida, declaring the 1989 Pierce Lance Fire Truck as surplus; approving the donation of the surplused fire truck to the Flagler County School District and authorizing the City Manager or his designee to complete the transfer; providing for severability; providing for conflicting resolutions; and providing an effective date. **First and Only Reading.**

Motion to approve the consent agenda as presented by Councilman Brandon Young. Second by Councilwoman Lisa O'Neal.

Councilman Sander commended Chief Cheatham for the exceptional pricing of the four new Police vehicles which include radios and wished we could purchase more. He also congratulated Public Works Director Peek for the price obtained for their new truck. He said he was glad to see the Fire Truck being donated to Flagler Palm Coast Fire Academy. He hopes that through this program, students will be encouraged to join public service.

Motion carried unanimously.

D. REGULAR AGENDA

Item 14. Consideration of appointing a member to the Planning and Appeals Board.

City Manager Gillis said there is currently a vacancy on the Planning and Appeals Board (PAB) to fill the remainder of a term ending June 2022. Staff advertised and received four applications, he said. Mr. Gillis continued to explain that staff has thoroughly reviewed the applications and recommends the City Council appoint Mr. Eric Dickens. Mr. Dickens resides in the City of South Daytona and has extensive local government experience as a GIS professional, specifically with Planning and Engineering Departments. In addition, Mr. Dickens has previously served on the City of South Daytona Board (April 2011 and June 2019).

Councilman Sander noted Mr. Dickens was a good selection. Councilman Young agreed.

Motion to approve by Councilman Eric Sander. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

Item 15. Consideration of appointing a member to the Parks, Recreation and ADA Advisory Board.

City Manager Gillis said the Parks, Recreation, and ADA Advisory Board also had a vacancy. Mr. Gillis said Ms. Amanda Dietz reached out to staff inquiring about opportunities to volunteer with events or the possibility of serving on one of the boards. Ms. Dietz applied for both the Planning and Appeals Board (PAB) and the Parks, Recreation, and ADA Advisory Board. Staff has thoroughly reviewed her application for completeness and content, paying attention to the

applicant's past involvement in our community which her advocacy during the councils review of the Urban Chicken pilot program. Based on the review of the applicant, staff recommends placing Amanda Dietz on the Parks, Recreation, and ADA Advisory Board.

Councilman Brandon said he liked adding new people and new energy on our city boards.

Councilman Sander said he feels Ms. Dietz will be a good fit.

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

Item 16. Resolution No. 2021-28. A Resolution of the City of South Daytona, Florida, approving a Special Use for a Child Care Center at 2355 South Ridgewood Avenue; establishing conditions and an expiration date of approval; providing for conflicts, administration, recording, severability and an effective date. Recommended by the Planning and Appeals Board on 10/20/2021. **First and Only Reading. Public Hearing.**

Title of Resolution 2021-28 read by City Attorney Wade Vose.

City Manager Gillis said this is a request by Luverina Lock, 5 Stars Preschool Academy, LLC for a Special Use to allow a Child Care Center at 2355 South Ridgewood Avenue. He said a Child Care Center use is a Special Use under extended criteria. The use would be conducted in the existing, fully enclosed building with no outdoor play area and no additional building or site construction. He said the hours of operation will be 8:00am until 5:00pm and will have staggered pick-up times in the afternoon to prevent traffic issues. The Special Use request is consistent with the Comprehensive Plan and meets the criteria of the city's Land Development Code. The Planning and Appeals Board met to discuss this item on October 20, 2021, and unanimously recommended approval. Staff recommends approval of the Special Use through Resolution 2021-28.

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

Councilman Young asked if this was a new preschool academy or relocation of an existing academy. Applicant Luverina Lock, 5 Stars Preschool Academy, LLC, 841 Chickadee Drive, Port Orange answered that she is new to the area, and it is a new business.

Mayor Hall asked Ms. Lock the ages of the students which she answered 4 and 5 years old. She explained it will be a preschool and kindergarten center.

Motion to approve by Councilman Eric Sander. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

Item 17. Consideration of approving the selected list of consultants to provide Civil Engineering, Geotechnical Engineering, Transportation Engineering, Environmental Engineering, Landscape Architecture and Land Surveying services to the City of South Daytona from the responses to our Request for Qualifications (RFQ) No. 21-007 and authorizing staff to negotiate continuing services agreements with the approved consultants.

City Manager Gillis said that our existing engineering services continuing services agreements terminate November 19, 2021. He explained the need of continuing services agreements. He said that twelve proposals were submitted and were reviewed by the committee consisting of Brian Peek, Public Works Director, Wendy Mahoney, Public Works Specialist, Becky Witte, Deputy City Clerk and himself. He said the committee unanimously decided to recommend that the City Council enter into agreements with the following eight (8) entities (in no particular order):

- Mead & Hunt Inc.
- Sliger & Associates
- Environmental Consulting and Technology, Inc.
- Universal Engineering Sciences
- Marquis Latimer + Halback, Inc.
- Parker Mynchenberg & Associates Inc.
- Traffic Engineering Data Solutions Inc.
- Zev Cohen & Associates

He explained approval of this item is approving the selected firms and authorizing staff to negotiate with each firm a continuing contract agreement. He said the agreements, as in the past, will be for a term of five (5) years with the option for the City to extend for one additional three (3) year term. He said upon satisfactory negotiation, each agreement will be presented to the City Council for final approval in December prior to execution.

Motion to approve by Vice-Mayor Doug Quartier. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

Item 18. Ordinance No. 2021-03. An Ordinance of the City of South Daytona, Florida, amending the City's Comprehensive Plan to create a new Private Property Rights Element; and providing for administrative actions, conflicts, severability, and an effective date. Recommended by the Planning and Appeals Board on 10/20/2021. **First Reading. Public Hearing.**

Title of Ordinance No. 2021-03 read by City Attorney Wade Vose.

City Manager Gillis explained this is an administrative request to approve Ordinance No. 2021-03, amending the Comprehensive Plan to create a new Private Property Rights Element.

Governor DeSantis signed HB 59, amending Section 163.3177, Florida Statutes (Chapter 2021-195-Laws of Florida) requiring every local government to adopt and include a property rights element in its Comprehensive Plan. The proposed new element includes the following: the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights; the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances; the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property; the right of a property owner to dispose of his or her property through sale or gift.

He said these items are already afforded to each property owner, but we are following the new State law by including it into our Comprehensive Plan. On October 20, 2021, the Planning and Appeals Board reviewed the proposed Comprehensive Plan amendment and unanimously recommended approval where there were no public comments for or against the amendment.

City Manager Gillis explained the amendment is considered a large-scale Comprehensive Plan Amendment eligible for expedited State review. The amendment also requires a Volusia Growth Management Commission (VGMC) consistency determination, he said. The City Council adoption hearing (second reading of the Ordinance) will be scheduled after the Department of Economic Opportunity (DEO) and VGMC certification of the amendment, which we anticipate will be early in the new year.

He concluded with a staff recommendation of approving the first reading of Ordinance 2021-03.

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

Motion to approve by Councilwoman Lisa O'Neal. Second by Councilman Eric Sander. Motion carried unanimously.

Item 19. Ordinance No. 2021-14. An Ordinance of the City of South Daytona, Florida, amending Section 5-189 of the City of South Daytona Code of Ordinances to adopt the 2021 edition of the International Property Maintenance Code; providing certain amendments thereto to conform to Florida law and the City's existing Code of Ordinances by providing for the creation of a code official; defining weeds and prohibiting noxious weeds; supplementing provisions relating to interior surfaces, protective treatment, roofs and drainage, and boarding standards; and removing provisions for a Board of Appeals as set forth in the 2021 edition of the International Property Maintenance Code; providing for codification; providing for conflicts, severability, applicability, and an effective date. **First Reading. Public Hearing.**

Title of Ordinance No. 2021-14 read by City Attorney Wade Vose.

City Manager Gillis said that in 2010, the city incorporated by reference the 2009 International Property Maintenance Code (IPMC) with modifications which are outlined in Section 5-189 of the Code of Ordinances (via Ordinance No. 2010-09). The International Code Council (ICC) publishes an updated International Property Maintenance Code (IPMC) every three (3) years, he explained.

Mr. Gillis said the ordinance adopts the 2021 International property maintenance code with specific tools to work with owners regarding temporary tarps on roofs, window coverings as well as boarding standards for storm events. He concluded with a staff recommendation to approve the first reading of Ordinance No. 2021-14.

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

Motion to approve by Councilwoman Lisa O’Neal. Second by Councilman Eric Sander. Motion carried unanimously.

E. COUNCIL COMMENTS

Councilman Eric Sander said he was proud to have his granddaughter who was in attendance for the meeting to meet a requirement of her civics class. He noted it was a pleasant surprise to have a such a large audience and city resident participation at the council meeting.

Councilwoman Lisa O’Neal thanked the volunteers who will be serving on our boards. She thanked all veterans for their service and wished everyone a happy and safe Thanksgiving.

Councilman Brandon Young thanked the parks staff for their hard work especially during this busy time of year. He thanked Veterans for their service noting that one day a year is not enough to say thank you and recognize their service. Councilman Young thanked Patty Rippey, Redevelopment Director, for her recent update to the council. He said he was glad for the update and to see the growth and development of the city. He congratulation City Manager Gillis for his ICMA Credentialed Manager certification. Councilman Young concluded with wishing everyone a wonderful thanksgiving and encouraged them to be thankful of all their blessings.

Vice-Mayor Doug Quartier echoed the sentiments of the council. He thanked the volunteers on all of the boards as well as our veterans. He mentioned the City’s installation of a Veterans banner across US 1 to honor those who served. Vice-Mayor Quartier discussed the rain event from Friday, stating staff and the council worked hard to assist our residents.

Mayor William Hall discussed a notification he received from the Government Finance Officers Associations (GFOA) which recognized South Daytona for excellence in financial reporting for the Fiscal Year ending September 30, 2020. Mayor Hall discussed the Light the Night event at the two churches on Kenilworth Avenue, explaining the great event and how he was asked to judge the costume contest. He thanked City Manager’s staff Jay Robinson for help in planning the Purple Heart ceremony and Becky Witte for her assistance in surprising the city manager with his recognition tonight. Mayor Hall thanked the veterans and mentioned his favorite veteran, his Dad. He thanked his mom and Hank Ehlbeck for attending this evening.

Mayor Hall closed by wishing everyone a wonderful thanksgiving and said to thank a Veteran.

F. Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council at 6:55 pm.

Deputy City Clerk, Becky Witte

Mayor William C. Hall