

**City of South Daytona
City Council Meeting Minutes
Tuesday, May 10, 2022
immediately following the 6:00pm
South Daytona Community Trust Meeting**

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 6:05pm.

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:

Mr. Gillis recapped the 2022 Sparkle Days event which was held from April 15th through April 25th. He reported it was a huge success and this year 194 tons of household garbage, 44 tons of yard waste and 22 tons of construction debris was collected by Public Works and our solid waste contractor WastePro.

Mr. Gillis said our Police Department will be the host of the Annual Law Enforcement Memorial Service on May 20, 2022, at 8:30 am at Lohman's Memorial Park. He explained the annual ceremony is "in memory of our fallen heroes who have served our community with honor and pride." He noted they will all be in attendance, and it will be broadcast via FaceBook Live.

On May 21, 2022, our Fire Department will be holding a free smoke detector replacement event sponsored by the Red Cross at Lakeview Estates Senior Living Community, City Manager Gillis explained. The smoke detectors are free of charge and volunteers are needed.

Mr. Gillis announced the City of South Daytona is partnering with the division of Florida Highway Safety and Motor Vehicles (FLHSMV) to provide mobile licensing, registration and plates acquisition at the Piggotte Community Center on Tuesday, June 7th from 10:00am until 2:00pm.

City Manager Gillis said the City of South Daytona will be hosting our annual kids fishing tournament on Friday June 10, 2022, at 9:00 am located at the pier behind Crabby Joe's Deck and

Grill. Fishing poles and goodies will be provided as well as prizes. He encouraged registration through the Police Department.

Item 6: City Attorney Report:

City Attorney Wade Vose provided an update on items addressed since the last council meeting. Mr. Vose explained the extensive work associated with 530 Elizabeth Place and the potential demolition which is on the agenda. He said he worked on the land development matters incorporated in the agenda, especially the residential design requirements to comply with Florida Statutes. Mr. Vose discussed a recent planning meeting with staff which produced several recommendations of land development regulation modifications that will be coming to council in the future. City Attorney Vose said he has continued work on pending litigation and his colleague Garrett Olsen attended the April Special Master Hearing which went well. City Attorney Vose also said he reviewed the agenda in its entirety.

B. Citizens to be Heard:

Debbie Connors (Port Orange South Daytona Chamber of Commerce) discussed the Chamber's recent 501(c)3 foundation to recognize students who do outstanding work with a \$500 scholarship. She noted they selected the same scholarship winner as the South Daytona Community Trust. Ms. Connors discussed the upcoming Youth Civic Leadership class which begins the first week of June. She concluded with appreciation of the partnership with South Daytona.

CJ Allen (2929 Gaslight Drive) addressed Item D, 5 on the agenda as well as stopping at crosswalks. She requested an informational item in the next newsletter regarding crosswalk safety.

Dr. Gwen Traylor (2801 S. Ridgewood Avenue) thanked the council members for their service, noting South Daytona is a wonderful place to live. She discussed agenda items 16 and 17 regarding 2900 S. Ridgewood Avenue and future developments which may impact traffic on S. Ridgewood Avenue. She requested a traffic impact study incorporating the four proposed developments on S. Ridgewood Avenue.

Frank Amendolia (791 Aspen Drive) expressed concern with the 86-unit development on Big Tree Road, specifically flooding and parking.

Susan Allen (35 Cherrywood Ct) discussed the Edison Pointe development, specifically the tree line between Big Tree Shores and the proposed development as well as wildlife and wind impacts. She requested a 30-foot buffer.

CJ Allen (2929 Gaslight Drive) discussed concerns with Ordinance 2022-07 regarding height of structures.

Christina Schilpp (24 Cherrywood Court) discussed the tree line between Big Tree Shores and the proposed development as well as wildlife impacts.

Sandra Battiste (935 Big Tree Road) discussed the townhome development on Big Tree Road and requested a buffer for the large trees in between the neighboring properties.

Joy Krom (533 Alice Place) requested clarification of the public hearings. She said she would reserve her comments for the public hearings.

Kimberly Mitchell (31 Cherrywood Court) echoed the sentiments of her neighbors and the concerns of impacts on nature and traffic.

C. Consent Agenda: (Items 8-10):

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: April 12, 2022, City Council Meeting

Item 9: Consideration of approving Amendment No. 2 to the original Agreement (No. LP64074) with Florida Department of Environmental Protection (FDEP) for an extension of the Septic to Sewer Conversion Project until October 31, 2023, to accommodate sanitary sewer service down Sheri Boulevard.

Item 10: Consideration of approving the Southeast Volusia Regional Crisis Negotiations Team (SEVRNT) Mutual Aid Agreement between the Cities of Port Orange, Daytona Beach Shores, Edgewater, New Smyrna Beach and South Daytona.

Motion to approve the consent agenda as presented by Councilman Eric Sander. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

E. REGULAR AGENDA

Item 11. Resolution No. 2022-08. A Resolution of the City of South Daytona, Florida, amending Resolution No. 2021-33, setting forth appropriation for current expenses and capital outlay for the following funds: General Fund, Recreational Development Impact Fee Trust Fund, Fire Impact Fee Trust Fund, Police System Impact Fee Trust Fund, Redevelopment Trust Fund, Transportation Fund, Transportation Impact Fee Trust Fund, Capital Projects Fund, Utility Service Fund, Water System Impact Fee Trust Fund and Wastewater Impact Fee Trust Fund, as required by the City of South Daytona, Florida, during and for the fiscal year beginning October 1, 2021 and ending September 30, 2022; adopting the operating and capital budgets for the City of South Daytona; providing for severance; providing for conflicting resolutions; and providing an effective date. **First and only reading.**

City Attorney Vose read the title of Resolution 2022-08.

City Manager Gillis recapped the budget process, explaining that during the year unexpected expenses arise which are addressed through our mid-year budget amendment. He noted that some cities do mid-year and end of year budget amendments, but in South Daytona we strive to only adjust at mid-year. The budget remains very similar with minor modifications including the American Rescue Plan Act (ARPA) funds as well as the funds from the sale of the city owned Cell Tower which were received after the 2021/2022 budget was adopted, he explained. City Manager Gillis said the budget revenue change is an increase of \$7,266,012 with ARPA (American Rescue Plan Act) funds totaling \$3,275,583. He said ARPA funds have been relocated to a reserved account and will be used for specific projects such as replacing aging water meters and conducting sewer line rehabilitation. Mr. Gillis discussed the proceeds from the Cell Tower sale (\$ 2,725,000) will be

placed in a reserve account as well until projects can be identified to benefit the City. He provided examples of park improvements or acquisition of land for new facilities.

City Manager Gillis highlighted the expenditures added to the mid-year budget. He explained that the main expenditure being proposed is the replacement of public safety radios. Volusia County has made changes which causes our current radios to no longer be supported. He said many cities throughout the County are being impacted by this change. Mr. Gillis explained that if the new radios are purchased before the end of June, a substantial discount will be experienced as our order will be included in the order for all municipalities in Volusia County. A cost of \$300,000 has been added to the budget to cover the cost of the new public safety radios.

Mr. Gillis continued explaining the other mid-year budget amendments including \$50,000 for the Piggotte Center renovation, noting that lighting, electrical and other issues that need to be addressed have been identified after starting the renovation project. The Utility Service Fund paid an additional \$70,000 towards debt reduction which remains a primary focus of this city. He recapped the goal to be debt free by 2024. Mr. Gillis said that the budget amendment addresses our only audit comment by creating a separate fund for impact fees. He reiterated we are still committed to reducing debt, holding reserves down, controlling spending, and increasing development. He concluded with a staff recommendation of approving Resolution 2022-08 as presented.

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

Mayor Hall went on record with his hesitancy towards the \$300,000 expenditure for public safety radios. He recalled his 33 years in law enforcement and the changes in technology through his years of service. Mayor Hall requested clarification on the discount provided through early purchasing.

City Manager Gillis explained that the radio change proposed by Volusia County will make our existing radios unsupported and incapable of communicating with other agencies. If the new radios are ordered prior to the end of June, the city's purchase will be included in the hundreds being ordered by the other agencies in Volusia County. The city will experience an economy of scale by being included in the bulk purchase. The discount is almost \$400,000 if purchased before June 30, he said. After June 30, the 56% discount will no longer be available and the cost will increase to \$693,882.

Vice Mayor Quartier questioned the last time radios were purchased. City Manager Gillis replied last year when \$39,000 was spent on radios in new police vehicles. He said these radios which were necessary last year will be incompatible with the new system and will need to be replaced.

City Manager Gillis explained the other cities throughout the County are facing the same challenge and how vital it is for our first responders to stay in communication with the other agencies.

Councilman Young asked for the projection of the fund balance at year end. Jason Oliva, Finance Director replied the budget modifications presented should not impact our projected fund balance. He provided an example of the radio expenditure which was transferred from the, now

unnecessary, budgeted expenditure for cell tower maintenance. He said the end of year fund balance should be \$100,000 as projected in the originally adopted budget.

Councilman Young agreed with maintaining our current trajectory noting state revenue and revenue sharing. He voiced his appreciation of management direction with setting aside the proceeds from ARPA funds and the proceeds from the sale of the City Cell Tower. Councilman Young mentioned labor market strains which Mr. Olivia said will be incorporated into next years' budget.

Mayor Hall said the discount of the radios is notable.

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

Item 12. Resolution No. 2022-09. A Resolution of the City Council of the City of South Daytona, Florida approving an ±8.72-acre Final Plat and Development Plan for an 86-unit two-story townhome development at 947 Big Tree Road, Parcel 5344-16-00-1060 known as "Edison Pointe"; establishing conditions and setting forth an effective date. Recommended by the Planning and Appeals Board on April 28, 2022. **First and only Reading. Public Hearing.**

City Attorney Vose read the title of Resolution 2022-09.

City Manager Gillis said this is the old Price property which is zoned multifamily residential. He said the property has sat vacant except for a dilapidated home for many years. The property is zoned as multifamily residential but with the townhomes to be individually owned, plat approval is required. He said it will be similar to Oak Meadows. Mr. Gillis explained the Resolution approves the Final Plat and the Development Plan for the 86 individually owned townhomes with an HOA (Homeowners Association) that will maintain the roads, utilities and common areas. City Manager Gillis said a caveat is incorporated in the HOA documents as well as the Final Plat that if the Homeowners Association fails to maintain the roads and utilities or requests the City to assume the maintenance, a special assessment for each owner will be applied to their tax bill. Mr. Gillis recalled working with the developer to obtain the best development possible in terms of aesthetics and amenities. He said the developer recently finished a similar project in Ormond Beach which several staff members visited. He discussed the specifications of the homes which will be concrete block construction for the first floor and wood framed for the second floor. Staff feels this is the ideal location for a townhome development. He said the developer will secure the property with a white vinyl fence, except around the pond area which will be vinyl dipped chain link to ensure views are not obstructed. He said that the existing tree lines are planned to be kept intact. He concluded with a staff recommendation of the Final Plat and Development Plan.

Mayor Hall opened the public hearing.

Frank Amendolia (791 Aspen Drive) expressed his concerns regarding the project, specifically parking and flooding.

Kimberly Mitchell (31 Cherrywood Court) expressed concerns with parking and traffic.

CJ Allen (2929 Gaslight Drive) expressed her Code Compliance concerns and the potential for code issues in the future within the new development.

Joey Posey, Storch Law Firm (420 S Nova Road, Daytona Beach) introduced himself as a representative for the project and provided reassurances to the Council and the community members that they will be proud of this project.

Mr. Posey explained the project provides more than the required number of parking spaces, exceeds in tree preservation, and creates an HOA and means of enforcement. He discussed the reputation and pride the developer has in each project he constructs. He said he was available for any questions. He thanked staff for their work on this project.

Mayor Hall discussed how nice the adjacent Oak Meadows townhome development turned out and complimented the Jemecy Oaks Villas across the street. Mayor Hall said he expects Mr. Posey and the developer to be dedicated to tree preservation. He requested clarification from the plans presented.

Harry Newkirk (Engineer of Record, Newkirk Engineering, 1230 N US Highway 1, Suite 3, Ormond Beach) addressed the concerns regarding the stormwater within the development and explained the design and compliance with state (SJRWMD) and local regulations. Mr. Newkirk explained the stormwater design will be an improvement to the current site conditions. He closed with thanking staff for their comments and working with their team.

Vice Mayor Quartier requested details on traffic and if a turn lane would be required from Volusia County. Mr. Newkirk responded the traffic study indicated a turn lane would not be needed. Vice Mayor Quartier explained the existing turn lane which ends at Big Tree Shores and questioned if that would be extended. Mr. Newkirk responded that Volusia County did not mention that would be required. Mr. Newkirk indicated that the traffic generated by this development will not adversely impact Big Tree Road, which is a Volusia County roadway.

Councilman Brandon Young questioned if the driveway lengths being proposed would cause a parking problem in which Mr. Newkirk confirmed and mentioned the driveways will accommodate vehicles and sidewalks should not be blocked by vehicles in the driveway.

Kimberly Mitchell (31 Cherrywood Court) expressed a concern with the Big Tree Road turn lane not needing to be extended for this project.

Susan Allen (35 Cherrywood Ct) emphasized her concern with traffic. Ms. Allen discussed revenue, real estate and the potential of decreased home value for adjacent neighborhood homes. She said she is concerned with wind and future storm damage. She asked for the process to appeal any decision made by the council. City Manager Gillis explained that per city codes, the City Council is the final authority. Attorney Vose added that, if someone disagrees with the city council's decision, a private attorney will need to be consulted for any possible next steps with a judicial process through the court system. Ms. Allen concluded by thanking the City Council.

Mayor Hall closed the public hearing.

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

Item 13. Resolution No. 2022-10. 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 structure located at 530 Elizabeth

Place, South Daytona, Florida is unsafe and unfit for human habitation and potentially injurious to the public health, safety or welfare so as to constitute a threat to 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. **First and only reading.**

City Attorney Vose read the title of Resolution 2022-10.

City Manager Gillis recalled the house located at 530 Elizabeth Place came before Council in January where it was found unfit for human habitation due to the lack of electric or water service and in dilapidated, unsanitary conditions. He explained the property is adjacent to South Daytona Elementary School. On January 13, 2022, staff secured the premises after the occupants were vacated per City Council Resolution 2022-03. The Chief Building Official had an opportunity to inspect the property and found that the structure was not only unfit for human habitation but was potentially injurious to the health, safety and welfare of the general public. He explained the numerous contacts with the mortgage company who originally wanted to try and salvage the property; however, they have now released their interest in the property. Mr. Gillis said residents contacted his office to save the structure but clarified the city does not own the property and it is not ours to sell.

Due to the proximity to our Elementary School and the continued deterioration of the structure which was found by the Chief Building Official as not only unfit for human habitation but as potentially injurious to the health, safety and welfare of the general public, staff requests Council, in accordance with the City of South Daytona Code of Ordinances section 5-200, authorize demolition, Mr. Gillis said. If approved and the mortgage company fails to repair or remove the structure by the end of May, the cost for the city to remove the structure will be approximately \$7,000 and will occur in June 2022, after the end of the school year, he concluded.

Mayor Hall opened the public hearing.

LouAnn Day (2164 Evergreen Terrace) discussed the neglect of the property and how it is now a hazard to the community. She said she agrees it is a blight to the community and is not salvageable. She said she supports the demolition. Ms. Day thanked the Council.

Gail Harrison (603 Elizabeth Place) discussed the roach problem inside the home and requested the city utilize a pest service prior to demolition.

Councilman Sander asked City Manager Gillis if extermination could occur before demolition which City Manager confirmed was planned.

Mayor Hall closed the public hearing.

Councilman Young requested clarification of ownership which City Attorney Vose explained Carrington Mortgage owns the first lien, the mortgage on the property. Attorney Vose discussed the estate and the city liens on the property. In the long term, the city may foreclose on the property.

Mayor Hall suggested keeping up on the grass to make sure the property is maintained which City Manager Gillis agreed and confirmed the importance.

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

Item 14. Ordinance No. 2022-02. An Ordinance of the City Council of the City of South Daytona, Florida, amending the City of South Daytona Land Development Regulations, Section 8.5, Residential Design Requirements; amending Section 3.2, Planning and Appeals Board, to codesignate the Planning and Appeals Board as the Design Review Board and providing for conflicts, severability, applicability, codification, and an effective date. Recommended by the Planning and Appeals Board on April 28, 2022. **First Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2022-02.

City Manager Gillis discussed the numerous citizen concerns over a recent placement of a Modular Home within the City and the need for residential design requirements. He explained with limited lots remaining within the City of South Daytona, it is critical new homes are compatible within our existing neighborhoods. The standards reiterate the City’s goal of promoting, protecting and maintaining the City’s residential character and small-town atmosphere, he said. Mr. Gillis discussed a clarification proposed by Councilman Sander to modify item B, 5 to say “the plane of the building’s front entrance.”

Mr. Gillis highlighted the requirement for six (6) corners which create a multidimensional, attractive exterior to the home, a substantial front porch, and a garage with a driveway at least 20 feet in length to address parking issues. He highlighted the minimum landscape requirements which will be inspected by the Building Official before the Certificate of Occupancy inspection. Mr. Gillis explained appeals would be taken to the Planning and Appeals Board in regard to these standards.

City Manager Gillis said these regulations will foster community pride and are compiled based on the communications received from residents and the Council.

Mr. Gillis reiterated that this Ordinance was recommended by the Planning and Appeals Board on April 28, 2022, and staff recommends the City Council approve the first reading.

Mayor Hall opened the public hearing.

Darlene Hoadley (727 Steele Road) thanked the Council for considering the proposed Ordinance. She discussed the how she understood that the city could not prohibit the modular home from being installed due to the State of Florida requirements, but that this ordinance was a good solution moving forward to ensure neighborhood standards.

Joy Krom (533 Alice Place) requested clarification on the Planning and Appeals Board to hear an appeal. City Manager Gillis clarified appeals of this Ordinance would be heard by the Planning and Appeals Board.

Mayor Hall closed the public hearing.

Councilman Sander discussed the wording in Section B,5. He suggested a modification to say “the plane of the building’s front entrance shall be parallel to the public road” for clarification.

Mayor Hall questioned the six (6) corners for the structure which City Manager Gillis explained it assists with the architectural relief and was modeled after another city’s code.

Councilman Sander provided input to the corner requirement.

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

Item 15. Ordinance No. 2022-03. An Ordinance of the City of South Daytona, Florida, amending the Official Zoning Map by changing the zoning of 409 Big Tree Road, Parcels 5344-16-00-0534, 5344-16-00-0546, 5344-16-00-0548, and 5344-16-00-0532 from Light Industrial (LI) and 5344-16-00-0547 from Business General Commercial (BGC) to Planned Commercial Development (PCD); providing for conflicts, severability, applicability, and an effective date. Recommended by the Planning and Appeals Board on March 16, 2022. **Second and Final Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2022-03.

City Manager Gillis explained this is a request by All Aboard Storage to add two buildings to their facility on Big Tree Road. During review, staff noted the business was located on five (5) parcels with two zoning classifications, he said. Staff worked with the property owner to combine the five (5) parcels through a Lot Combination Agreement, encouraged them to install enhanced landscaping along Big Tree Road and added a requirement that any new building construction along Big Tree Road will be architecturally treated with non-metal building materials (ie: wood, stucco, stone, brick, glass or masonry design) for an improved appearance. City Manager Gillis stated if approved the zoning designation would be uniform, the parcels would be combined, and the Master Development Agreement would be approved.

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

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

Item 16. Ordinance No. 2022-04. An Ordinance of the City Council of the City South Daytona, Florida, amending the Official Zoning Map by changing the zoning of 2900 South Ridgewood Avenue, Parcel 5333-00-00-0100, from Light Industrial to Planned Unit Development (PUD); providing for conflicts, severability, applicability, and an effective date. Recommended by the Planning and Appeals Board on April 28, 2022. **First Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2022-04.

City Manager Gillis said the next two agenda items relate to the old Cemex Property on S. Ridgewood Avenue.

City Manager Gillis explained this is part of the process in the redevelopment of the Cemex property. Middle Street Partners, LLC is the developer with a contract on the property who have a vision to develop the property similarly to the Enclave, south of the property. He discussed the Enclave and their positive impacts on the entryway and as a landmark within the city. Mr. Gillis said the intent is to have another quality development. He explained this is the final rezoning needed for the project as this is the back parcel where the stormwater pond is located noting the Land Use was approved through two readings in March and April. If approved, the property will be rezoned from Light Industrial to Planned Unit Development, he explained. Mr. Gillis said the

Planning and Appeals Board recommended approval at the April 28, 2022, Regular Meeting and concluded with a staff recommendation for Ordinance 2022-01.

Mayor Hall opened the public hearing.

Joy Krom (533 Alice Place) requested to speak on both items 16 and 17. She expressed the need for meaningful, environmentally friendly development. Ms. Krom expressed her concerns with traffic, impact of the development and apartment renters over condominium owners. She concluded with a request for a slow down on building apartments in our small town.

McGregor Love (215 North Eola Drive Orlando) on behalf of the applicant said tonight is the culmination of a lot of collaboration with staff. He discussed the Master Development Agreement, the development plan, performance standards and the particulars of the development. He explained this project is the ultimate infill development opportunity and because of that collaboration has been of utmost importance. Mr. Love discussed the benefits for the community in establishing a Master Development Agreement. He introduced Matt Sands from Middle Street Partners (146 Williman St #100, Charleston) and Johnathon Martin from Kimley Horne (189 S Orange Ave #1000, Orlando)

Johnathon Martin from Kimley Horne (189 S Orange Ave #1000, Orlando) explained the traffic impacts and the traffic analysis conducted for the project.

Mayor Hall questioned the driveway locations which Mr. Martin explained there will be a full access drive towards the south of the property and a resident only access in the middle of the property.

Councilman Young questioned the stormwater improvements which Mr. Martin explained the plans, impervious areas and flood protection for the project. He also explained the existing infrastructure which will also act as a park like setting for the residents to enjoy.

CJ Allen (2929 Gaslight Drive) asked the Council to reconsider and expressed her concern over the rental aspect of the property instead of owned units like a condominium or single-family homes. She concluded requesting responsible development.

Frank Amendolia (791 Aspen Drive) respectfully disagreed with the representatives for the project and discussed flooding issues.

Mayor Hall closed the public hearing.

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

Item 17. Ordinance No. 2022-05. An Ordinance of the City Council of the City of South Daytona, Florida, approving a Master Development Agreement for the property located at 2900 South Ridgewood Avenue, Tax Parcels 5333-00-00-0100, 5333-11-00-0070, and 5333-11-00-0100; establishing principal uses as luxury multi-family apartments and carriage houses with related accessory uses; providing for conflicts, severability, applicability, and an effective date. Recommended by the Planning and Appeals Board on April 28, 2022. **First Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2022-05.

City Manager Gillis clarified the previous item was to change the zoning of the stormwater pond property while this Ordinance addresses the Master Development Agreement for the entire parcels within the old Cemex Property on South Ridgewood Avenue. Mr. Gillis recalled the development of the Enclave which quickly filled to capacity. He said the city has held events (Coffee with Chief Cheatham and Mayor Hall) at the Enclave where they met residents and noted the number of seniors who have made their home in the luxury complex.

Mr. Gillis explained the development will be comprised of 389 units with 161 one-bed, one-bath units, 160 two bed, two-bath units, and 68 three-bed, two-bath units. He discussed the amenities within the units and the complex including vinyl plank floors, walk-in closets, granite or quartz counters, 9-foot ceiling heights as well as in-unit laundry. Mr. Gillis expanded on details within the complex, including the clubhouse, high-speed wi-fi, pool, car charging stations, play area, dog park and dog wash area, which add to the quality of the development. He discussed the architecture, and features of the exterior design. He explained traffic impacts and the partnership with the Department of Transportation (DOT).

Mr. Gillis explained staff research performed on rental apartments versus owned condominiums and said most condominium units are used as rental property. Condos such as Halifax Landings and Bristol Bay are being used as rental units. He discussed rental property within the city code. He addressed stormwater concerns noting that the proposed development meets or exceeds our city codes as well as St. Johns River Water Management District (SJRWMD) requirements.

Mr. Gillis concluded with a staff recommendation, adding that staff sees it as a win-win for South Daytona in that the proposed development will ensure the demolition of the old concrete plant and being replaced with a high-end luxury mid-rise apartment development. He said the developers plan demolition in June or July and are currently working on site and construction plans. He said this development will expand our US 1 streetscape.

Mayor Hall opened the public hearing.

Joy Krom (533 Alice Place) said she was against the item. She recalled her attendance at a recent Planning and Appeals Board meeting where a member indicated that the city council always approves of all items. Ms. Krom discussed the several developments planned and traffic impacts.

Kimberly Mitchell (31 Cherrywood Court) recalled a meeting approximately 20-years prior with then Chief Hall and City Manager Yarbrough regarding the James Street Apartments. She said she agreed with the redevelopment of the Cemex property but would prefer the units be individually owned.

Susan Allen (35 Cherrywood Ct) discussed Home-owners Associations (HOA) and how they diminish over time.

CJ Allen (2929 Gaslight Drive) requested the Council vote for long-term ownership and condominiums in lieu of apartments.

Mayor Hall closed the public hearing.

Mayor Hall wanted to place on the record that he, and his colleagues, do vote no occasionally and discussed the redevelopment of the old Cemex site. He recalled the 2007 vision of US 1. He noted that the Enclave is an example of good sound development for South Daytona based on his many

visits to the complex. Mayor Hall elaborated on Ms. Mitchell's story of the James Street Apartments when it was sold and refurbished which took time.

Councilman Young discussed the redevelopment district and the change in the market with retirees who wish to live in a rental with luxury amenities in lieu of owning. He discussed the average renter living in the Enclave Apartment Complex is 48-49 years of age.

Vice-Mayor Quartier discussed our active Code Enforcement, rental housing program, and the safeguards within our City Code to ensure that the proposed development remains an asset to South Daytona over time. He encouraged citizens to reach out if they see issues.

Motion to approve by Councilman Eric Sander. Second by Vice-Mayor Doug Quartier. Motion carried unanimously.

Item 18. Ordinance No. 2022-06. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Land Development Regulations, Article VII Engineering/Environmental Standards, Section 7.2 Floodplain Management to provide for accessory structures in flood hazard areas; to specify elevation of manufactured homes in flood hazard areas; providing for codification; providing for conflicts, severability, applicability, and an effective date. Recommended by the Planning and Appeals Board on April 28, 2022. **First Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2022-06.

City Manager explained this is a housekeeping item in that each year staff works the National Flood Insurance Program to achieve a community rating. The City's current rating is a Class 6 which affords our residents a discount on their insurance. To maintain, or potentially improve our NFIP Class, they are requiring the city to update our Code.

Mr. Gillis explained the Ordinance sets flood standards for accessory structures, as well as requires manufactured homes to be installed above the flood elevation as outlined in the Florida Building Code. The entire Ordinance was provided for context and follows the NFIP requirements. City Manager Gillis concluded noting the Planning and Appeals Board reviewed and recommended the proposed Ordinance on April 28, 2022, and staff recommends that the City Council approve Ordinance 2022-06, amending Article VII, Section 7.2 Floodplain Management.

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

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

Item 19. Ordinance No. 2022-07. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Land Development Regulations; amending Section 5.5, Schedule of Zoning District Regulations, to remove conflicting building height regulations under the Planned Unit Development District only; and providing for conflicts, severability, applicability, codification and an effective date. Recommended by the Planning and Appeals Board on April 28, 2022. **First Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2022-06.

City Manager Gillis explained conflicts within the Land Development Code regarding building height and the need for clarity and consistency. In one section of the LDC, the Code requires maximum building height for a specific project shall be determined as part of the development review process and set forth in the master development agreement as approved by the Council. The Code later, also under the Planned Unit Development (supplemental requirements), specifies building heights for multi-family developments as being 50' for multifamily with a density of between 10 and 25 units per gross acre and 120' for multifamily with a density of 25 units per acre or more which conflicts with the earlier stated language providing for the authority of the City Council to negotiate building height. Mr. Gillis discussed the change from ceiling heights over time and a higher ceiling is more common and is something we would not want to discourage. He provided an example of a 50-foot building used to be 5 stories where now would only be three stories. Mr. Gillis discussed additional conflicts within the code regarding height of structures and the need for clarification.

City Manager Gillis explained the benefit of a Planning Unit Development is to place the rules and standards within the agreement to ensure the best development and most amenities. He again discussed the Enclave Complex which was a successful example.

Mr. Gillis said staff is requesting the modification to allow the City Council to be able to set the building height for Planned Unit Development projects.

He recalled Mayor Hall's comment regarding the right and need at times to vote against items placed on the agenda that the City Council feels are not in line with the ideals of our residents. It is important for staff to know the will of the council to ensure their ideals are being met.

Mayor Hall opened the public hearing.

Joy Krom (533 Alice Place) again recalled the recent Planning and Appeals Board Meeting. She expressed her concern with a city with many high-rises.

Mayor Hall closed the public hearing.

Mayor Hall recalled a meeting where Coach Piggotte emphasized that structures could not exceed 185 feet. He said he would like some type of limitations within the code to provide direction for prospective developers. Mayor Hall recalled the development of Halifax Landing and the dissatisfaction of adjacent property owners. He said he would like additional guidance for staff to include in the proposed Ordinance.

Councilman Eric Sander expressed he was not comfortable with how the Ordinance was written. He provided suggestions including a maximum number of stories and the location.

Councilwoman O'Neal said she felt height limits are needed and should be included.

Councilman Sander expressed the need for a limit on the number of stories.

Councilman Young recalled the history of the 185-foot height limitation, noting the redevelopment district inception, and the new model of development. He said he would like the regulation to have a maximum height for east of S. Ridgewood Avenue and west of S. Ridgewood Avenue.

City Manager Gillis recapped the clarifications with a maximum of 185 feet. He assured the council staff can revise the Ordinance for clarity.

Councilman Sander and Councilman Young discussed the maximum heights.

Councilman Sander clarified the rules set today will guide our staff, future Councils, Code Enforcement and the like for the future.

Mayor Hall explained he would not want the maximum height restriction to diminish the architecture elements of the development.

City Attorney Vose provided an example of Cocoa Beach who was able to add language relating to height without impacting the architectural design.

City Manager Gillis advised the Council that staff will work on the Ordinance with their input.

Motion to table Ordinance 2022-07 by Councilman Brandon Young. Second by Councilman Eric Sander. Motion carried unanimously.

Item 20. Ordinance No. 2022-08. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Code of Ordinances, Section 10.5-2 Rules and Regulations for Parks and Recreation Areas to prohibit commercial activities at city owned boat ramps; and providing for conflicts, severability, applicability, codification and an effective date. **First Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2022-06.

City Manager Gillis said recently, staff became aware that our adjacent neighboring cities of Port Orange and Ponce Inlet received complaints about commercial activity monopolizing their boat ramps. He explained if those cities continue to receive pressure from their residents about the commercial activity; they may consider banning all commercial activities at their public boat ramps and those commercial entities will be looking to our boat ramp to possibly monopolize.

With this in mind, staff believes we need to conserve our boat ramp for residential recreational use only and consider regulations prohibiting commercial use within Section 10.5 of the City's Code of Ordinances, Mr. Gillis said. He said this would be a tool in our toolbox if commercial activity overwhelms our ramp.

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

Mayor hall requested clarification of the penalty for violating the code which City Manager explained would be uniform with the other items listed as violations, a misdemeanor with a fine up to \$500.

Mayor confirmed signs would be placed at the boat ramp.

City Attorney Vose elaborated on the penalties, echoing Mr. Gillis which is \$500 or imprisonment up to 60 days.

City Manager Gillis elaborated this provision is another tool in our toolbox.

City Attorney Vose expounded on enforcement which would coincide with violation of the other listed prohibitions within parks.

Councilman Sander said he agreed with the language to mitigate excess at the boat ramp. He said this should protect the residents from excessive noise and problems as well as limit exposure of the city to liabilities with commercial use.

Mayor Hall expressed his concerns with the penalty and our officers if called for a violation.

Attorney Vose explained an injunction could be filed if a commercial use continues and they conceded to the fines.

City Manager Gillis said the goal was to be consistent with our current penalties, not adding an additional penalty for this particular violation.

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

E. COUNCIL COMMENTS

Councilman Brandon Young said he appreciates the community involvement and that tonight's agenda was a great example of how everything is intertwined such as services, budget, development, property rights and the like.

Vice-Mayor Doug Quartier echoed the sentiments of Councilman Young. He congratulated Mr. Sita for earning the Community Trust Scholarship. Vice-Mayor Quartier appreciated the citizen participation and encouraged participation and contacting the council with their thoughts.

Councilwoman Lisa O'Neal echoed the sentiments of both Councilman Young and Vice-Mayor Quartier and congratulated Mr. Sita.

Councilman Eric Sander expressed congratulations to Mr. Sita. He explained that items provided on the agenda are not simply approved but are sometimes sent back for revisions, modifications or a different direction. Councilman Sander expressed the value of the input from the Planning and Appeals Board but as a Councilmember must vote based on the best for the entire city. He concluded by thanking the citizens for their participation and comments.

Mayor William Hall said he had been trying for 6 years to get an audience. He addressed Mr. Sita, the South Daytona Community Trust Scholarship winner. The Mayor reiterated on how the City Council carefully considers each item that comes before them and that if they disagree with an item, they will indicate it. He also further explained how councilmembers can only discuss city business during council meetings as outlined by the Sunshine Law. Mayor Hall shared his thoughts on mid-block crossings and how flashing yellow lights are not as effective at stopping vehicles as a red one. He concluded with an example from Cocoa Beach further clarifying the need for clear signals to stop vehicles for pedestrians in crosswalks.

F. Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council 9:01pm.

Deputy City Clerk, Becky Witte

Mayor William C. Hall