

## MINUTES

### FACEBOOK LIVE

The South Daytona City Council met in a regular session on Tuesday, September 29, 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:** City Manager Gillis welcomed all in attendance and those watching on Facebook Live stating this is a great new avenue to engage more residents encouraging all to participate in the vision of the community in which they live. The 2020 Census was last completed in 2010 and determines the amount of Federal dollars to be used for schools, roads, hospitals and more. More residents of South Daytona have completed the census than they did in 2010 but our reporting rate is still around 65%. Mr. Gillis reminded all of the residents who have not completed the 2020 census to do so by going to [www.census.gov](http://www.census.gov).

The flagpole in front of City Hall will be illuminated with a blue light to show support for our officers and staff who work in the Police Department. It is not an easy job, but they are excellent at what they do, and we are lucky to have such a great group. Due to resident requests, pot belly pigs and backyard chickens will be on the October city council agenda allowing for them with adjoining property owner permission.

The State funded septic to sewer conversion project that has converted 170 homes and businesses to date is coming to an end encouraging residents who have not taken advantage of the no cost program to do so before it expires by contacting South Daytona Public Works at (386) 322-3080. The Windle Lane Stormwater project is nearly complete. The project is designed to reduce intersection flooding at Dorset and Oak Lea Drive. The City will install fencing around the pump station located at our Reed Canal Stormwater Control Facility due to remnants of casting nets and fishing line that has been found in our pump box which could damage the pump there.

City Manager Gillis congratulated Jason Oliva on his promotion to Finance Director and Mike Janiszewski on his new title of Information Technology Director beginning October 1, 2020. Mr. Oliva is a 14-year employee and Mr. Janiszewski is a 20-year employee. The City is proud to have them both as they have shown their dedication to South Daytona with many years of loyalty.

Finally, stated Mr. Gillis, I have been asked numerous times recently about the ECHO grant program and if

South Daytona has received funds from the grant in the past. The City has received \$880,338 over the past 15 years for projects at Reed Canal Park, James Street Park and Sensory Park (now our Park of Honor). Mr. Gillis concluded the City Manager report notifying all that FPL will be flying drones over the South Daytona area assessing the condition of their equipment.

**CITY ATTORNEY REPORT:** None

**CITIZENS TO BE HEARD:**

Rick Tarrant, 905 Wells Drive, South Daytona came to the podium requesting a pedestrian crosswalk by the wood bridge at Reed Canal Park and recommended extending the sidewalk from Citrus Avenue to Wells Drive for easier travel for pedestrians and disabled residents.

Art Giles, 957 Duncan Road, South Daytona came to the podium in support of the current city attorney stating there is a long history with the current law firm, reminding council of all the good work provided through the years and the difficulty of finding a replacement. The City has made fantastic improvements moving forward and does not want to see it take a step back.

**PROCLAMATION**

A proclamation naming October Domestic Violence Awareness month was read and presented to Savannah Weaver of the Beacon Center by Mayor Hall.

**CONSENT AGENDA**

Those matters included 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 item must be removed from the consent agenda and considered separately. (Read by Mayor Hall)

Consent Agenda Approval

Approval of minutes: September 14, 2020

**Resolution No. 2020-32** a Resolution of the City of South Daytona, Florida approving an administrative request to replace all previous versions of the City's zoning map with an Official Zoning Map meeting the requirements of Section 5.2(B) of the City's Land Development Code; providing for severability; providing for conflicting resolutions; and providing for an effective date. **First and only Reading.**

**Resolution No. 2020-33** a Resolution of the City of South Daytona, Florida, ratifying the Eastern Volusia Regional Water Authority 2020-2021 Budget and providing an effective date. **First and Only Reading.**

Consideration of approving a master agreement and associated amendment with Enterprise Fleet Management

to lease four special service trucks budgeted for the Police Department in FY 2020-2021.  
Consideration of approving the annual contract with Halifax Humane Society for FY 2020-21.

Consideration of approving the Cooperative Economic Development Agreement with "Team Volusia" for FY 2020-21 to support economic development activities.

Consideration of approving purchases with Florida Health Care Plans, Caton-Hosey Insurance, Metlife Group Benefits, Mutual of Omaha, Metz, Husband & Daughton, P.A. and Infosend, Inc, for insurance, lobbying and postage services for FY 2020-21.

Consideration of approving the Redevelopment Trust Fund Budget to be adopted as part of the final budget for FY 2020-21.

A motion was made by Councilman Schoenherr to approve the consent agenda, second by Vice-Mayor O'Neal.  
**VOICE VOTE: ALL YES (5)**

## **REGULAR AGENDA**

**Resolution No. 2020-37** a Resolution of the City of South Daytona, Volusia County, Florida adopting the final millage rate for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021; providing for severability; and providing an effective date. **First and Only Reading. Public Hearing.**

City Manager Gillis stated council had made it very clear to keep the millage rate of 7.75 as it has been in the past several years. Staff is proud to say that we have in fact balanced our budget at that rate. No discussion amongst councilmembers.

A motion was made by Vice-Mayor O'Neal, second by Councilman Schoenherr.  
**VOICE VOTE: ALL YES (5)**

**Resolution No. 2020-38** a Resolution of the City of South Daytona, Volusia County, Florida adopting the final budget for the Fiscal Year beginning October 1, 2020 and ending September 30, 2021; providing for severability and providing an effective date. **First and Only Reading. Public Hearing.**

City Manager Gillis stated he and the council have met individually and spent hours going over the budget to ensure it was bare bones and focused on the goals of reducing debt, increasing reserves and beginning the replacement of our aging capital equipment. We had a public workshop that included citizen participation to develop the budget that includes the purchase of replacement vehicles in our Police Department, the resurfacing of Magnolia Avenue from Beville Road to Big Tree Road, the replacement of several lift stations, the replacement of the playground equipment at Riverfront Park and the study of adding a crosswalk at Reed Canal Park and the sidewalk extension that were mentioned by Mr. Tarrant during citizen's participation

George Locke, 1883 Magnolia Avenue, South Daytona came to the podium inquiring if funding for a new

attorney was included in the budget, Mayor Hall replied legal funding is provided for in the budget. No discussion by council.

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

**VOICE VOTE: ALL YES (5)**

**Resolution No. 2020-36** a Resolution of the City Council of the City of South Daytona, Florida approving a +/- 1.2 acre preliminary plat for a six (6) lot minor subdivision known as "Green Acres Subdivision Extension"; establishing conditions and expiration date of approval; and setting forth an effective date.

The property owner would like to subdivide the single piece of property in the Green Acres subdivision into six (6) individual lots and will provide each with a utility hook-up stated Mr. Gillis. Staff recommends approval as it meets all requirements.

No discussion by council. A motion was made by Vice-Mayor O'Neal and second by Councilman Quartier.

**VOCIE VOTE: ALL YES (5)**

**Resolution No. 2020-41** a Resolution of the City of South Daytona, Florida revising the City's Purchasing Card Policy; providing for conflicting resolutions; providing for severability; and providing an effective date. **First and Only Reading.**

The purchasing card policy has tighter controls and is a straight-forward approach helping guide employees on correct use and allows for punishment of misuse, stated Mr. Gillis. Councilman Young appreciated the changes and Mayor Hall stated it was long overdue.

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

**VOCIE VOTE: ALL Yes (5)**

## **PUBLIC HEARING**

**Ordinance No. 2020-06** an Ordinance of the City Council of the City of South Daytona, Florida, repealing Section 10-13 (Fireworks); providing for severability; providing for conflicting ordinances; and providing and effective date. **Second Reading. Public Hearing. Past First Reading on September 14, 2020.**

City Manager Gillis explained the fireworks language in our Code of Ordinances is antiquated and that the City should follow state law when it comes to the regulation of fireworks as it is much more detailed of what exactly is allowed. No discussion by council.

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

**VOICE VOTE: ALL YES (5)**

**Ordinance No. 2020-09** an Ordinance of the City of South Daytona, Florida, amending the Consolidated Land

Development Regulations, Article V. Zoning Regulations, Section 5.5 Schedule of Zoning District Regulations, S. Community Redevelopment District Overlay adding prohibited uses L. Smoke Shop/Tobacco Store, E-Cigarette/Vape Shop, Smoking Bar/Lounge; adding definitions for purposes of Section L.; providing for repeal of ordinance in conflict herewith; providing for severability; and providing for and effective date. **Second Reading. Public Hearing. Passed First Reading on September 14, 2020.**

Ordinance 2020-09 is defining council's vision more accurately by adding prohibited uses such as smoke, vape and tobacco shops to help develop a walkable, more cohesive CRA corridor. Staff recommends these changes. No discussion from council.

Vice-Mayor O'Neal made a motion to approve, second by Councilman Schoenherr.

**VOICE VOTE: ALL YES (5)**

**Ordinance No. 2020-10** an Ordinance of the City Council of the City of South Daytona, Florida repealing and replacing Chapter 2, Article IV, Purchases, Sales and Contracts; providing for severability; providing for codification; providing for conflicts; and providing for an effective date. **Second Reading. Public Hearing. Passed First Reading September 14, 2020.**

The current purchasing policy is vague, stated Mr. Gillis. The revisions presented provide clarity and are more restrictive. Purchases from 0-\$3,000 will require a single quote and is evaluated by the department head prior to purchase. \$3,001-\$25,000, which is the City Manager's spending limit, requires three bids and purchases greater than \$25,000 require a formal bid and approval from council. The revisions are in line with State law and are recommended by staff.

Councilman Schoenherr stated it is good housekeeping.

Councilman Schoenherr made a motion to approve, second by Vice-Mayor O'Neal.

**VOICE VOTE: ALL YES (5)**

**Ordinance No. 2020-19** an Ordinance by the City Council of the City of South Daytona, Florida amending Section 16-19(13)(A) regulating the requirement for a business tax receipt for rental property to provide a rebuttable presumption of a rental agreement when someone other than the owner occupies a residential residence; providing for how the presumption is rebutted; providing for severability; providing for conflicting ordinances; and providing an effective date. **Second Reading. Public Hearing. Passed First Reading on September 14, 2020.**

The changes to Ordinance No. 2020-19 give clarity to the renter/owner agreement and coincides with State law of rental properties where the agreement can be viewed as a mortgage and the property is subject to foreclosure. Rental properties are required to have yearly inspections and have stringent utility requirements, therefore establishing and clarifying the agreement is necessary stated Mr. Gillis.

No discussion from council. Vice-Mayor O'Neal made a motion to approve, second by Councilman quartier.

**VOICE VOTE: ALL YES (5)**

## **SPECIAL CONSIDERATION**

Consideration of ceasing the Legal Services Agreement with the law firm of Scott E. Simpson, P.A. in favor of hiring a full-time employee as City Attorney.

Investigating whether it would be better for the City to continue with contractual legal services or move towards the hiring of a full-time employee as City Attorney is what is before the council tonight, stated Mr. Gillis.

Vice-Mayor O'Neal's opinion was that the City has historically not required a full-time attorney; asking what has changed now. The staff memorandum mentions the need to re-write our personnel policy and update our Code of Ordinances. The personnel policy revisions should be done by Humane Resources and the Community Development Department should complete the code revisions.

Councilman Quartier said the City is going in a new direction, with a fresh perspective. We have a new auditor, city manager and key staff; maybe it is time we have a new City Attorney.

Councilman Schoenherr stated he spoke with the City Manager about this after initially taking office and that he had hopes of employing a full-time City Attorney and he would support that, but further research is needed for what is best for the City. Stating it is not a personality issue but dollars and cents.

There are four (4) choices, began Councilman Young. Gather more information. Stay with the current law firm. Explore a new firm utilizing a Request for Proposal (RFP) process. Hire a full-time employee. Our current law firm has averaged about \$149,786 in expenses over the last decade if you remove the anomalies in 2011 and 2012. In completing my research, \$120,000 would be the minimum for in-house attorney not including benefits, stating in-house may not be any cheaper but may be more cost effective. The City Manager's opinion of staff's needs should be a factor.

Scott Simpson addressed Council. Over the last 16 years, the City has paid on average a little over \$145,000 per year for legal service. Most municipalities in the area have contracted attorneys. Only four cities have full-time in-house attorneys and they pay from \$462,000 - \$1,199,879 for those services. \$300,000 is a realistic number for an in-house attorney with an assistant, not including legal library and insurance continued Mr. Simpson. Because Mr. Gillis utilizes my services more efficiently for reviews as opposed to writing documents, there has been a cost savings since he took over at as the position of City Manager. Mr. Simpson stated he is comfortable with Council capping his hourly rate at \$175. Discussion continued. City Attorney Simpson supports Council reviewing the legal agreement and gathering more information before deciding.

After more discussion, all Council felt more information is needed to make the best decision for the residents of South Daytona and directed the City Manager to prepare an RFP for contractual legal services and a job description for a full-time employee as City Attorney to assist council on how to proceed.

Councilman Quartier made a motion to approve, second by Councilman Young for the conversation. A motion

was then made by Councilman Young to amend the motion to gather more information, second by Councilman Schoenherr.

**VOICE VOTE: ALL YES (5)**

**COUNCIL COMMENTS**

Vice-Mayor O'Neal had no further comments.

Councilman Schoenherr stated he would like to see a review of the City Charter.

Councilman Young had no further comments.

Councilman Quartier thanked all for attending in person and on Facebook Live.

Mayor Hall thanked Fire Chief Giles for the "Wet Down, Push In" event involving the new fire truck and congratulated Jason Olivia and Mike Janiszewski for their promotions.

Mayor Hall adjourned the meeting at 7:35 p.m.

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Recording Secretary

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Mayor William C. Hall