

**City of South Daytona
City Council Meeting Minutes
Tuesday, January 11, 2022, 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 Manager James L. Gillis, Jr.
City Attorney Wade Vose

Not Present: None

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 an upcoming movie night set for Friday, January 28th at Reed Canal Park multipurpose field beginning at 5:00 pm. The movie will be *The Croods: A New Age*; free popcorn will be available and refreshments for purchase from the Citizens Alert Council, he said.

Mr. Gillis encouraged residents to join South Daytona Connect which provides critical information quickly in a variety of situations, such as boil water notices, severe weather, emergency alerts, as well as evacuations in the city. When signing up, the resident can specify to receive notification through their home, mobile or business phones, email address, or through text messages alerts, he explained. He described the importance of the alert system, how to join and the recent need during a December precautionary boil water notice.

City Manager Gillis discussed the Flag Football season which recently began. He said Citizens Alert will be selling refreshments during the games and encouraged residents to attend.

Item 6: City Attorney Report:

City Attorney Wade Vose provided an update on items addressed since the last council meeting. Mr. Vose informed the Council that the city was successful in a Litigation Case which was a second-tier appeal of a code enforcement fine reduction manner. He said that along with his team

members, the law firm has been assisting Code Enforcement with a number of different issues including a newly filed appeal his firm just received. Attorney Vose discussed the preparations for highly contested Code Enforcement hearing last week which was unfortunately postponed due to Covid. Staff and members of his firm worked on the unfit structure determination which is on the agenda for council review this evening.

City Attorney Vose said he reviewed and approved the documents for the closing of the Cell Tower sale which is scheduled in the upcoming week. He worked with Planning staff, Laureen Kornel and Patty Rippey on the former Cemex property.

Mr. Vose said the annual audit letter was awaiting information from the city's insurance defense council and that information was received minutes before the meeting. He said that should be finalized soon.

City Attorney Vose also said he reviewed the agenda in its entirety.

Councilman Sander and Councilwoman O'Neal thanked City Attorney Vose for his report.

B. Citizens to be Heard:

Theresa Winand (1046 Palmview Drive) discussed her registered feral cat colony and recent challenges.

Debbie Connors (Port Orange South Daytona Chamber) introduced Kimberly Dillion, Chamber Chair of the Board and discussed a recent meeting on traffic issues as well as the upcoming Mayor's breakfast on February 2, 2022. Ms. Connors also discussed recent business visits with assistance from Director Dan Morris. She said that Michael Agri is also on the Board of Directors for 2022.

Kimberly Dillion (Port Orange South Daytona Chamber) said she looks forward to continuing working with the city.

Darlene Kochendoerfer (5571 Lancewood Drive / Port Orange Cats) discussed the TNR (Trap Neuter and Release) program and offered her assistance to the city with the TNR program.

C. Consent Agenda: (Items 8-9):

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: December 14, 2021, Council Meeting

Item 9: Resolution No. 2022-04. A resolution of the City of South Daytona, Florida calling for a General Election to be held August 23, 2022, and a Runoff Election to be held November 8, 2022 (if necessary) for the purpose of electing council members for Seat 2 and Seat 3; setting forth the dates for qualifying; authorizing appointment of the clerks, inspectors and deputies; designating polling places for the voters; appointing Lisa Lewis as Supervisor of Elections and custodian of the voting machines; designating the Deputy City Clerk as election official; providing for the dates and times of opening the polls and early voting; designating the Volusia County Canvassing Board as certifying authority for the election; and providing an effective date. **First and only reading.**

Motion to approve the consent agenda as presented by Councilwoman Lisa O'Neal. Second by Vice-Mayor Doug Quartier. Motion carried unanimously.

D. REGULAR AGENDA

Item 10. Consideration of approving an agreement with Warner Christian Academy for the use of Blaine O'Neal Park for their 2022 Softball Season.

City Manager Gillis explained that Consideration Items 10 and 11 are similar. He discussed the underutilization of Blaine O'Neal Park and the ability to foster relationships with Warner Christian Academy and Atlantic High School through a partnership to utilize the field. He said both Warner Christian Academy and Atlantic High School have utilized the fields in the past with an informal agreement. Mr. Gillis said he prefers a more formal arrangement and a transparent agreement.

Mr. Gillis said Warner Christian Academy's Athletic Department contacted the City's Parks and Recreation Department with the idea of beginning a girls softball league in the Spring of 2022. Warner currently does not have a softball field on campus and while there are no softball fields in South Daytona, it would be a shame to turn down this request and force a high school within our community to seek field usage outside of our municipal limits. Since the baseball field at Blaine O'Neal Park is currently underutilized, it can be modified temporarily to accommodate the request.

Seven girls were at the Softball practice earlier this week, Mr. Gillis said, and the only modifications needed for the field to accommodate softball is to shorten the infield base distances and demark a flat pitching mound area in the infield grass. These slight modifications will give Warner a useable softball field on a one-season trial basis since interest in the sport and the level of participation are unknown at this time.

City Manager Gillis said City Attorney Vose created an agreement for the terms and conditions of use for Council consideration including Warner Christian to use the field free of charge but must maintain a Comprehensive General Liability Insurance Policy of at least \$1,000,000, with the City being named as an additional insured, and hold the City harmless from all potential liabilities and claims. The agreement, if approved, will begin once executed and run until April 27, 2022, with either party having the right to terminate the agreement with or without cause, he concluded.

Councilman Young said he supported the idea of the partnerships but expressed concern with overtaxing our staff. He noted that it seems contradictory to the direction the council has taken with the recreation department and utilization of our facilities. Councilman Young compared the free use of the fields to rental of the Piggotte Community Center where a fee would be required.

Councilman Young suggested the Softball team utilize the James Street Park field instead of the Blaine O'Neal field and explained that staff may have to invest more time into a field that is not made for softball.

Councilman Young concluded that he supports partnerships and the building of relationships, but the agreement feels contrary to council decisions and actions.

City Manager Gillis explained this would be a trial basis and agreed with the suggestion of modifying a field at James Street Park to a softball field. He continued to explain that it would be wonderful to have a recreational women's softball program in the city as well.

Councilman Young said he was concerned with staff time to maintain.

Motion to approve by Councilwoman Lisa O'Neal. Second by Councilman Eric Sander. Motion carried 4-1 with Councilman Brandon Young voting no.

Item 11. Consideration of approving an agreement with Atlantic High School for the use of Blaine O'Neal Park for their 2022 Baseball Season.

City Manager Gillis said Atlantic High School has a baseball field on campus but there are no lights for the field which causes home games to be cut short. Atlantic High School reached out to the city and asked for a partnership since most, if not all, of our South Daytona kids attend Atlantic High School. He explained the agreement is the same as the agreement with Warner Christian Academy which includes to use the field free of charge but must maintain a Comprehensive General Liability Insurance Policy of at least \$1,000,000, with the City being named as an additional insured, and hold the City harmless from all potential liabilities and claims. The Atlantic High School Baseball Season will begin in late January and end May 31, 2022, he said. Staff recommends the Council approve the Use Agreement with Atlantic High School for use of Blaine O'Neal Park for their 2022 Baseball Season.

Councilman Young said he echoes the comments he made during Consideration Item 10.

Motion to approve by Councilwoman Lisa O'Neal. Second by Councilman Eric Sander. Motion carried 4-1 with Councilman Brandon Young voting no.

Item 12. Resolution No. 2022-02. A Resolution of the City of South Daytona, Florida approving an inventory list of municipally owned property that is appropriate for use as affordable housing pursuant to Section 166.0451, Florida Statutes, providing for conflicts, severability, and an effective date. **First and Only Reading. Public Hearing.**

Title of Resolution No. 2022-02 read by City Attorney Wade Vose.

City Manager Gillis explained that Florida Statute 166.0451 requires the City to evaluate all municipally owned properties every three years to determine which would be suitable for affordable housing. The city last conducted such a survey in February 2019 and at that time there were no properties suitable for affordable housing. Since that time, the city has not acquired any property that would be suitable for affordable housing. Staff requests the City Council approve Resolution No. 2022-02 for compliance with Florida Statute 166.0451 following the Public Hearing.

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

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

Item 13. Resolution 2022-03. A Resolution of the City of South Daytona, Florida; adopted pursuant to Chapter 5 (Building, Housing and Structural Regulations, Article X (Dangerous Structures) of the South Daytona Code of Ordinance finding the structure located at 530 Elizabeth Place, South Daytona, Florida is unsafe and unfit for Human Habitation; authorizing the City to proceed with the Declaration of Unsafe Structures and proceed with any and all available legal remedies as needed to remove all unauthorized occupants and secure the structure; providing for conflicts, severability, and an effective date. **First and Only Reading. Public Hearing.**

Title of Resolution No. 2022-03 read by City Attorney Wade Vose.

City Manager Gillis said that after the City Council meeting on November 9, 2021, staff was approached by neighbors who claimed that people were living in the subject house without water or electric services. Upon inspection, the Chief Building Official determined that there were individuals occupying the house along with a small child without electric or water service and in dilapidated, unsanitary conditions.

The house located at 530 Elizabeth Place was owned by Ms. Caroline K. Vann until her death over ten years ago. Her daughter, Carolyn V. Vann, then occupied the house until her death in June 2020. Carolyn V. Vann had a son who was living with her in the house, but he too passed away in June 2021. This left the house unoccupied without a lawful owner. The occupants could produce no legal instruments to prove that they had the authority to occupy the dwelling, he explained.

City Manager Gillis said the property is adjacent to South Daytona Elementary School and there have been 20 calls for Police Service at this address in 2021 with one being an accidental overdose death.

The occupants have no right to occupy the structure and a child is in residence without electric or water service, Mr. Gillis explained. City Attorney Vose was consulted and determined pursuant to Chapter 5, Article X of the City's Code of Ordinances the City Council must determine if the structure is unsafe from human habitation.

City Manager Gillis said staff recommends Resolution No. 2022-03 be approved as written and an order be issued for the city to remove all unauthorized occupants and secure the property located at 530 Elizabeth Place if water and electric utility services are not restored within 24 hours. Mr. Gillis explained that if the services are not restored and the occupants remain, the Council is providing staff the authority to use any legal means to remove the unauthorized occupants and secure the structure.

Mayor Hall opened the public hearing.

Luann Day (2164 Evergreen Terrace) noted that she was a neighbor and described the condition of the property. She said the home needs to be boarded up and thanked the Council and City Manager Gillis for their hard work for taking control of the situation. She said the unauthorized occupants were packing a U-Haul truck last night and speculated that they have the expectation of relocating.

Mayor Hall closed the public hearing.

Councilman Young clarified the process of declaring a property unsafe for Human Habitation.

Attorney Vose discussed the International Property Maintenance Code adoption, and the determination is made by the City Council instead of the Building Official.

Councilman Young elaborated our code provides for checks and balances.

Councilman Sander agreed securing the property was important, especially since it is adjacent to the Elementary School.

Vice-Mayor Quartier asked how long they have been without power and City Manager Gillis replied approximately four (4) months.

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

Item 14. Ordinance No. 2021-03. An Ordinance of the City of South Daytona, Florida, amending the City's Comprehensive Plan to create a new Private Property Rights Element; and providing for administrative actions, conflicts, severability, and an effective date. Recommended by the Planning and Appeals Board on October 20, 2021. First Reading held on November 9, 2021. **Second and Final Reading. Public Hearing.**

City Manager explained in July, Governor DeSantis signed HB 59, amending Section Florida Statutes (Chapter 2021-195-Laws of Florida) requiring every local government to adopt and include a property rights element in its Comprehensive Plan. This is a housekeeping item to comply with the new State law, he said. Mr. Gillis said the proposed new element includes the following: the right of a property owner to physically possess and control his or her interests in the property; the right of a property owner to use, maintain, develop, and improve his or her property for personal use; the right of the property owner to privacy; the right of a property owner to dispose of his or her property through sale or gift.

He explained these items are already afforded to each property owner, but the Ordinance follows the new State law by including it into our Comprehensive Plan and staff recommends that the City Council approve the Second and Final Reading of Ordinance No. 2021-03.

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

Motion to approve by Councilman Brandon Young. Second by Vice-Mayor Doug Quartier. Motion carried unanimously.

Item 15. Ordinance No. 2021-12. An Ordinance of the City of South Daytona, Florida, amending the official Zoning Map by changing the zoning of 2900 S. Ridgewood Avenue, Parcels 5333-11-00-0070 and 5333-11-00-0100 from "Light Industrial" to "Planned Unit Development" (PUD);

providing for conflicts, severability, applicability, and an effective date. Recommended by the Planning and Appeals Board on 11/17/2021. **Second and Final Reading. Public Hearing.**

Title of Ordinance No. 2021-12 read by City Attorney Wade Vose.

City Manager Gillis explained this is a request to rezone 2900 S. Ridgewood Avenue, the old CEMEX plant, which has set idle for many years and is an eyesore within our Community Redevelopment Area (CRA). He said this Ordinance rezones the property from Light Industrial to Planned Unit Development (PUD) which ensures any development on the site will be residential in nature and will require Council approval prior to construction. He explained that the developer who is purchasing the property plans to develop a luxury apartment complex mimicking the complex at 3230 which is now essentially at full capacity. City Manager Gillis said that the council will approve the development agreement at a future date. City Manager Gillis said staff recommends approval of the Ordinance which will change the whole south end of the Community Redevelopment Area.

Mayor Hall opened the public hearing.

McGregor Love (215 North Eola Drive Orlando) on behalf of the applicant reiterated the Master Development Agreement will include the development plan, performance standards and all the particulars of the development.

Mayor Hall closed the public hearing.

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

Item 16. Ordinance No. 2021-13. An Ordinance of the City of South Daytona, Florida, amending the City of South Daytona Land Development Regulations Section 5.5 to provide for additional uses prohibited within the Community Redevelopment District Overlay; providing for conflicts, severability, applicability, and an effective date. Recommended by the Planning and Appeals Board on November 17, 2021. **Second and Final Reading. Public Hearing.**

Title of Ordinance No. 2021-13 read by City Attorney Wade Vose.

City Manager Gillis said this Ordinance adds to the list of prohibited uses within our most vital economic corridor, our Community Redevelopment Area (CRA). He described the vision for the Community Redevelopment Area including a cohesive, walkable commercial corridor, full of vitality. He explained that storage facilities are not included in this vision. Mr. Gillis explained the Ordinance will add storage facilities as a prohibited use within our CRA and continued to explain that storage facilities do not fit in the vision and do not add economic vitality.

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

Councilman Young clarified that those current storage facilities within the CRA are able to remain. City Manager Gillis confirmed and elaborated it would prevent future storage facilities.

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

E. COUNCIL COMMENTS

Councilman Eric Sander said happy new year and he is thankful for the citizen involvement and comments. Councilman Sander said he may attend the meeting regarding Cats with City Manager and the residents who spoke during the meeting. He also thanked city staff for doing great work as always.

Councilwoman Lisa O'Neal echoed the sentiments of Councilman Sander and wished everyone a Happy New Year.

Councilman Brandon Young also wished a happy new year and thanked citizens for their attendance. He added he agrees TNR programs work. He expressed his appreciation for the citizen involvement and comments. Councilman Young concluded his excitement for the development on the horizon and ready for breaking ground with golden shovels.

Vice-Mayor Doug Quartier said he hoped everyone had a good new year and he is looking forward to this year. He expressed he is looking forward to the many Parks and Recreation Events during 2022 as well as the use of Blaine O'Neal fields this spring. Vice-Mayor Quartier noted the field use may be temporary for Atlantic High School until lights are added to their home field but looked forward to the partnership. He concluded that he is glad we are working with the local schools as we do with South Daytona Elementary.

Mayor William Hall announced the Outstanding Business Awards presented to the Enclave at 3230 as well as L&S Enterprise (Segrave Street) along with City Manager Gillis and Redevelopment Director Patty Rippey. He said approximately 8 to 9 outstanding businesses will be recognized this year. Mayor Hall discussed the Reed Canal Park Little Free Library which is in need of books. He said Parks Director Amy Zengotita will assist in collecting the books and previous Mayor Windle delivered a bag of books on Monday.

Mayor Hall discussed the first Elected Officials Roundtable in Deltona on Monday, and they discussed the large number of Covid 19 cases, vaccines availability, affordable housing initiatives, roads and infrastructure with a hint towards establishing a committee to look at the ½ cent sales tax on the 2024 ballot, opioid litigation and legislation, as well as several cities conducting a Mayor's fitness and wellness challenge (which he declined).

Mayor Hall said 2022 is a new year for us and our community. He reminded the group that he is somewhat of a history buff and with the help of Becky Witte, a picture of the first Mayor of South Daytona was found through genealogy and ancestry research. Mayor Hall explained in 1935 South Daytona became a town and de-annexed from Daytona Beach. He continued to explain in 1935 a City Council was formed, and a Mayor was elected. The Mayor was T.P. Alston (Thomas Pickney Alston) and we now have his photograph. Mayor Hall said councilmembers served one-year terms at that time and when Mayor Alston became ill in 1939, Edith Foster took over as Mayor. This year, 2022 will be 85 years since we became a community and had a City Council. He said he would like to see us continue with "investing in us," breaking ground with golden shovels, more citizens

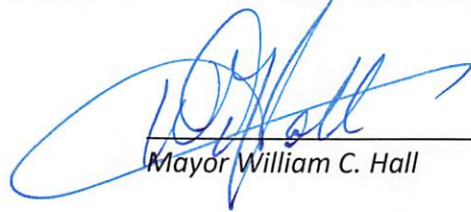
attending council meetings and have a celebration to commemorate the occasion of 85 years with a council.

Mayor Hall concluded that we are going to have a great year in 2022 and said, "let's keep pushing South Daytona forward."

F. Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council 7:02 pm.



Deputy City Clerk, Becky Witte



Mayor William C. Hall