

**City of South Daytona
City Council Meeting Minutes
Tuesday, August 10, 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 6:09 pm.

Roll Call:

Present:

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

Not Present:

Vice-Mayor Doug Quartier

Deputy City Clerk Witte noted the absence of Member Quartier who is home sick and we wish him the best.

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 provided a recap of the Night Out Against Crime Parade on August 3, 2021. He recognized the CERT team, South Daytona Citizen Alert Council, Lions Club, Citizens Patrol, Edgewater Police Department, Florida Highway Patrol, Port Orange Police Department, our South Daytona Police and Fire Departments, the entire City Council and city staff for their participation. He explained that the Night Out Against Crime communicates to the community that we are together in fighting crime. City Manager Gillis recalled that even in the rain kids and families waved to those in the parade and the numerous blue lights on front porches.

Mr. Gillis announced that Fall Baseball Registration is now open for Ages 4-12 and try-outs are set for August 20th and 21st.

City Manager Gillis shared that Mayor Hall will be featured on the Case with Paula Zahn "Trail of a Monster" which will air on the Discovery Channel on Sunday, August 15, 2021 at 10:00pm.

Citizens Alert Backpack giveaway, drive through event is set for Saturday, August 14, 2021 from 9:00 am to noon at the Piggotte Center, he announced.

He also said that Vice-Mayor Doug Quartier is under the weather but said we will see him well soon as well as acknowledging the birthday of Human Resource Director Trudy O'Dell.

Mayor Hall elaborated on the case which will be featured on Sunday evening with Paula Zahn called "Trail of a Monster." He said at conclusion of the case, after 25 years, it was a pleasure to call the family to notify them that the individual responsible for the murder received a life sentence.

Item 6: City Attorney Report: City Attorney Wade Vose updated the council on items addressed since the last council meeting. He said he worked with Public Works Director Brian Peek on the statutory processes and requirements of reviewing applications for small cell towers. He consulted staff on seeking restitution

where the city was a victim in a criminal matter. City Attorney Vose said he aided in the preparation of several Ordinances as well as a legal review for the City Investment Policy with Finance Director Jason Oliva. He noted that he also reviewed the agenda in its entirety.

B. Citizens to be Heard:

Renee Holland (139 Reef Road, President of South Daytona Citizens Alert Council) discussed the Backpack giveaway drive through event set for Saturday, August 14, 2021 from 9 am to noon at the Piggotte Center. She thanked city employees, citizens, Hannah's Restaurant, Iron Axe Bar and Grill, South Daytona Lions Club for their overwhelming donations. Ms. Holland described a contingency plan if the meet the teacher event is cancelled.

Mayor Hall asked how many backpacks were ready for donation which Ms. Holland responded 700. He responded that was remarkable and thanked Ms. Holland.

C. Consent Agenda: (Items 9-12):

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 9: Approval of minutes: City Council Meeting – July 27, 2021.

Item 10: Resolution No. 2021-19. A Resolution of the City of South Daytona, Volusia County, Florida, adopting the South Daytona City Comprehensive Emergency Management Plan (CEMP), providing for conflicting resolutions; providing for severability and providing an effective date. **First and only reading.**

Item 11: Consideration of approving the Community Redevelopment Area (CRA) Targeted Business Program as was presented in tonight's C.R.A.G. meeting.

Item 12: Consideration of approving a modification to the Demolition Grant for 2919 South Ridgewood Avenue increasing the City's cost share from \$3,600 to \$7,337.50 due to asbestos being found in the building while being demolished that must be mitigated as was presented in tonight's C.R.A.G. meeting.

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

D. REGULAR AGENDA

Item 13: Consideration of approving an agreement with Matthew D. Branz, Esquire to act in the capacity of Special Master for the City of South Daytona.

City Manager Gillis explained the Special Master duties which are to enforce the code, hold hearings, assess fines, issue orders, subpoena violators and hear appeals. He said when the City Council appoints the Special Master it should be based on a joint recommendation of the City Manager and City Attorney. Mr. Gillis described the Request for Proposals (RFP) process, and said several proposals were received. A meeting was held to review the proposals and the City Attorney, City Manager and Deputy City Clerk were in attendance, he explained. He said he and the City Attorney unanimously recommend Attorney Matthew D. Branz as the City's Special Master. His experience will provide the City with a well-rounded decision maker who sees both sides of an issue as he has served as a Special Master and has represented both cities and property owners in code enforcement cases, he continued. He noted that Attorney Branz does not own property in South Daytona which avoids any potential conflicts of interest. He acknowledged the draft agreement, provided by Attorney Vose, which is for a term of five years with the compensation at \$275 per hour. Since our current Special Master hearings take place once a month and typically last around an hour, the City will experience a savings from the \$500 per month charge we were paying prior to this RFP, he explained.

Attorney Vose echoed the sentiments of City Manager Gillis and said they were impressed with the experience of Attorney Branz and feel he will do an excellent job.

Attorney Matthew Branz (142 E. New York Avenue, DeLand) thanked the City Council and said he looked forward to serving the city.

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

Item 14: Resolution No. 2021-22. A Resolution of the City of South Daytona, Volusia County, Florida, adopting an infrastructure priority list for the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act; providing for conflicting resolutions; providing for severability and providing an effective date. **First and only reading.**

Read by Attorney Wade Vose.

City Manager Gillis explained the American Rescue Plan Act (ARPA) and the allocation for South Daytona is estimated to be \$6.55 million. He summarized the four categories in which local governments can use the funds provided including assistance to households, small businesses, and nonprofits, or aid to impacted industries; employee bonuses; offsetting revenue reduction; or providing necessary investments in water, sewer, or broadband infrastructure. He said as previously discussed, the city's focus will be on infrastructure investments. Mr. Gillis recalled the budget workshop at 5:00pm where the council discussed the ageing infrastructure and the need to rehabilitate or replace city assets. He echoed Mayor Hall's mantra of "investing in us." Mr. Gillis elaborated that utilizing the funds for infrastructure improvements will assist our residents, visitors, businesses and employees.

He said this resolution provides for adoption of a priority list of improvements which lists lift stations 1 and 5, sewer pipe lining and replacement, continuous read water meter system, lift station 2, potable water main replacement, as well as lift station 6. City Manager Gillis said that although the list exceeds the 6.55 million dollars which is allocated to the city, it will be a menu to pick from since the deadline for expending the funds is December 31, 2024.

Councilman Young questioned the State of Florida's extensions of providing the funds to our local governments.

City Manager Gillis answered that originally guidance from the Federal Government explained that no extensions were to be provided, but the State of Florida has received two.

Councilman Sander said he was happy to see sewer lining replacement and he liked that we are investing in us, especially the plan to reduce our sewer bills.

Councilwoman O'Neal agreed.

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

Item 15: Consideration of Awarding the Installation of a Message Board to Replace the Existing City Hall Municipal Complex Monument Sign to PermaCraft Signs in the Amount of \$87,500 Utilizing Coronavirus Relief Funds from Volusia County as Budgeted in the Current Fiscal Year.

Read by Attorney Wade Vose.

City Manager Gillis discussed the Coronavirus Relief funds received from Volusia County last year which we planned to install a sign at the City Hall complex which emergency information could be displayed. He discussed the design and specifications which he and Parks and Recreation Director Amy Zengotita worked diligently to prepare. The four bids received were very close in price, he explained. Mr. Gillis reiterated the funds for the project were included in the current fiscal year and that the sign should be installed by the end of the year.

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

Item 16: Ordinance No. Ordinance No. 2021-10. An Ordinance of the City Council of the City of South Daytona, Florida, Amending Chapter 4 (Animals and Fowls), Article 1 (General), Section 4-9 (Keeping Fowl Prohibited) and Section 4-13 (Number of Dogs, Cats, Rabbits and Pot Belly Pigs that may be kept at Residence) of the Code of Ordinances to allow for a temporary urban chicken pilot program for the ownership of chickens on residential lots under certain conditions; and providing for recitals, administrative actions, codification, conflicts, severability, and an effective date. Recommended by Planning and Appeals Board on 6/16/2021. Public Hearing. **Second Reading.** **Passed First Hearing 7/27/2021.**

Read by Attorney Wade Vose.

City Manager Gillis said this was a citizen-initiated request, recalling the pot belly pig citizen-initiated code modification. He mentioned that the city now has issued two pot belly pig permits. He discussed the research staff conducted and the City of Port Orange Urban Chicken Pilot Program. He explained the Pilot Program is limited to residential lots and no more than 10 households can participate in the Pilot Program with one permit issued per street. He said the Ordinance presented was modified per council direction with inspections after permit approval in response to a code enforcement complaint, the requirement of written consent from abutting residential property owners only (properties over 2 acres utilize a 150-foot radius of the coop), and a limit of 4 chickens per household limit. He said the program is for one year and will expire August 10, 2022 and at that time the council can extend, remove or make the program permanent. He proposed that the program begin with more restrictive criteria and loosen if successful. He quoted Vice-Mayor Quartier who said "educate before you cite" at the last Council Meeting. Mr. Gillis promised quarterly chicken updates to the council.

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

Councilman Young said he feels this revised Ordinance captured all the modifications from the last meeting.

Mayor Hall noted this was more restrictive than he wanted and requested that Code provide 24-to-48-hour notice before inspections.

City Manager Gillis confirmed that 24-hour notice could be provided and he appreciated the idea.

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

Item 17: Ordinance No. 2021-11. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Land Development Regulations Article V, Zoning Regulations, Section 5.5, Schedule of Zoning District Regulations, Prohibiting Small Box Discount Stores and Liquor Stores within the Community Redevelopment Area; Amending Section 5.6, Supplementary Regulations, Clarifying the Regulations for Accessory Uses and Structures; Providing Regulations for Sheds and Garages; Prohibiting Motorcycle and Car Wash Special Events in the Community Redevelopment Area; Renumbering Subsections; and providing for conflicts, severability, applicability and an effective date. Recommended by Planning and Appeals Board 7/21/2021. Public Hearing. **First Reading.**

Read by Attorney Wade Vose.

City Manager Gillis introduced Community Development Director Lauren Kornel who discussed the modifications to the Land Development Code encompassed in the proposed Ordinance.

Community Development Director Kornel explained the administrative request to amend Article V, Zoning Regulations, Section 5.6, Supplementary Regulations, and Section 5.5, Schedule of Zoning District Regulations, of the South Daytona Land Development Code. She elaborated on the modifications

including clarifying accessory uses and structures, allowing for sheds that are not the same building material, color, or shape as the principal structure and requiring Homeowner Association approval (if applicable). The Ordinance also adds garage regulations where none have existed to limit the maximum square footage of a garage. Additional modifications to the Land Development Code include prohibition of bike washes, Small Box Discount Stores and Liquor Stores within the boundaries of the Community Redevelopment Area (CRA).

City Attorney Vose clarified to the council that the procedure should be to vote on the Ordinance as presented. If modifications are desired, a new Ordinance would be provided at the next council meeting.

City Manager Gillis elaborated on the vision of the Community Redevelopment Area as well as the modifications to the code which allow more flexibility with sheds for residents while regulating large garage structures on residential lots.

Mayor Hall opened the public hearing.

Alex Ford (Attorney of Landis, Graham, French PA, 145 E. Rich Avenue, DeLand, representing local property owner) discussed a pending land development application within the Community Redevelopment Area and the potential subdivision. He explained his objections to the code revision and asked the council to focus on development standards to protect the commercial corridor.

Paul Holub (1185 W. Granada Blvd, Ormond Beach) explained his experience in development and his plan to develop a property on S. Ridgewood Avenue. He discussed Dollar General and encouraged the council to visit the new store on Clyde Morris Blvd in Daytona Beach. He noted his application with Community Development and the current status.

Mayor Hall closed the public hearing.

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

Item E. COUNCIL COMMENTS

Councilman Eric Sander thanked staff for budget, as well as those members of staff who work outside in the heat. He stated they are keeping the city well maintained.


Councilwoman Lisa O'Neal echoed the sentiments of Councilman Sander and said we are going in the right direction.

Councilman Brandon Young agreed.

Mayor William C. Hall noted the tropical storm in the Atlantic and the need for hurricane preparedness. He said he recommended the City Manager prepare for a new Public Works facility and Police Department; both were built before the 1960's and are ageing buildings. He said he hopes in 2024 those buildings could be included in the Capital Improvement Plan. Mayor Hall thanked South Daytona Citizen Alert Council President Holland again and noted how remarkable the many donations especially from the South Daytona Lions Club and Hannah's restaurant. He requested that everyone take a moment for those who have gotten ill. Mayor Hall ended the meeting with a reminder to tune in to the Discovery Channel on Sunday night at 10:00pm.

Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council at 7:08 pm.


Deputy City Clerk, Becky Witte


Mayor William C. Hall