

**City of South Daytona
City Council Meeting Minutes
Tuesday, July 26, 2022, 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 6:00pm.

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.

B. Presentations: Presentation from Representative Elizabeth A. Fetterhoff bestowing a Florida Legislative Appropriation of \$100,000 for the Harborside Stormwater Pump in Fiscal Year 2022-2023.

Mayor Hall, City Manager Gillis, and Public Works Director Peek accepted the Florida Legislative Appropriation of \$100,000 for the Harborside Stormwater Pump and presented Representative Fetterhoff with a token of appreciation.

Item 5: City Manager Report:

City Manager Gillis recapped celebrating the 101st Birthday of Dorothy Lowery on June 24, 2022.

He announced the derelict sailboat in the Intracoastal Waterway was removed and thanked the FWC and Daytona Beach Building Department for their efforts in cleaning the Intracoastal waterway.

Registrations for Fall Baseball have begun for ages 4 to 12, City Manager Gillis announced. He said the program will be larger than normal since the City of Port Orange will not be hosting a Fall Baseball Season this year.

City Manager Gillis discussed the upcoming National Night Out Against Crime, which is set for Tuesday, August 2, 2022, with the parade starting from the Sunshine Park Mall at 7:00pm.

Mr. Gillis said the Budget Workshop is set for Tuesday, August 9, 2022, at 5:00 pm.

He concluded by introducing the Police Department's Neighborhood Patrol Program which is a new program designed to provide a greater police presence in the city. The online portal to request patrol is available on the city website. Once a patrol request is made, officers and their supervisors will be notified of the request for police presence on a designated street or area. This notification will remain in effect for 14 days following the request. The citizen will be able to monitor the number of times officers are patrolling the requested area on the city website.

C. Citizens to be Heard:

Darlene Hoadley (727 Steele Avenue) discussed a problem with unleashed dogs in front yards.

Linda Hostetter (1704 Biscayne Avenue) and Tonia Mangen (1700 Biscayne Avenue) discussed fireworks, a concern with 14 dogs located at a home on Biscayne Avenue as well as noise from neighbors.

CJ Allen (2929 Gaslight Drive) elaborated on the dog issues and requested reinforcing the leash law through the City newsletter as we did with the crosswalks.

Janet Kisner (1639 Golfview Blvd) thanked Jay Robinson, City Manager Gillis, Code Compliance Manager Josh McEnany as well as Chief Cheatham. She expanded on the dog issue in her neighborhood.

Richard and Mary Phinney (2306 Oriole Lane) discussed Fireworks before the 4th of July holiday stating it prevented them from enjoying their holiday.

Councilman Sander assured Mr. and Mrs. Phinney that Item 24 on the agenda relates to their concern with Fireworks.

Item 6: City Attorney Report:

City Attorney Wade Vose provided an update on items addressed since the last council meeting. Mr. Vose said he assisted with an upcoming Ordinance regarding smoking in city parks, the upcoming sale of the city's Foster Way property as well as the TECO Gas Franchise Agreement. He discussed litigation matters noting that the Court confirmed the decision of the Special Master in late May. After the court decision, a rehearing was requested. Yesterday the Court sent a revised order, again siding with the city. Mr. Vose said he feels these litigation matters will be concluded in the very near future. He discussed working with staff on items included in the agenda with extra attention provided to the Wrecker Services Agreement and the Fireworks Ordinance. City Attorney Vose also reported he reviewed the agenda in its entirety.

D. Consent Agenda: (Items 9-16):

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 9: Approval of minutes: June 14, 2022, City Council Meeting

Item 10: Resolution No. 2022-11. A Resolution of the City of South Daytona, Florida, approving a FY 2022-2023 Funding Agreement with the River to Sea Transportation Planning Organization and

authorizing the City Manager to execute said agreement; providing for repeal of Resolutions in conflict herewith; providing for severability; providing an effective date. **First and only reading.**

Item 11: Consideration of approving the third amendment to the Volusia County School Board School Resource Officer (SRO) Agreement for the 2022-2023 school year.

Item 12: Consideration of request for a six-month extension of Final Site Plan for 3151 South Ridgewood Avenue and associated parcels for the Silvestri Townhomes/Condominiums Project.

Item 13: Consideration of approving agreement with Thomson Holdings Enterprises LLC dba Volusia County Towing for Wrecker Towing Services (Bid 22-B-008).

Item 14: Resolution No. 2022-12. A Resolution of the City Council of the City of South Daytona, Florida, approving a Florida Department of Transportation (FDOT) Utility Work Agreement for the relocation of nine fire hydrants along Palmetto Avenue to accommodate their SunTrail Shared Use Path project; authorizing the City Manager to execute Agreement and associated documents related to the project; and providing an effective date. **First and only reading.**

Item 15: Resolution No. 2022-13. A Resolution of the City Council of the City of South Daytona, Florida, approving the cost reimbursement grant for Harborside Stormwater Pond Stationary Pump with the Florida Department of Environment Protection (FDEP); authorizing the Mayor and City Manager to execute the Grant Agreement and associated documents related to the project; and providing an effective date. **First and only reading.**

Item 16: Resolution No. 2022-15. A Resolution of the City Council of the City of South Daytona, Florida, appointing member to the Planning and Appeals Board (PAB); providing for terms; and providing an effective date. **First and only reading.**

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 17. Resolution No. 2022-14. A Resolution of the City Council of the City of South Daytona, Florida, establishing a proposed millage rate for the 2022-2023 fiscal year; determining the rolled-back rate; establishing a date, time, and place at which a public hearing will be held to consider the proposed millage rate and the tentative budget for the 2022-2023 fiscal year; providing an effective date. **Public Hearing. First and only reading.**

City Attorney Vose read the title of Resolution 2022-14.

City Manager Gillis said this Resolution sets the proposed millage rate. The proposed millage rate cannot be increased once adopted without first class notice to all property owners, he explained. The Budget Workshop will be held on August 9, 2022, at 5:00 pm. The dates for adoption of the tentative and final millage rates are Monday, September 12, 2022, and Tuesday, September 27, 2022, respectively at 6:00pm at City Hall, in the Council Chambers.

He recalled the direction of the Council to keep the millage rate the same as we have over the last several years until we have satisfied the city debt. City Manager Gillis explained that adoption of the proposed rate of 7.7500 mills is a tax increase.

Mr. Gillis said the tentative budget which will be discussed in more detail on August 9, 2022 includes the following items of note: reducing debt with the goal to be debt free in 2024, adjusting employee wages to meet the state voter mandate of \$15.00 an hour minimum wage, a \$2.52 adjustment for our police department as they are the lowest paid in the county, more police cars for lease and purchase, resurfacing the basketball court at Ned Wagner Park, ECHO grant match for Magnolia Park improvements, refurbish the James Street Splash Pad, design for Reed Canal Park improvements to the lake, playground and frisbee golf area, as well as equipment for Parks, Police, Fire and Public Works. He explained the Capital program was suspended for many years and we are now catching up to get proper equipment to provide quality services.

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

Councilman Sander said he hopes after the city pays the remainder of the debt a lower millage rate can be set to be more in line with the other cities in the county.

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

Item 18. Consideration of approving a Volusia County ECHO Grant Agreement in the amount of \$243,750 for planned improvements to Magnolia Park.

On March 8, 2022, the City Council approved Resolution No. 2022-05 authorizing the City Manager to submit an application for a Volusia County ECHO Grant for planned improvements at Magnolia Park. He thanked Parks and Recreation Director Zengotita who put an enormous amount of effort into the application knowing how important it was to revitalize this underutilized park. The proposed improvements include the complete replacement of all playground equipment and swings. It also includes the replacement of the entire boardwalk along the pond to maximize accessibility. Enhanced landscaping is scheduled to be installed along with a fence replacement and parking lot improvements. The pond will also be stocked to encourage fishing from the newly installed dock, he explained.

City Manager Gillis recalled how there was a family fishing when the ECHO Advisory Committee visited the park with Mayor Hall and Parks and Recreation Director Zengotita. He relayed the idea of Councilman Sander to incorporate a sign with the FWC QR Code for Fish Identification to add an educational aspect.

Mr. Gillis said the cost of the park improvements will be approximately \$500,000, half will be covered by the ECHO grant program.

He concluded with a staff recommendation and said that he will attend the upcoming County Council Meeting on August 2, 2022, with Deputy City Clerk Witte and Parks and Recreation Director Zengotita to address questions posed by the Council during their discussions. Staff feels this is a perfect opportunity to form a partnership with Volusia County on improving Magnolia Park for all residents.

Councilman Sander said he feels this grant will cover some much warranted and needed improvements to Magnolia Park.

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

Item 19: 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 passed on May 10, 2022. **Second and Final 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 zoning change 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 these items are approved, the property will be rezoned from Light Industrial to Planned Unit Development, he explained.

Mr. Gillis explained the development will be comprised of 389 luxury apartments 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, gym, pool, car charging stations, internal 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 said the developer is eager to get started especially since the Enclave has a waiting list.

Mr. Gillis acknowledged the Master Development Agreement and the reference to height which will be dictated by the Land Development Code. He concluded with a staff recommendation to approve as written.

Mayor Hall opened the public hearing.

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 said working on the project with staff and City Manager has been a great experience noting that he knows the staff really cares about the city.

Tim Crawford (2801 S Ridgewood Avenue) congratulated the Council on the change from the concrete plant and inquired into the traffic on Ridgewood Avenue.

City Manager Gillis discussed the traffic impacts and recent traffic studies. He said the studies conclude that the road meets the level of service per Florida Department of Transportation (FDOT). He discussed past planned projects noting the change from multiple high-rise development to these more common mid-rise development projects. City Manager Gillis stated he feels confident US 1 will not have lower level of service because of this project.

CJ Allen (2929 Gaslight Drive) said she was happy to see a large turnout at the City Council Meeting. She discussed responsible growth, staying alert and encouraging better density control. Ms. Allen read an excerpt from a recent Hometown News Article.

Mayor Hall closed the public hearing.

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

Item 20: 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 533-11-00-0100; 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 passed on May 10, 2022. **Second and Final Reading. Public Hearing.**

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

City Manager Gillis explained this is part of the process in the redevelopment of the Cemex property to not allow future Light Industrial on our S. Ridgewood Avenue Corridor. 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 said this is a culmination of the efforts and staff feels it is an excellent fit for the area, and again explained the benefits of the project including metal roof, protruding porches, additional living areas, enhanced landscaping, undergrounding the utility lines along Ridgewood Avenue and installing decorative sidewalk and lighting.

Mayor Hall opened the public hearing.

Mary Phinney (2306 Oriole Lane) offered the idea of green space instead of a high-rise apartment building which she said will cause traffic problems and make residents unhappy.

Mayor Hall closed the public hearing.

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

Item 21: Consideration of removing Ordinance No. 2022-07 from the table for reconsideration by the City Council. Item was tabled on May 10, 2022.

City Manager Gillis said in May the Council tabled this item and requested staff perform additional research on this Ordinance.

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

Item 22: 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 revise building height regulations within the Planned Unit Development District; 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 2022-07.

City Manager Gillis explained that City Code limits the building height to 50 feet within the Planned Unit Development Zoning District. When the code was enacted, this standard would accommodate a 5-story building with 7 to 8 foot ceiling heights, equating to 10-feet per story.

He said during extensive research, staff found that modern, luxury residential units provide 9 and 12-foot tall, finished ceiling heights which would equate to approximately 15 feet per story.

In order to maintain the intent of the code while encouraging higher-end, luxury development, staff recommends modifying the maximum building height to 75 feet to accommodate the demand for taller ceilings, he explained. Mr. Gillis discussed the Planned Unit Development zoning benefits and process.

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

Mayor Hall said he does not want to see more than 5 stories noting he would prefer limiting to 4 stories.

Councilman Young elaborated that through the Planned Unit Development Process, Council will review and work with the developer on the desired project. As the market changes, this revised Ordinance provides flexibility to work with the Council, he said. Councilman Young also discussed neighboring cities and the height allowances. City Manager Gillis confirmed the neighboring cities are less stringent.

Motion to approve by Vice-Mayor Doug Quartier. Second by Councilman Brandon Young. Motion carried unanimously.

Item 23: Ordinance No. 2022-09. An Ordinance of the City Council of the City of South Daytona, Florida, amending Chapter 4 (Animals and Fowl), Article 1 (General), Section 4-9 (Keeping Fowl Prohibited) to extend the Temporary Urban Chicken Pilot Program for one year; and providing for recitals, administrative actions, codification, conflicts, severability, and an effective date. **First Reading. Public Hearing.**

City Attorney Vose read the Title of Ordinance 2022-09.

In August 2021, the City Council approved a Temporary Urban Chicken Pilot Program. He discussed the neighbor approval process and the other caveats within the program. The pilot program was set to expire on August 10, 2022. Since inception, 10 applications have been requested with 3 completed, successful program participants (Magnolia Avenue, Aurora Street and Duncan Road).

With a limited number of program participants but continued interest, staff recommends extending the Pilot Program for an additional year with a new expiration date of August 9, 2023, he said. The extension of this pilot program will give staff additional time to properly evaluate it to ensure resident needs and not causing any undue harm. Mr. Gillis announced that so far there has been no code complaints.

Mayor Hall opened the public hearing.

Marti Librizzi (2801 S. Ridgewood Avenue) joked by asking if he could have chickens on his balcony in Halifax Landing.

Luanne Day (2164 Evergreen Terrace) elaborated on the restrictions of chickens in backyards.

Mayor Hall closed the public hearing.

Councilman Sander said it was excellent that there have been no complaints through Code Compliance.

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

Item 24: Ordinance No. 2022-10. An Ordinance of the City Council of the City of South Daytona, Florida, amending Article 10. Offenses and Miscellaneous Provisions, Section 10-13 of the South Daytona Code of Ordinances related to the sale and use of fireworks within the City; and providing for recitals, administrative actions, codification, conflicts, severability, and an effective date. **First Reading. Public Hearing.**

City Attorney Vose read the Title of Ordinance 2022-10.

City Manager Gillis said Florida Statute Chapter 791 (Sale of Fireworks) regulates the sale and use of fireworks. In 2020, Governor DeSantis established New Year's Eve, New Year's Day and the 4th of July as designated holidays to allow for the use of fireworks.

Mr. Gillis said we can set regulations whereby those wishing to celebrate the holiday with fireworks can do so without inadvertently causing unintentional harm and stress on others. The roads need to be open at all times to allow first responders unimpeded access due to the inherent dangers present when setting off fireworks. In addition, there needs to be a cut-off time to respect your neighbor's right to peace and quiet at bedtime.

The regulations being proposed are as follows:

1. It shall be unlawful for any person, firm, partnership, corporation, or business entity of any other type to offer for sale or display or to use or explode any fireworks within the City of South Daytona except as provided in Florida Statute Chapter 791.
2. It shall be unlawful to discharge any fireworks or sparklers in public rights-of-way, streets, parks, or other public properties.

3. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any person or group of persons, or from, in the direction of or into any vehicle of any kind.
4. When permitted, noise from firework activity must conclude at 11:00pm and all debris from fireworks or sparklers must be collected immediately, placed in a solid waste container and placed for pick-up on the next available waste collection day.

The proposed Ordinance will incorporate these four regulations under Section 10 (Offenses and Miscellaneous Provisions) of the City's Code of Ordinances, Mr. Gillis explained. Staff recommends the City Council approve the First Reading of Ordinance No. 2022-10 regarding the regulation of fireworks in the City of South Daytona.

Mayor Hall opened the public hearing.

CJ Allen (2929 Gaslight Drive) applauded the regulations and said enforcement is her main concern. She suggested utilizing the newsletter and encouraged working together as a community.

Richard Phinney (2306 Oriole Lane) asked to restrict the noise from the Fireworks.

City Attorney Vose discussed the concern of noise raised by Mr. Phinney and explained in 2007 the Florida Legislature tied the hands of local governments relating to fireworks.

Mayor Hall closed the public hearing.

Mayor Hall inquired on the previous fireworks ordinance.

Council Young discussed the importance of Home Rule where local governments should have the decision-making power for what's best for our citizens.

City Manager Gillis explained in 2020 the former city attorney advised the Council to repeal Section 10-13, but City Attorney Vose has assisted in language to put some limitations and restrictions to meet the character of our city.

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

Item 25: Discussion of performance and future goals for the city manager.

Councilman Young said he appreciated the opportunity to do this exercise and meet with the City Manager on his annual evaluation. He noted the good feedback from the conversation, and he feels City Manager Gillis is exceeding the set expectations which were very high. He noted his development of staff and the relationships with Citizens. He recalled the last evaluation where he expressed a concern of getting burnt out, but he sees improvement. Councilman Young said the three goals of reducing debt, new development and increasing reserves should still be the focus.

Vice-Mayor Quartier echoed Councilman Young. He said Mr. Gillis does not just sit in his office, he knocks on doors, addresses issues with the citizens and works with them until the situation is taken care of whether it's 9:00pm or 7:00am. He recalled Mr. Gillis picking up citizens trash that was missed and how he gets things done. He said the three goals are going well, and he enjoys working with Mr. Gillis.

Councilman Sander said he is impressed overall with Mr. Gillis. He said Mr. Gillis is the embodiment of selfless service in that he puts city above his own wants or needs. A city could not ask for a better City Manager, he said. Councilman Sander said we are on target for those three goals. He said Mr. Gillis is budget conscious and ensures it is the best for the city. He said Mr. Gillis is always quick with a reply to where he hesitates to call him on trivial matter because he will address it immediately. He concluded with stating Les Gillis is an example of selfless service and we are very fortunate.

Councilwoman O'Neal echoed the comments of the other Councilmembers. She said residents often come to her with good comments and experiences after dealing with City Manager Gillis. She said he has exceeded the goals set and thanked him for his service.

Mayor Hall said he enjoys the relationship he has with the City Manager. They spend almost every Thursday together and talk on the phone most days, multiple times during the day, he explained. If you want to know what kind of individual Mr. Gillis is, go to a City Event, he'll be serving hot dogs or popcorn from the hot dog wagon, he relayed. Mayor Hall said even though they don't always agree, they work well together. He said the evaluation he provided was not a perfect score but a fair evaluation with the only complaint that he does not delegate as much as he should. He said most City Managers would not do what he does, and suggested Mr. Gillis get "out of the weeds". Mayor Hall asked to add a goal for next year, to invest in us. Invest in South Daytona, whether water, sewer, police, employees, he elaborated. He said he would like to see the 2022/2023 budget steered toward investing in South Daytona. He also said he hopes to see lower taxes in the future.

Mayor Hall concluded the meeting by thanking the citizens for attending the meeting or watching on FaceBook Live. He stated that we cannot fix what we don't know is broken and wished everyone a great weekend.

G. Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council 7:39pm.

Deputy City Clerk, Becky Witte

Mayor William C. Hall