

**City of South Daytona
City Council Meeting Minutes
Tuesday, September 28, 2021, 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 6:00 pm.

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.

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 the Fire Department will host a Drive-In Movie Night presenting “Raya and the Last Dragon” on Saturday October 2nd at Reed Canal Park. The movie will begin at 7:30 pm but asked participants to arrive at 7:00 pm. Free popcorn and smores will be provided by the Fire Department. Citizens Alert will have refreshments for sale from the hot dog wagon, he explained.

Mr. Gillis said the Blaine O’Neal Memorial Golf Tournament is set for Saturday, October 16, 2021, at Cypress Head Golf Club. All proceeds benefit the South Daytona Community Trust furthering their efforts to support the residents of South Daytona.

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 to review and provide revisions to a Request for Qualifications for various types of engineering services. His staff was able to provide further assistance on the city consolidated fee schedule, he continued. Mr. Vose said he had the opportunity to assist Public Works with legal issues specifically on medians and dedicated rights of ways. Mr. Vose assisted the Police Department with a liability release for the Sheriff’s range. He said he provided revisions to the American Tower letter of intent to conform with Florida Law and continue momentum on the tower sale. Mr. Vose said he provided further advice regarding use of a real estate broker to sell the city’s vacant land parcel. City Attorney Vose noted that he also prepared, revised, and reviewed the agenda in its entirety.

B. Citizens to be Heard:

No public comments received.

C. Consent Agenda: (Items 8-11):

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: September 13, 2021, City Council Meeting.

Item 9: Consideration of approving purchases with Florida Health Care Plans, Caton-Hosey Insurance, Vose Law Firm, Metlife Group Benefits, Mutual of Omaha, Metz, Husband & Daughton, P.A. and Infosend, Inc. for routine yearly expenditures including insurance, attorney, lobbying and postage services for FY 2021-22.

Item 10: Consideration of approving an Agreement with the Florida Department of Environmental Protection for the installation of a stormwater pump at Reed Canal Park.

Item 11: Consideration of Atlas Copco Pump purchase in the amount of \$39,499 through Hydra Services Inc.

Motion by Councilwoman Lisa O'Neal to approve the consent agenda as presented. Second by Councilman Eric Sander. Motion carried unanimously.

D. REGULAR AGENDA

Item 12. Resolution No. 2021-24. A Resolution of the City of South Daytona, Volusia County, Florida adopting the final millage rate for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022; providing for severability; and providing an effective date. **First and only Reading. Public Hearing.**

Read by Attorney Wade Vose.

City Manager Gillis said that he was pleased to hold the line on the millage at 7.75 as directed by the Council. This is the fifth consecutive year we have held the millage rate at 7.75 mills, he explained. City Manager Gillis thanked the councilmembers for spending hours going line-by-line through the budget. He recalled the extensive meetings with each councilmember where a detailed review of the budget with councilmembers each asking pertinent questions and staff providing straightforward answers occurred. He recalled that we have reviewed the budget at length on four separate occasions, starting in July with the preliminary millage rate adoption, during one-on-one sessions through the summer, at the budget workshop in August, and at the council meeting where we set the tentative millage rate in early September.

City Manager Gillis provided highlights of the FY 2021-2022 budget including ballistic vests to keep our police officers safe, firefighter gear including new breathing apparatus to keep our firefighters safe, cameras in our parks to keep our residents safe. He noted that safety is important for our small community, therefore it is an important facet of this budget. He continued to highlight improvements to James Street Park including resurfacing tennis courts, a new tee ball fence, and a baseball themed playground. He discussed the anticipated makeover for the Piggotte Center including new floors, landscaping, as well as new tables and chairs. Mr. Gillis said that our police department was purchasing four new vehicles, we were also going to resurface Oriole Lane and replace two lift stations as a part of the proposed budget as well.

City Manager Gillis said this millage will be a slight tax increase to our residents due to property values increasing, approximately \$3.74 per additional month for the average household. He concluded with a

staff recommendation of adopting the millage rate at 7.75 which is the same millage rate as the past five years.

Mayor Hall noted this millage rate is 5.13% over the rollback rate. City Attorney Vose added the rolled-back rate is 7.3719 mills.

Mayor Hall opened the public hearing.

No public comments received.

Mayor Hall closed the public hearing.

Councilman Sander commented this will get us in good standing for the next fiscal year.

Motion to approve by Councilwoman Lisa O'Neal. Second by Vice-Mayor Doug Quartier. Motion carried unanimously at 6:10 pm.

Item 13. Resolution No. 2021-25. A Resolution of the City of South Daytona, Volusia County, Florida, adopting the final budget for the Fiscal Year beginning October 1, 2021, and ending September 30, 2022; providing for severability and providing an effective date. **First and only Reading. Public Hearing.**

Read by Attorney Wade Vose .

City Manager Gillis explained this budget paves the way to replace neglected capital and plans for the future. He explained the staff and most importantly the council looks towards a robust future for the four (4) square mile paradise we call South Daytona. Mr. Gillis discussed how proud staff is of the direction that we are heading in and the ability to adequately plan for the future rather than taking things day by day. He explained that we are incrementally planning for the bright future of South Daytona. He concluded saying staff recommends approval of Resolution 2021-25, adopting the budget for Fiscal Year 2021-2022.

Mayor Hall opened the public hearing.

No comments received.

Mayor Hall closed the public hearing.

Motion to approve by Councilman Eric Sander. Second by Councilwoman Lisa O'Neal. Motion carried unanimously at 6:12 pm.

Item 20. Ordinance 2021-02. An Ordinance of the City of South Daytona, Florida amending Section 2-8, "Investment of Municipal Funds," of Article I, "In General," of Chapter 2, "Administration," of the City of South Daytona Code of Ordinances by revising the list of financial institutions from which securities may be purchased using municipal funds; removing authorization for investment of surplus funds in investment vehicles other than those enumerated by statute; providing for withdrawals of securities to be made by the Finance Director's designee; providing for administrative actions, codification, conflicts and severability; and providing an effective date. **Public Hearing. Second Reading. Passed First Hearing 9/13/2021.**

Read by Attorney Wade Vose.

City Manager Gillis reminded the group that the investment ordinance had not been updated since 1995. He said historically the city did not have the funds available to invest, which is why our investment policy is outdated. He said now that the City may receive funds in excess of those required to meet current expenses, City staff has revised the investment policy in order to begin an effective short-term investment program.

He said adopting of Ordinance No. 2021-02 amending section 2-8 "Investment of Municipal Funds" in the City's Code of Ordinances is the first step. After the adoption of Ordinance Number 2021-02, consideration of Resolution Number 2021-26 will provide the detail of the City's investment policy, he explained. He commented the outdated Ordinance and policy was an audit comment to be addressed this year. He concluded saying that staff recommends adoption of Ordinance 2021-02.

Mayor Hall opened the public hearing.

No comments received.

Mayor Hall closed the public hearing.

Councilman Young thanked staff for including his feedback from the last council meeting and noted his additional communication with staff last week on the investment policy. He said all of his questions and concerns were answered and likes the direction this takes.

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

Item 15. Resolution 2021-26. A Resolution of the City Council of the City of South Daytona amending the City of South Daytona's investment policy for municipal funds; and providing for conflicts, severability and an effective date. **First and only reading.**

Read by Attorney Wade Vose.

City Manager Gillis explained since the Investment Ordinance has been revised, an investment policy should be adopted. He thanked our auditor James Moore, City Attorney Vose and Finance Director Oliva for preparation of this policy. He said the foremost goal of the policy is the safety of our investments. Return of investment is of least importance with safety of the investment being our utmost goal, he continued. Mr. Gillis explained that diversification is key, and we will investment in low-risk securities in anticipation of earning a fair return for the risk assumed. The policy is similar to most local government entities because we are in the business of securing our investments instead of high risks, he reiterated. City Manager Gillis said the policy requires quarterly and annual investment reports which he said he will share with the council. He concluded with a staff recommendation for Resolution 2021-26 as paired with Ordinance 2021-02.

Motion to approve by Councilman Eric Sander. Second by Vice-Mayor Doug Quartier. Motion carried unanimously.

Item 16. Ordinance 2021-05. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Code of Ordinances to include a new Chapter 21 to be entitled "Consolidated Fee Schedule"; providing for consolidation of city fees and city fines; repealing and amending various provisions setting forth fee schedules, fees, penalties and fines in the City of South Daytona Code of Ordinances and Land Development Regulations; repealing fee schedules; providing for cross-references to the new Consolidated Fee Schedule in provisions for permits, fees, penalties, and fines; amending the number of permitted off-premise garage sale signs; providing for administrative actions, codification, conflicts, and severability; and providing for an effective date. Recommended by Planning and Appeals Board 7/21/2021. **Public Hearing. Second Reading. Passed First Hearing 9/13/2021.**

Read by Attorney Wade Vose.

City Manager Gillis credited Becky Witte, Deputy City Clerk who worked diligently to provide this proposed ordinance of the consolidated city fees. He said that currently City fees are located in various codes,

ordinances and resolutions. Consolidation of city fees in the Code of Ordinances is another way to improve customer service and transparency of city operations, he explained. The goal is to review the fee schedule with the council at least annually (in September) and to make modifications as needed. He concluded that staff recommends approval of the consolidated fee schedule, Ordinance 2021-05.

Mayor Hall opened the public hearing.

No comments received.

Mayor Hall closed the public hearing.

Councilman Sander noted his appreciation the hard work of the consolidation of fees.

Lisa O'Neal echoed the sentiment.

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

Item 23. Ordinance No. 2021-06. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Land Development Regulations Article II., Definitions, Section 2.2., Terms Defined, and Article V. Zoning Regulations., Section 5.6., Supplementary Regulations, Providing Regulations for Shipping Containers; Renumbering Subsections; and providing for conflicts, severability, applicability and an effective date. Recommended by Planning and Appeals Board with comments on 8/18/2021. **Public Hearing. Second Reading. Passed First Hearing 9/13/2021.**

Read by Attorney Wade Vose.

City Manager Gillis said that shipping containers are not allowed in any zoning district and the prohibition has been enforced for at least his tenure of 18 years. He noted that shipping containers are not permitted in Daytona Beach or Port Orange and most entities treat shipping containers for what they are, large metal boxes to ship goods by rail or transport ships. The abundance of shipping containers makes them inexpensive to purchase so the business community requested to allow the use of shipping containers within the City, he explained. In consideration of this request, staff had the challenge of accommodating the request while keeping the architectural integrity of our commercial corridors. He commented on the presented picture which was a property within South Daytona although most of the shipping containers have since been removed. Unregulated use of shipping containers is not in accordance with our goals and vision of our city, he explained. City Manager Gillis noted the challenges of keeping with the architectural character, and preventing living or conducting business within the container, concluding the proposed ordinance is staff's proposed solution.

He highlighted some items within the Ordinance including shipping containers would be restricted to those properties within the Business Heavy Commercial (BHC) zone and on those properties which have an existing non-conforming use that would be permitted within the BHC zoning district. The ordinance prohibits the use of shipping containers within our Community Redevelopment Area (CRA), he added. Mr. Gillis continued to explain the proposed ordinance requires qualified properties to be at least one acre in size with two shipping containers being allowed per acre for a maximum of four on any one given site. He explained to protect the life, health and safety of the public, the proposed shipping containers shall not be permitted as living quarters or office workspace therefore no plumbing, electric or air conditioning shall be permitted inside of a shipping container to ensure the unit will not be occupied. Mr. Gillis detailed the material to be stored in the shipping containers are subject to review by the Chief Building Official and Fire Chief to ensure the materials stored within are not hazardous.

Of significant importance is that the shipping containers must be placed in an eight-foot masonry block enclosure with a stucco finish painted to match the color of the principal structure, he said, which brings architectural consistency with the principal structure. City Manager Gillis said the shipping container must also sit on a concrete slab at a minimum of 4 inches to ensure level placement and prevent weeds from growing in and around them. If there is concern of the concrete slab stability, the slab can be made thicker, he explained. The location of the enclosure is proposed to be in the rear yard of a property behind the principal structure, City Manager Gillis said. Language regarding a prohibition of fabrication of the shipping containers was added within the body of the Ordinance. The revision adds that no additional doors, windows, or partitions be added to the container as requested by Mayor Hall.

Mr. Gillis said that when presented before the PAB on August 18, 2021, the board members voted 5-1 to recommend approval of the ordinance to the City Council provided that consideration be given to those properties outside of the BHC, the placement of shipping containers be allowed on the ground, allow the use of landscaping instead of a masonry wall enclosure and the allowance of electric and air conditioning in the units.

City Manager Gillis said that staff believes the recommendation of the PAB is contrary to the City's goal of creating and maintaining aesthetically appealing commercial corridors and could create a condition where individuals could reside in or conduct business within the container. As a result, staff is recommending the approval of the proposed ordinance as originally written, he reported, and believes is a compromise which allows the business community to gain the use of shipping containers for storage while maintaining the integrity of our commercial corridors, ensuring commercial corridors do not appear as a railroad stockyard. Staff recommends adoption of the Ordinance, he concluded.

Mayor Hall opened the public hearing.

Chad Collins (800 Big Tree Road) said he felt the rule is confusing and questioned why we need a new rule. He said it creates a hardship on businesses, noting the recent pandemic. Mr. Collins said a slab and eight-foot concrete wall is two-thirds of the way there and a building could be built. He discussed the Planning and Appeals Board meeting which this item was discussed for over one hour. Mr. Collins said he has noticed an antibusiness trend and requested a roll call vote.

Alex Ford (145 E. Rich Ave, DeLand) said he was representing Yelvington Big Tree LLC, 802 Big Tree Road. He discussed the intent of the change was to assist business owners and both owners spoke at first reading requesting accommodations. He requested delaying the vote and allowing the business owners along with their attorneys, the city attorney and staff to work out the few details concerning the business community. Mr. Ford asked for the council to pass regulation that works for everyone and delay the vote.

Nika Hosseini (231 North Woodland Blvd., DeLand, Cobb and Cole) echoed Mr. Ford sentiments. She thanked staff, the planning board and council. She explained that she agrees with regulations for shipping containers. She recalled the previous Planning and Appeals Board meeting where this topic was discussed for almost two hours. She requested the council delay the result tonight and utilize the Planning and Appeals Board recommendations as well as allow for existing non-conforming uses. Attorney Hosseini concluded that they are in support of regulations and keeping the city beautiful but requested delaying the process to create an ordinance that would work for everyone.

Renee Holland (139 Reef Road) said she is a current resident and former business owner of the city. She said she never would have asked for Shipping Containers. Ms. Holland said she has been in the city for over 30 years and didn't know we had shipping containers. She encouraged looking out for the best interest of the city and recommended not allowing shipping containers.

Mayor Hall closed the public hearing.

Councilman Young questioned shipping containers currently in the Code. Attorney Vose answered that there is currently an appeal of the Special Master Order where he found the use of shipping containers was a violation of city code. The Special Master found that a shipping container was an accessory structure and did not conform with our code. Attorney Vose said as he understands the prohibition of shipping containers has been the position of the city for decades. He explained this ordinance is effectively a liberalization and provides for the use in certain districts. Currently shipping containers are a prohibited accessory structure, and this change would allow the use under certain conditions, he concluded.

City Manager Gillis noted that since first reading two weeks ago, three (3) more commercial properties have brought in shipping containers. Passage of this ordinance would make the city an anomaly of allowing shipping containers, he said.

Councilman Young clarified with input from City Manager Gillis that those businesses with shipping containers, if the ordinance is adopted, will have the opportunity to conform to the new regulation or go in front of the Special Master who could impose a per day fine or issue an abatement order. Councilman Young requested clarification of the inability to “grandfather” in the shipping containers. City Manager Gillis explained why the city is unable to “grandfather” those existing containers and elaborated that staff does not know how many properties have shipping containers, nor how many containers those properties may have.

Vice-Mayor Quartier asked if the Planning and Appeals Board was aware of the Special Master’s ruling. City Attorney Vose answered that it was discussed at length.

City Manager Gillis said that at the last meeting Mayor Hall asked whether a business owner who spoke at the last council meeting had a business tax receipt for the numerous shipping containers he had on his property. Mr. Gillis said he researched and confirmed with property owner that there was no business tax receipt for the property or the business who had the numerous containers there.

Vice-Mayor Quartier clarified that, per the special master, shipping containers are not allowed and people with shipping containers should work with code to gain compliance.

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

E. COUNCIL COMMENTS

Councilman Brandon Young shared that he was honored to sit on the education committee for the local Port Orange South Daytona Chamber. He said the focus this year is on workforce development, being a liaison between businesses and schools, connecting businesses with volunteer needs and future career expos. He said the goal is to create opportunities for life experiences. He discussed the completed 2020 census and upcoming redistricting. He announced upcoming joint meetings of the Volusia County School Board and County Council October 11, 18, and 28, 2021. He said he is working with School Board Member Burnette. He said 1,157 South Daytona kids are within the school district. He concluded by encouraging everyone to follow the process as school districting is a very important issue in South Daytona.

Vice-Mayor Doug Quartier said that last weekend the Kailynne Quartier Memorial Ride Event went very well. He said the Parks Director did an excellent job and he looks forward to the movie in the park on Saturday. He noted the positive direction of being able to invest funds in the upcoming years.

Councilwoman Lisa O’Neal asked City Manager Gillis how the chicken pilot program is progressing. City Manager Gillis answered that a total of three (3) households have been interested with two (2) permits


issued and one (1) in review. She asked if there has been any issues or complaints. City Manager Gillis responded no which is a direct result of requiring neighbor approval prior to a property owner being allowed to have chickens.

Councilman Eric Sander commented the council received more comments from chickens and pot belly pigs than we received for the proposed budget. I believe this is a direct result of our residents trusting us as a council to do what's right for South Daytona. He said this budget points us in the right direction for the upcoming year and it has been an honor for him to serve on the council. He appreciates being a part of the tremendous work and progress. He thanked Finance Director Oliva, he gave kudos to Public Works Director Peek for finding and saving money for the soon to be invaluable pump purchase and for all city staff members frugality. He concluded that we are setting upon a good course.

Mayor William Hall echoed the comments on the Kailynne ride. He said the ride is a wonderful event and he hopes it continues for many years. Mayor Hall thanked Citizens Alert for their assistance during the event. He commented that the hiccups were not noticeable by participants and enjoyed the outside event venue. He said he appreciated the extra effort. He commented the pleasure of hearing Attorney Vose's monthly report. He remarked that he is going on five (5) years of service as Mayor for South Daytona and sees we are moving in the right direction.

F. Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council at 6:58 pm.


Deputy City Clerk, Becky Witte


Mayor William C. Hall