

MINUTES

The South Daytona City Council met in a regular session on Tuesday, June 9, 2020 at 6:05 p.m. in the City Council Chambers at City Hall, 1672 S. Ridgewood Avenue, South Daytona, Florida.

PRESENT: Mayor William C. Hall
Vice-Mayor Lisa O'Neal
Councilman Brandon Young
Councilman Doug Quartier
Councilman Ralph Schoenherr
City Manager James L. Gillis, Jr.
City Attorney Scott Simpson

The audience joined the Council in the pledge of allegiance to the flag, followed by invocation by Councilman Young.

CITY MANAGER REPORT: Access to City Hall and all municipal buildings have been restored to normal but social distancing and COVID-19 protocols are still being practiced, began City Manager Gillis. All sports programs, special events and classes have been cancelled through June. Staff will continue to monitor the number of new cases in Volusia County and use this data to determine when City programs, special events and classes can begin again. Warner Christian Academy will hold a drive through graduation for their seniors on Tuesday, June 16, 2020 from 6:00pm - 7:00 pm. The police and fire departments will be on hand to help celebrate and City Manager Gillis invited all council members to join. The 453 boxes of records stored at File Tech have been removed and purged, keeping only what records are required by law which will save the City approximately \$8,000 per year in storage costs. The State Revolving Fund Loan the City had for the Country Club Garden sewer project has been paid off. As recommended by Vice-Mayor O'Neal, a draft Code Compliance Guide booklet has been provided for council review and comments. The guide will help new residents become familiar with our general codes and serve as a refresher for current residents. The Community Guide will be posted online. Volusia County received approximately \$15 million through the Federal Government's CARES Act fund and is deciding how to disperse these funds to each municipality. Each City was asked to submit a list of items that they would utilize these funds to purchase. Items on South Daytona's list include equipment to hold virtual meetings, contactless entry ways and personal protection equipment to name a few.

CITY ATTORNEY REPORT: No comment by Mr. Simpson.

CITIZENS TO BE HEARD: No citizens to be heard.

CONSENT AGENDA

Those matters considered under the consent agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion. If discussion is desired by any member of the City Council, that must be removed from the consent agenda and considered separately. (Read by Mayor Hall)

Consent Agenda Approval

Approval of Minutes: City Council meeting – May 12, 2020

Consideration of approving the first renewal to the school resource officer agreement with the Volusia County School Board.

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.

A motion was made by Councilman Schoenherr second by Vice-Mayor O'Neal.

VOICE VOTE: ALL YES (5)

TABLED ITEM

RESOLUTION NO. 2020-14 A Resolution of the City Council of the City of South Daytona, Volusia County, Florida, adopting a standard facility rental application, facility rental agreement, program instructor agreement and fee schedule for the Parks and Recreation Department; providing for repeal of resolutions in conflict herewith; providing for severability; and providing an effective date. Item was tabled during May 12, 2020 City Council meeting.

A motion was made by Councilman Young to remove Resolution No. 2020-14 from the table second by Vice-Mayor O'Neal.

VOICE VOTE: ALL YES (5)

At the May City Council meeting standardized facility rental agreements were discussed and council had concerns charging some civic organizations that utilize the Piggotte Community Center because of their ties to the community, stated City Manager Gillis. Civic organizations that demonstrate a quantifiable benefit to our community will determine how or if the City would charge these civic groups. Mr. Gillis named several groups and how they contribute to the community. Homeowner Associations (HOA) who want to utilize the Piggotte Community Center for meetings will need to properly maintain common areas within the subdivision and assist code enforcement in getting homeowners to comply with City code i.e. mowing the grass etc. Councilman Schoenherr recommended a city staff member attend the HOA meetings to which Mr. Gillis said staff would attend in the future. Having all our residents, from the age of seven to 70, be involved and active in City programs is our goal concluded City Manager Gillis.

It is a common-sense approach, stated Councilman Schoenherr and answers any concerns I may have had. Councilman Young thought it beautifully handled all the issues brought up at the previous council meeting. Mayor Hall stated the rental fee for Reed Canal Park gave him heartburn and asked for reassurance the fee was reasonable. City Manager Gillis stated that the private organization that holds the Native American Festival in Reed Canal Park paid the City \$4,408 last year to reserve the park. Under the proposed Resolution, the private organization would pay \$3,000 to rent the entire park for the two-day event; they will experience a savings from last year if this Resolution is passed. Mayor Hall asked if the City had a minimum requirement for police and fire in the contract pertaining to the number of people at the event. Attorney Simpson replied that the

contract would be reviewed by the Chief of Police and if he deemed it necessary; same with port-o-johns by Public Works Director and fire safety by Chief Giles. Councilman Young requested the events would have to utilize South Daytona police and fire departments when needed. All councilmembers agreed the City was moving in the right direction.

A motion was made by Vice-Mayor O'Neal second by Councilman Quartier.

VOICE VOTE: ALL YES (5)

Ordinance No 2020-03 An ordinance of City of South Daytona, Florida, amending Article II, Chapter 10.5 (Parks and Recreation), Section 16-18 of the Code of Ordinances to combine the Consolidated Parks and Recreation Board and the Americans with Disabilities Act (ADA) Committee and create the Parks, Recreation and ADA Advisory Board; providing for severability; providing for conflicting ordinances; and providing an effective date. **Second reading. Public Hearing. Passed first reading on 05/12/2020.**

City staff recommends merging the Consolidated Park and Recreation Board with the ADA Advisory Committee to form the Parks, Recreation and ADA Advisory Board, began City Manager Gillis. The two boards go hand in hand with ensuring park improvements and accessibility to all residents and visitors to South Daytona be it on our sidewalks, public buildings or parks. The newly merged board would have five (5) members.

A motion was made by Vice-Mayor O'Neal second by Councilman Quartier.

VOICE VOTE: ALL YES (5)

REGULAR AGENDA

Consideration of approving the membership for the Parks, Recreation and ADA Advisory Board.

The appointment of members to the newly merged Parks, Recreation and ADA Advisory Board is before council tonight, stated Mr. Gillis. In reviewing the nine (9) applicants, completeness of application and past involvement with the community were contributing factors on how the five (5) recommended board members were selected. The Board is set up with staggering terms, two (2) members on two (2) year terms and three (3) members with three (3) year terms.

Mayor Hall asked if the applicants for the three (3) year terms had more experience with City boards than those individuals recommended for two-year terms. City Manager Gillis stated that was correct. Councilman Young asked if the board would have alternate members. City Manager Gillis stated the current language in the ordinance did not have alternate members. Mayor Hall agreed with Councilman Young and believed that alternate members would be a good idea stating he did not want to discourage volunteers. Councilman Quartier asked if the alternates could be chosen from the few that were not selected. City Manager Gillis stated that they would be if the Council wanted alternates. It was agreed that the Parks, Recreation and ADA Advisory Board regulations be amended at the next City Council meeting to include alternates and that staff would recommend those two alternates for approval.

A motion was made by Vice-Mayor O'Neal second by Councilman Quartier.

VOCIE VOTE: ALL YES (5)

Consideration of approving a utility late fee forgiveness and payment plan for South Daytona residents impacted by COVID-19 pandemic.

Currently, the City has 184 delinquent utility accounts. To keep the City fiscally solvent while being sympathetic to those residents negatively impacted by COVID-19 is a delicate balance stated Mr. Gillis. Volusia County and its municipalities have worked together to form a positive, coordinated message during this crisis. To that end, the other cities in the County have drafted plans to return to normal utility operations, which include shut offs, this month. The cities of Port Orange, Edgewater and Holly Hill are proposing to return to normal utility operations in June. DeLand and Orange City are proposing to return to normal operations in July. Keeping in line with other cities, the plan being proposed by staff is to have our City return to normal operations during the month of July. The proposed utility late fee forgiveness and payment plan will waive the late fees for the months of April and May and offer a payment plan, up to six months, for those residents to get caught up on their utility bill.

Councilman Young requested an example of what is being waived as far as late fees and clarity of the payment plan. Josh McEnany, Utility Billing Supervisor came to the podium to address council. There is a 10% penalty assessed the day after the payment has been missed and a \$15 service continuation fee that is added 20 days after the account becomes delinquent. The proposed plan before you waives late fees for the months of April and May for those residents that have delinquent accounts. Staff will contact each delinquent account holder and let them know of the proposed plan and will attempt to sign each one up to a payment plan to get them caught up. There are programs out there that will pay your utility bills, but they must be utilized before the funds run out. This plan will encourage those residents that qualify for these funds to apply for them before they expire. If a delinquent account holder does not pay their bill or sign up for a payment plan, they will be shut off beginning in July. Our staff will reach out to each account holder to let them know of their options; all delinquent account holders will be contacted several times before their service is interrupted in July. Mayor Hall requested that residents are made aware prior to service interruption and Councilman Quartier inquired if the accounts are being handled on a case by case basis. Yes, replied Mr. McEnany. Each resident will be contacted and given the options available to them. Council had more discussion about the late fee forgiveness/payment plan. Mr. Gillis assured Council that staff would contact the 184 delinquent accounts and give an update at the July City Council meeting.

A motion to approve was made by Vice-Mayor O'Neal second by Councilman Schoenherr.

VOICE VOTE: ALL YES (5)

Resolution No 2020-19 A resolution of the City of South Daytona, Florida, approving a maintenance and easement agreement with Coventry Forest on the Hill Homeowners Association (HOA) for access to maintain the pond located on Windle Lane and authorizing the City Manager to execute said agreement; providing for repeal of resolutions in conflict herewith; providing for severability; and providing an effective date. **First and only reading.**

The Windle Lane Stormwater Pond Expansion construction project is taking two small ponds and combining them into one large pond with pumping capabilities to improve drainage in that area, stated City Manager Gillis. The project is grant funded and will help reduce flooding at the intersection of Dorset and Oak Lea. The agreement states the City will maintain the pond for algae and hyacinths growth to ensure pumps run efficiently and mow around the pond. In return the HOA will grant the City unlimited access to the property. Estimated yearly maintenance cost to the city is \$6,250. City Attorney Simpson confirmed Councilman Schoenherr's inquiry about the difficulty transferring property from an HOA to the City. Mayor Hall questioned if the HOA was a corporation and who maintains the grass field on the east side of Ned Wagner Park. The HOA is a management company and the City maintains the grass field as it is part of Ned Wagner Park, stated Mr. Gillis. Councilman Quartier asked who a resident would contact about the area between the railroad tracks and the residence. Mr. Gillis replied to have the resident contact him with requests so he can see what needs to be done.

A motion to approve was made by Vice-Mayor O'Neal second by Councilman Schoenherr.

VOICE VOTE: ALL YES (5)

Resolution No 2020-20 A resolution if the City Council of the City of South Daytona, Florida approving a special exception for an automotive parts-service and installation use at the property located at 2325 South Ridgewood Avenue and authorizing the Mayor and City Manager to execute a development order for the proposed special exception establishing conditions and expiration date of approval; and setting forth an effective date. **First and only reading.**

The zoning in this district requires a special exception for an automotive repair shop and according to City code requires the property be brought up to current code requirements, stated Mr. Gillis. Staff has asked that a portion of asphalt be removed, and a continuous hedge extended along Ridgewood Avenue to soften the look of the proposed repair shop. The applicant has already completed this request stated Mr. Gillis. A condition of the special exception prohibits the storing of cars off site since the proposed use did not meet the parking requirements. The site has been an automotive repair shop for many years and parking has never been a problem before, but we want to ensure cars do not end up off the lot waiting to be repaired. The Planning and Appeals Board (PAB) unanimously recommended approval at the June 3, 2020 meeting.

Councilman Schoenherr was happy an empty building was being occupied. Mayor Hall had concerns about parking cars off site but wished the business well. Michael Woods, attorney for the business came to the podium to address the council. This project coincided with the beginning of the COVID-19 pandemic potentially delaying the special exception hearing until July or August, stated Mr. Woods. City staff worked very hard for this project to go before the Planning and Appeals Board and get in compliance before coming to City Council. I would like to give kudos when deserved and it really was in this case, said Mr. Woods. Councilman Young requested that Mr. Woods share that information with other developers because South Daytona is open for business.

A motion to approve was made by Vice-Mayor O'Neal second by Councilman Schoenherr.

VOICE VOTE: ALL YES (5)

Ordinance No 2020-05 An ordinance of the City of South Daytona, Florida, amending Article VIII stormwater utility fee, Section 20.121 (Definitions) and Section 20.122 (Imposed) of the City's Code of Ordinances to ensure only developed commercial properties are charged a stormwater utility fee; providing for severability; providing for conflicting ordinances; and providing an effective date. **First Reading.**

The City code was not clear on how to handle vacant commercial property and stormwater fees, began City Manager Gillis. Patty Rippey, Redevelopment Director, worked toward a resolution of treating vacant commercial properties as the City does for vacant residential properties. If there is impervious area on a commercial property, which increases stormwater runoff, then stormwater fee would apply.

Mayor Hall and Councilman Schoenherr both agreed the ordinance was straight forward.

A motion to approve was made by Vice-Mayor O'Neal second by Councilman Quartier.

VOICE VOTE: ALL YES (5)

Ordinance No 2020-11 An ordinance of the City of South Daytona, Florida, amending Article III, Administration and Enforcement, Section 3.1 (D) of the Land Development Code to allow regular mail notice for public hearings before the City Council, except as required by law; repealing all inconsistent ordinances or parts thereof; providing for severability; and providing an effective date. **First Reading.**

The City's Land Development Code requires notices for public hearings be sent by certified mail, stated Mr. Gillis. Staff found an inordinate number of certified letters were being returned to sender due to a lack of anyone at the address available to sign for it. State law does not require the notice be sent certified mail in most cases, so in an effort to save the City money and increase notification of public hearings, the revised ordinance language states that notices shall be sent by regular mail unless otherwise required by State law.

A motion to approve was made by Vice-Mayor O'Neal second by Councilman Quartier.

VOICE VOTE: ALL YES (5)

Ordinance No 2020-12 An ordinance of the City of South Daytona, Florida, amending Article III, Administration and Enforcement, Sections 3.6(E)(2)(F) of the City's Land Development Code to require landscape plans to be prepared by a registered landscape architect as required by Florida Statute in conjunction with any development requiring site plan approval; repealing all inconsistent ordinances or parts thereof; providing for severability; and providing and effective date. **First Reading.**

South Daytona's Land Development Code had no requirement for a registered landscape architect to produce landscape designs for new construction. The result are landscape plans not meeting our code requirements because they are being produced by individuals whose primary knowledge is not landscape design. Projects that do not require site plan approval, such as a minor addition to an existing commercial site, could submit a landscape plan without utilizing a landscape architect; however, those projects that require site plan approval such as new construction must submit a landscape plan designed by a registered landscape architect. Staff

would like to show some concession in a situation like the special exception you just approved where a lesser plan would suffice added Laureen Kornel, Community Development Director. This agenda item has also been recommended by the Planning and Appeals Board at the June 3, 2020 meeting.

Councilman Schoenherr wanted to ensure the City was not getting too stringent on our requirements. Councilman Young agreed, two sprinkler heads and a hedge does not require a registered landscape architect to design.

A motion to approve was made by Vice-Mayor O'Neal second by Councilman Schoenherr.

VOICE VOTE: ALL YES (5)

Ordinance No 2020-13 An ordinance by the City of South Daytona, Florida, amending Article VII, Engineering Environmental Standards, Section 7.5(B)(1) of the City's Land Development Code to require hard surface material be concrete or asphalt pavement for new construction in conjunction with any development requiring site plan approval; repealing all in consistent ordinances or parts thereof; providing for severability; and providing an effective date. **First Reading.**

The City of South Daytona requires residents to park on a hard surface at their homes but does not have the same requirement for commercial businesses, stated Mr. Gillis. By amending Ordinance 2020-13, it clarifies a business cannot have shell, gravel, or a milled parking lot on any large-scale projects that require site plan approval; it must be concrete or asphalt pavement. The Planning and Appeals Board unanimously recommended approval by City Council at the June 3, 2020 meeting.

A motion to approve was made by Vice-Mayor O'Neal second by Councilman Quartier.

VOICE VOTE: ALL YES (5)

Ordinance No 2020-14 An ordinance by the City of South Daytona, Florida, amending Article VII, Engineering Environmental Standards, Sections 5.6(A)(3)(B) and 7.5(B) of the City's Land Development Code to require paved drive aisles in commercial and industrial zoning districts in conjunction with any development requiring a site plan approval; repealing all in consistent ordinances or parts thereof; providing for severability; and providing an effective date. **First Reading.**

By amending ordinance 2020-14 the City will require paved drive aisles in commercial and industrial districts in conjunction with any development requiring a site plan approval to attract a higher level, more responsible development within the City, stated Mr. Gillis. This requirement will also ensure that emergency vehicles can traverse a site to save lives. Dirt and dust reductions will also be experienced by approving this ordinance.

A motion to approve was made by Vice-Mayor O'Neal second by Councilman Quartier.

VOICE VOTE: ALL YES (5)

COUNCIL COMMENTS

Vice-Mayor O'Neal stated that the City should apply for COVID-19 funding for future expenses and wished all

fathers a Happy Father's Day.

Councilman Schoenherr commented on our ongoing septic to sewer conversion project stating he has heard positive things about it from our residents.

Councilman Young inquired if the townhome project was still moving forward on US 1 and how the apartment complex owners have been to work with so far. Mr. Gillis replied the townhome project is moving forward and the City should receive construction plans soon. The apartment complex owners have been great to work with and they are actively looking at other property in the City for other projects.

Councilman Young went on to thank City staff for all the hard work during this difficult time with the pandemic. Councilman Young commended the Police Department on assisting the Port Orange Police Department recently, hearing compliments from other elected officials. Councilman Young expressed his congratulations to Ms. Skylar Larsen, recipient of the first annual Community Trust Scholarship.

Councilman Quartier thought having the homeowner associations working with code enforcement was a good idea to help gain compliance throughout the City and gave kudos to the Police Department stating an incident in the Palm Grove area has been resolved in a timely manner. Councilman Quartier thanked all staff for the hard work.

Mayor Hall thanked Chief Cheatham by mentioning the letter from the Mayor of Port Orange thanking South Daytona's Police Department for our assistance recently. Mayor Hall requested a proclamation be drafted and signed by all the City Council to hand to the Warner Christian Academy graduates for their drive-thru ceremony. Mayor Hall also thanked Lauren Kornel, Community Development Director, for her work on reviewing our City codes to keep them current and ensure that the City of South Daytona remains an excellent place to work, live and play.

Mayor Hall adjourned the meeting at 7:30 pm.

Recording Secretary

Mayor William C. Hall