

**City of South Daytona
City Council Meeting Minutes
Tuesday, June 8, 2021 immediately following the 6:00pm
Community Redevelopment Agency 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 6:14 pm (immediately following the 6:00pm South Community Redevelopment Agency Meeting).

Roll Call:

Present:

Mayor William C. Hall
Vice-Mayor Doug Quartier
Councilman Brandon Young
Councilwoman Lisa O'Neal
Councilman Eric Sander
City Attorney Wade Vose
City Manager James L. Gillis, Jr.

AGENDA ITEM

Item # C9

Date: July 27, 2021

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 announced that due to rain, the Harry Potter Movie Night was rescheduled to Friday, June 11, 2021. Activities are scheduled to begin at 6:30pm with the movie beginning a little after 8:00pm.

He said that summer camp is going on now until August 13, 2021 for first to fifth grade students. Summer camp is at full capacity with 40 kids. He discussed an upcoming summer camp fishing event on Tuesday June 15th which will be led by Councilman Eric Sander.

Melodie Park Basketball and Tennis Courts were resurfaced, and nets replaced, he announced.

He said that the summer soccer program is in progress and there are 227 participants which is the most involvement in our history of the program.

City Manager Gillis gave kudos to Human Resources Director Trudy O'Dell, noting that she was successful in negotiating a no cost renewal to employee health insurance. This is the second year in a row.

He said that a Request for Proposal is out for the City's Special Master for Code Enforcement. He informed the council that the current arrangement was not competitively bid, and no agreement was executed. He said that he and the City Attorney will review the proposals and make recommendations to the council in July.

He also mentioned that a Request for Proposal is out for possible sale of City's Cell Tower on Segrave. The results from the RFP will allow for staff to conduct a cost benefit analysis to determine if the city should keep or sell the tower.

Item 6: City Attorney Report: City Attorney Wade Vose discussed the items addressed within the last month. He noted working with Redevelopment Director Rippey and the City Manager on a proposed CRA overlay amendment. He said he worked with Police Chief Cheatham on adding language required by state law to an agreement for the lease for motorcycles. Mr. Vose said he worked with Parks and Recreation Director Amy Zengotita on amendments to agreements. He said he assisted the Deputy City Clerk with an Interlocal Agreement with the Property Appraiser and Tax Collector, the Request for Proposal for the Special Master as well as lot adjustment code issues and the sale of the property at James Street. He noted that he also 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 that 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 7: Approval of minutes: City Council Meeting – May 11, 2021

Item 8: Consideration of approving Interlocal Agreements between the City of South Daytona and the Volusia County Property Appraiser and Tax Collector to Levy, Collect, and Enforce Non-Ad Valorem Assessments utilizing the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Assessments, as provided for in §§ 197.3632 and 197.3635, Florida Statutes.

Item 9: Added Item. Consideration of approving a Demolition Grant Request in an amount not to exceed \$3,600 for the removal of all structures, fencing and debris at 2919 South Ridgewood Avenue. *Item was presented and reviewed by the Community Redevelopment Agency prior to the City Council Meeting.*

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

D. REGULAR AGENDA

Item 10: Resolution No. 2021-15 A resolution of the City of South Daytona, Florida, approving the sale and authorizing the City Manager to execute the necessary closing documents to transfer the property located at 1854 James Street; providing for severability; providing for conflicting resolutions; and providing an effective date. First and Only Reading. Read by Attorney Wade Vose.

City Manager Gillis recapped that on April 13, 2021, the city council declared the property at 1854 James Street as surplus. He described how the city acquired the property after the demolition of the home and death of the owner. He explained that the County received the property and per state law without finding need in the property, conveyed it to the city. He said the property has been vacant for many years. He said on April 19, 2021, the city advertised the sale and three bids were received. He said Mr. Joel Vazquez submitted the highest bid at \$16,000 and he plans to build his future home at that location. Mr. Gillis said that per code, closing costs, attorney fees and any other necessary fees will be paid by the buyer. The resolution authorizes the City Manager to attend closing and sign any documents related to the sale. He said that staff recommends sale of 1854 James Street to Mr. Joel Vazquez.

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

Item 11: Consideration of approving an Outdoor Amplification permit for the 2021 Dance Recital for Kinetic Expressions Dance Academy located at 3100 South Ridgewood Avenue on Saturday, June 12, 2021, from 4:00pm to 9:00pm. Read by Attorney Wade Vose.

City Manager Gillis discussed the special event and request for outdoor amplification. He said the event is usually held at the Peabody Auditorium. Mr. Gillis noted that the dance studio is one of our great local businesses on Opportunity Court. He noted that the applicants were very good to work with and went to great lengths for the relocation including a beautiful tent, with air conditioning and they will have one speaker which will be operated by an iPhone. He said that two off duty Police Officers will be at the event and staff recommends approval.

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

Item 12: Ordinance No. 2021-09 Amusement Centers. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Land Development Code to revise regulations related to Amusement Centers and Amusement Games or Machines; Amending Section 2.2 of the Land Development Code to add Definitions relating to Amusement Games or Machines; Amending Sections 5.5(J)(2) and (3) of the Land Development Code to remove Amusement Centers as a permitted use and to permit Amusement Centers as a Special Exception in the Business General Commercial (BGC) Zoning District; Amending Section 5.2, Table 2 of the Land Development Code to revise references to Amusement Centers and Amusement Arcades; Amending Section 5.7(C)15 of the Land Development Code to revise the criteria for Amusement Centers permitted as Special Exceptions; Amending Section 5.8 of the Land Development Code to remove Amusement Centers as a Special Use; and providing for recitals, administrative actions, codification, conflicts, severability, and an effective date. Recommended by Planning and Appeals Board 5/19/2021. Public Hearing. First Reading. Read by Attorney Wade Vose.

City Manager Gillis discussed that this unanimous recommendation from the Planning and Appeals Board is part two of the process of tightening up illegal gambling in the city. He said that there have been many creative Business Tax Receipt applications received by staff posing as senior amusement centers, gaming areas, etc., which are all illegal. He said this updated language replaces that which was written in the 1990's. Mr. Gillis said that the ordinance adds criteria for amusement centers, distance requirements from schools and other like facilities as well as designating the location within our business general commercial zoning. He said that this limits facilities from having more than 10 amusement machines and would prohibit businesses like Dave and Busters and Chuck E Cheese. He noted the contributions by Community Development Director Laureen Kornel and City Attorney Vose and said staff recommends approval.

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

Councilman Brandon Young questioned if this change would affect any current business or any business in application.

City Manager Gillis replied that no, the only similar application was for a small amusement center within the new bowling alley. He said since the arcade games were a secondary use and Business Tax Receipt was already issued, they would not be affected.

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

Item 13: Ordinance No. 2021-07 An Ordinance of the City of South Daytona, Florida, Amending the City of South Daytona Land Development Regulations to clarify regulations related to recreational vehicle storage; amending sections 5.5 to provide that recreational vehicle storage in the Business Heavy Commercial District and the Light Industrial District shall be a special exception rather than a permitted use; amending section 5.7 to clarify special exception criteria for RV and boat storage, parking and rental; providing for conflicts, severability, applicability, and an effective date. Recommended by Planning and Appeals Board 4/21/2021. Public Hearing. Second Reading. Passed First Hearing 05/11/2021. Read by Attorney Wade Vose.

City Manager Gillis discussed this is the second reading to clean up an inconsistency within the Land Development Code. Currently, RV and Boat Storage is an allowable use in Business Heavy Commercial and Light Industrial. He continued to explain that in a separate section of the Land Development Code the use is listed as a Special Exception requiring certain criteria including council approval. To more effectively regulate and create consistency, staff recommends applying the Special Exception criteria to all zoning districts for the use of RV and Boat Storage approved by City Council. City Manager Gillis said that staff recommends the more stringent requirements to create a more pleasant streetscape and encourage higher end businesses. The requirements of masonry walls and enhanced landscaping will assist in the overall appearance of this use. This change will apply to all new development moving forward. All existing locations would be allowed to remain. The development "Cover Your Ride" that was previously approved is still being developed and this change will not impact that project. He noted that there have been requests for additional RV and Boat storage areas and this change will enhance the appearance of them.

City Manager Gillis said that staff recommends approval of the second and final reading.

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

Councilman Eric Sander reiterated that this change would only affect new business, not current, existing businesses.

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

Item 14: Ordinance No. 2021-08 An ordinance of the City Council of the City of South Daytona, Florida, Amending the City of South Daytona Code of Ordinances to include a new Article II in Chapter 3.5 (Amusements and Entertainments) to be entitled Simulated Gambling; providing for Sections 3.5-125 to 131 containing definitions, area of enforcement, intent, prohibition of simulated gambling devices, affirmative defenses, exceptions, conflict with state law, enforcement, penalties; providing for conflicting provisions, severability and applicability; and

providing for an effective date. Recommended by Planning and Appeals Board 4/21/2021. Public Hearing. Second Reading. Passed First Hearing 05/11/2021. Read by Attorney Wade Vose.

City Manager Gillis discussed that the current code of ordinances does not effectively regulate simulated gambling. He said that the purpose of this Ordinance is to clarify state law which prohibits illegal gambling activities. He noted the task force has previously raided these establishments. He said occasionally there are creative Business Tax Receipt applications and that this clarification to our city code and is another tool to remain vigilant.

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

Councilman Eric Sander noted that this is a good direction.

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

COUNCIL COMMENTS

Councilman Eric Sander had no additional comments.

Councilwoman Lisa O'Neal had no additional comments.

Councilman Brandon Young said he liked what we are doing in our proactive approach.

Vice-Mayor Doug Quartier commented on the good baseball season and said that he cannot wait for soccer and the upcoming community movie on Friday.

Mayor William C. Hall said he liked the direction we were going as well as the wonderful extracurricular activities. He thanked the Planning and Appeals Board for their time and service, noting that they have been busy.

Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council at 6:43 pm.

Deputy City Clerk, Becky Witte

Mayor William C. Hall