

**City of South Daytona
City Council Meeting Minutes
Tuesday, August 9, 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 6:08 pm, immediately following the 6:00pm CRAG Meeting.

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 discussed the successful National Night Out Against Crime, which was held on Tuesday, August 2, 2022. He said it was heartwarming to see the support of every neighborhood along the parade route and thanked those who left their porch lights on to support our Police Department.

The Police Department conducted an Active Shooter Training recently, he said. He thanked Lieutenant Pedri for inviting him to the training session. The training session was extremely realistic with makeup artists being utilized to create wounds. He noted School Resource Officer Labombard excelled during the training which is extremely important in his role as a school resource officer.

Registration for Fall Baseball for ages 4 to 12 is ongoing, City Manager Gillis announced. He said tryouts will be August 11 and 12th at James Street Park. The program will be larger than normal since the City of Port Orange will not be hosting a Fall Baseball Season this year, he said.

City Manager Gillis said Budget Hearings are set for Monday, September 12, 2022, at 6:00pm with Final Budget adoption on Tuesday, September 27, 2022, at 6:00pm.

The 14th Annual Kailynne Quartier Memorial Ride is scheduled for Saturday, September 17th at 10:00am, he relayed. He discussed the wonderful event which ends with a lunch at James Street Park.

City Manager Gillis announced that sadly, Public Works Director Brian Peek will be leaving at the end of August. He thanked Mr. Peek for his expertise and dedicated service in his time with the city. He wished him success in moving forward.

Item 6: City Attorney Report:

City Attorney Wade Vose provided an update on items addressed since the last council meeting. Mr. Vose said he has been working with staff regarding a number of code enforcement issues including notifying property owners who have confidential records and addressing nonconforming signage. Planning and Appeals Board members will receive training in the Sunshine Law at the next PAB meeting on August 17, he said. City Attorney Vose also reported he reviewed the agenda in its entirety.

B. Citizens to be Heard: None

C. Consent Agenda: (Items 8-13):

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 8: Approval of minutes: July 26, 2022, City Council Meeting

Item 9: Consideration of approving a Façade Improvement Grant in the amount of \$5,000 to Curb Appeal Hardscaping, LLC at 2036 South Ridgewood Avenue as was presented in tonight's C.R.A.G. meeting.

Item 10: Consideration of approving the FY 2022-2023 Team Volusia Economic Development Corporation Agreement.

Item 11: Consideration of approving Volusia County's plan to disburse Justice Assistance Grant (JAG) Funds they acquired to programs provided by SMA Healthcare and The House Next Door.

Item 12: Consideration of approving an agreement with Atlantic High School for the use of Blaine O'Neal Park for their 2022 Baseball Season.

Item 13: Consideration of approving the Restrictive Covenants and Contract with Volusia County for ECHO Grant Award 22-05 in the amount of \$243,750 for improvements to Magnolia Park.

Motion to approve the consent agenda as presented by Councilman Eric Sander. Second by Vice-Mayor Doug Quartier. Motion carried unanimously.

D. Regular Agenda:

Item 14: 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 passed on July 26, 2022. **Second and Final 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, predominately along the US 1 corridor. 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 explained. 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. Mr. Gillis discussed the Planned Unit Development zoning benefits and process.

Mayor Hall opened the public hearing.

CJ Allen (2929 Gaslight Drive) thanked council for the improvements to the Ordinance from Planning and Appeals Board in April. She expressed concern with density and traffic issues. She asked if this ordinance pertained to apartments or condominiums.

City Attorney Vose explained the Ordinance is directed for a Planned Unit Development which could be either and explained the process of the PUD which is approved by the City Council and typically involves more higher quality development.

Mayor Hall discussed future development with Ms. Allen. He addressed the challenges with owners of Condominiums versus Apartment Developments.

Ms. Allen discussed future projects and water. She questioned Number 5, Section 2, for parcels located on Halifax Riverfront.

Mayor Hall explained Council would review and work with the developer on the desired project through the process.

Ms. Allen questioned the codification portion of the Ordinance which Attorney Vose explained to place the new Ordinance into the Municode website.

Mayor Hall closed the public hearing.

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

Item 15: 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 passed on July 26, 2022. **Second and Final Reading. Public Hearing.**

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

City Manager Gillis said 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 three 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. No comments were received Mayor Hall closed the public hearing.

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

Item 16: 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 passed on July 26, 2022. **Second and Final Reading. Public Hearing.**

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

City Manager Gillis said passionate arguments have been received from both sides. He recalled that 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 Second and Final Reading of Ordinance No. 2022-10 regarding the regulation of fireworks in the City of South Daytona.

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

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

Vice-Mayor Quartier questioned enforcement which Attorney Vose responded the language used is fair.

Motion by Councilman Eric Sander to amend to midnight. Second by Councilman Brandon Young. Motion carried unanimously.

Motion to approve 2022-10 as amended by Councilman Eric Sander. Second by Councilwoman Lisa O'Neal. Motion carried unanimously.

Item 17: Ordinance No. 2022-11. An Ordinance of the City Council 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 smoking and vaping in parks; and providing conflicts, severability, applicability, codification, and an effective date. **First Reading. Public Hearing.**

City Attorney Vose read the Title of Ordinance 2022-11.

City Manager Gillis explained Governor DeSantis signed HB105 on June 24, 2022, which allows for municipalities to prohibit smoking, with the exception of unfiltered cigars, within the boundaries of any public parks. This bill was known as the "Florida Clean Air Act" and was introduced to the legislature to protect the public from the health hazards of secondhand tobacco smoke.

In the past, the city has received numerous complaints regarding adults smoking around kids trying to participate in a sports program at one of our parks. In addition, we receive complaints about adults smoking near playgrounds where kids are playing. Staff has been frustrated when receiving these complaints because we did not have an enforcement tool to remedy the issue.

This issue is not isolated to South Daytona. The City of Daytona Beach Shores has already approved an ordinance prohibiting smoking in their parks due to constant complaints.

This ordinance will be a tool that can be used by staff to prohibit smoking around children and families attempting to participate in a sport or simply playing in our parks. If approved, staff will install signs in each park regarding the smoking prohibition. Every attempt will be made to educate violators and give them an opportunity to stop or relocate before enforcement action is taken.

Mr. Gillis said there have been numerous studies that have concluded that secondhand smoke causes lung cancer and the fact that young children are most affected by secondhand smoke according to the American Cancer Society, staff requests the Council approve of the ordinance as written and prohibit smoking at public parks.

Mayor Hall opened the public hearing.

CJ Allen (2929 Gaslight Drive) supported the ordinance but would prefer prohibiting smoking of any kind.

Harvey Bonin (1071 Sherry Blvd) supported the ordinance and asked for a designated area for smokers with violators addressed by the Police.

Mayor Hall closed the public hearing.

The Council discussed the proposed Ordinance with City Manager Gillis and City Attorney Vose.

Motion by Councilman Eric Sander to include designated smoking areas within the ordinance. Motion died for lack of second.

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

E. Council Comments:

Councilman Sander expressed his appreciation for the city employees working in the summer heat. He thanked Public Works Director Brian Peek and wished him the best.

Councilwoman O'Neal echoed the sentiments of Councilman Sander. She expressed appreciation for the budget, noting this was the best to date.


Councilman Young echoed the sentiments of the other Councilmembers. He wished Public Works Director Peek the best. Councilman Young thanked Parks and Recreation Amy Zengotita for her hard work with Fall Baseball.

Vice-Mayor Quartier echoed the sentiments and told Public Works Director Peek that he enjoyed working with him especially during Hurricane season. He thanked staff who spent hours on the budget.

Mayor Hall said the budget is awesome and he likes the direction the city is headed. He said he ran for office in 2015/2016 because debt was out of control. He said there is a huge difference in where we were six short years ago. He said he looks forward to the day he can proclaim we are debt free. Mayor Hall addressed Public Works Director Peek and said he has made his mark.

F. Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council 7:04pm.


Deputy City Clerk, Becky Witte


Mayor William C. Hall