

**City of South Daytona
City Council Meeting Minutes
Tuesday, April 12, 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 6:00pm.

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:

Mr. Gillis announced the South Daytona Community Trust is accepting applications for the 2022 Academic Scholarship. The scholarship is for \$1,500 for South Daytona High School Seniors for College, Community College or Trade school. The submission deadline is April 29, 2022, and applications with a selection committee recommendation will be brought to the South Daytona Community Trust Board Meeting on May 10, 2022, at 6:00pm.

City Manager Gillis said Baseball Opening Day is set for Saturday, April 23, 2022, at 9:00am at James Street Park. He said there are 208 participants enrolled in this years' baseball program. The James Street Park Lightning Detector Ribbon Cutting, which was a donation from South Daytona Citizens Alert Council, will occur after Opening Day Events.

Mr. Gillis said Sparkle Days will be from April 15th through April 25th, 2022. He explained Sparkle Days is for anything you can drag, push, pull, or move to the curb and those items will be collected by Public Works and Waste Pro. He said it is a wonderful time to spring clean your house and yard.

The Second Annual Mother's Day Tea Event will be held on Saturday, April 30, 2022, at 11:00am at the Piggotte Center, City Manager Gillis announced. He said the event may sell out and encouraged early sign-up by contacting the Parks and Recreation Department.

Mr. Gillis discussed the National Medicine Drop-off Day at the Police Department which will be on Saturday, April 30, 2022, from 10:00am until 2:00pm.

Item 6: City Attorney Report:

City Attorney Wade Vose provided an update on items addressed since the last council meeting. Mr. Vose provided a follow up on the risk protection order for the Police Department which was successfully entered with the court for an extended period. He said he has been working on several land development matters including criteria for planned unit developments, the planned unit development on the Cemex property, a performance bond for Edison Pointe, a single-family lot within an old master development agreement, as well as a title opinion for parking at an existing condominium within the city. Mr. Vose explained his continued work on pending litigation matters and said an attorney with his firm will be attending the Code Enforcement Special Master Hearing on Thursday. City Attorney Vose also said he reviewed the agenda in its entirety.

B. Presentations

Item 7: Proclamation: National Public Safety Telecommunicators Week - April 10 through April 16, 2022. James Soukup, Communications Center Director for Volusia County Sheriffs Officer was in attendance to accept the Proclamation from Mayor Hall.

Item 8: Donation Presentation from South Daytona American Legion Post 361. South Daytona American Legion Post 361 graciously donated \$2,500 to the Police Department and \$2,500 to the Fire Department from their Guns & Hoses Charity Golf Tournament.

Jackie Zabielski, Commander of South Daytona American Legion Post 361 presented the checks to Fire Chief Dave Giles and Police Chief Mark Cheatham. She noted that the Guns & Hoses Charity Golf Tournament event raised \$3,000 which they intended to split between the departments. After discussion from the members of Post 361, they decided to donate an additional \$1,000 per department since they were unable to donate during the COVID-19 pandemic. Chief Giles, Chief Cheatham and Mayor Hall graciously thanked the representatives from the South Daytona American Legion, Post 361.

C. Citizens to be Heard:

Robert Alkire, 1039 Palmview Drive, asked for an update on the cat colony on Palm View Drive. He discussed the issues he is facing with the colony.

Mayor Hall discussed the Trap Neuter and Release program with Mr. Alkire.

Christine Allen, 2929 Gaslight Drive, complimented Code Enforcement and requested the council look into a crosswalk on Reed Canal. Mayor Hall explained that Reed Canal is not a city road and is under the control of Volusia County.

Darlene Hoadley, 727 Steele Avenue, discussed the newly placed modular home on Katherine Street and said it is discouraging the State of Florida removes local decisions over items such as modular home placement within single-family subdivisions.

Theresa Winand, 1046 and 1050 Palm View Drive, discussed the Palm View cat colony and the great progress made to spay or neuter those cats since January.

D. Consent Agenda: (Items 10-16):

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 10: Approval of minutes: March 8, 2022, City Council Meeting and April 5, 2022, City Council Special Meeting

Item 11: Consideration of approving a Use Agreement with Volusia County for the operation of a Summer Camp for children at the James Street Park Youth Activity Building from June 6 to August 15, 2022.

Item 12: Consideration of approving an updated Affiliation Agreement between Daytona State College and the City of South Daytona to facilitate a Student Ride Along Program for potential Emergency Medical Technicians (EMTs).

Item 13: Consideration of approving a proposal for \$69,495 from Advanced Plumbing Technology (APT) to line portions of the sewer main and laterals inside the Lantern Park subdivision as budgeted in the current fiscal year.

Item 14: Consideration of approving a proposal from P&S Paving in the amount of \$126,085.02 for the resurfacing of Oriole Lane in its entirety as budgeted in the current fiscal year.

Item 15: Consideration of approving a scope change, with associated cost increase in the amount of \$45,544, for additional design work on the St Johns River to Sea (SJR2C) Loop Trail (aka SunTrail) with Mead & Hunt.

Item 16: Consideration of approving an extension to the Agreement with Giles Electric Company to allow for temporary parking at Blaine O'Neal Park while their parking lot onsite undergoes construction until May 31, 2022.

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

E. REGULAR AGENDA

Item 17. Consideration of awarding the Riverfront Veterans Memorial Park Pavilion Improvements (Bid 22-B-002) to Bliss Products and Services in the amount of \$14,673 utilizing Community Development Block Grant (CDBG) funds as identified in the current fiscal year.

City Manager Gillis explained this is part of the continued improvements at Riverfront Veterans Memorial Park. He recalled the city recently replaced the playground and swing set and to further enhance the park, pavilion improvements were planned for this year. Bids to replace the existing picnic tables within the two pavilions were solicited and were lower than anticipated, he explained. Mr. Gillis said Bliss Products and Services was the lowest responsible bidder in the amount of \$14,673. This project is utilizing Community Development Block Grant (CDBG) funds provided by Volusia County. He explained if the City Council awards the contract as recommended, the project should begin demolition of the imbedded picnic tables in the next few months and the project should be completed over the summer.

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

Item 18. Consideration of awarding the James Street Park Baseball Playground Replacement project (Bid 22-B-003) to Southern Recreation in the amount of \$141,685 as budgeted in the current fiscal year.

City Manager Gillis explained we are continuing our improvements to James Street Park and this year the small t-ball playground was scheduled to be replaced. To facilitate the timely replacement of this equipment, staff utilized a bid process for the playground with a baseball theme, he explained. Mr. Gillis explained the baseball themed playground proposed mirrors a baseball diamond including a faux stadium with lights, concession stand and ticket booth, as well as a top-notch swing set.

Mr. Gillis said approximately half of the \$141,685 will utilize Community Development Block Grant. The remaining cost of the playground has been budgeted in the current fiscal year. City Manager Gillis concluded with a staff recommendation to award the baseball playground to Southern Recreation in the amount of \$141,685 as budgeted in the current fiscal year.

Councilman Eric Sander commented he liked the design of the playground.

Councilman Brandon Young concurred with Councilman Sander and asked the useful lifespan of this type of playground equipment.

City Manager Gillis answered the lifespan is typically 20 to 25 years with proper maintenance, noting our coastal climate could shorten the longevity.

Councilman Young reiterated maintenance is the key, but we should budget a replacement in approximately 15 years.

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

Item 19. Consideration of awarding the City Pest Control Services contract (Bid 22-B-006) to Imperial Pest Prevention in the amount of \$7,896 as budgeted in the current fiscal year.

City Manager Gillis said the City currently utilizes four separate companies for our pest control needs (Liberty Lawn, American Services, Dave’s Pest Control and Orkin) with no current formal agreements. He explained staff solicited bids to consolidate these services and several companies submitted bids. Imperial Pest Prevention, a local company was determined to be the lowest, responsible bidder with an annual cost of \$7,896 which will equate to an annual savings of approximately \$9,000 per year. City Manager Gillis thanked Deputy City Clerk Witte for initiative in soliciting the bid and working towards this consolidation of services. He concluded with a staff recommendation to award the City Pest Control Services contract (Bid 22-B-006) to Imperial Pest Prevention in the amount of \$7,896 as budgeted in the current fiscal year.

Councilman Young expressed his satisfaction in selecting a local business.

Councilman Sander echoed the sentiment of Councilman Young and said that utilizing local companies typically saves the city money.

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

Item 20. Ordinance No. 2022-01. An Ordinance of the City Council of the City of South Daytona, Florida, making a Small-Scale Amendment to the Future Land Use Map of the City’s Comprehensive Plan by changing the Land Use Designation of 2900 South Ridgewood Avenue, Parcel 5333-00-00-0100, from Light Industrial to Mixed Use 2; and providing for conflicts, severability, applicability, and an effective date. Recommended by the Planning and Appeals Board on February 16, 2022. First Reading held on March 8, 2022. **Second and Final Reading. Public Hearing.**

City Attorney Vose read the title of Ordinance 2022-01.

City Manager Gillis explained the Second Reading of this Ordinance is part of the process in the redevelopment of the Cemex property. He continued to explain the property was comprised of three separate parcels, two of which have been rezoned to a Planned Unit Development and this is the third and final parcel which holds the retention pond. Mr. Gillis said staff is finalizing the Master Development Agreement with the Developer noting it will be presented at a future Council Meeting. He also said he along with Redevelopment Director Rippey, Community Development Director Kornel recently met with the Developers who are eager to begin the project and hope to move up the demolition date.

He explained the Site Plan and Master Development Agreement will be the next steps for review by the City Council and concluded with a staff recommendation for Ordinance 2022-01.

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

Motion to approve by Councilman Brandon Young. Second by Councilman Eric Sander. Motion carried unanimously.

Item 21. Ordinance No. 2022-03. An Ordinance of the City of South Daytona, Florida, amending the Official Zoning Map by changing the zoning of 409 Big Tree Road, Parcels 5344-16-00-0534, 5344-16-00-0546, 5344-16-00-0548, and 5344-16-00-0532 from Light Industrial (LI) and 5344-16-00-0547 from Business General Commercial (BGC) to Planned Commercial Development (PCD); providing for conflicts, severability, applicability, and an effective date. Recommended by the Planning and Appeals Board on March 16, 2022. **First Reading. Public Hearing.**

City Manager Gillis said this is a request by All Aboard Storage to add two buildings to their facility on Big Tree Road. During review, staff noted the business was located on five (5) parcels in two zoning classifications, he said. Staff worked with the property owner to combine the five (5) parcels through a Lot Combination Agreement, encouraged them to install enhanced landscaping along Big Tree Road and added a requirement that any new building construction along Big Tree Road will be architecturally treated with non-metal building materials (ie: wood, stucco, stone, brick, glass or masonry design) for an improved appearance. City Manager Gillis stated if approved the zoning designation would be uniform, the parcels would be combined, and the Master Development Agreement would be approved.

Mayor Hall opened the public hearing.

Joy Krom, 533 Alice Place, inquired about traffic and requested a crosswalk across Big Tree Road. Mayor Hall responded that Big Tree Road is a County Road and encouraged her to connect with Billie Wheeler, our Volusia County Councilmember.

Corey Brown, Storch Law Firm (420 S Nova Road, Daytona Beach) introduced himself as a representative for the project and said he was available for any questions. He thanked staff for working on this project.

Mayor Hall closed the public hearing.

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

Item 22. Resolution No. 2022-07. A Resolution of the City Council of the City of South Daytona, Florida approving an ±8.72 acre Preliminary Plat for an 86-unit two-story townhome development at 947 Big Tree Road, Parcel 5344-16-00-1060 known as "Edison Pointe"; establishing conditions and expiration date of approval; and setting forth an effective date. Recommended by the Planning and Appeals Board on March 16, 2022. **First and only Reading. Public Hearing.**

City Manager Gillis said this is the old Price property which is zoned multifamily residential. He said the property has sat vacant for many years and is ideal for a town home development as it is sandwiched between Big Tree Shores Mobile home community and Oak Meadows Townhomes. He explained the Preliminary Plat is the first step, since the townhomes will be individually owned. Mr. Gillis said the developer will include an internal dog park and the roads and utilities within the development will be private. He explained staff included a clause within the Plat that states a special assessment will be imposed if the individual townhome owners fail to maintain the roads and utilities in the future. City Manager Gillis said this development is similar to a new townhome project in Ormond beach which he visited along with Redevelopment Director Rippey and Community Development Director Kornel. He concluded the proposed development enhances the character of the city and the neighborhood, with a staff recommendation of approval.

Mayor Hall opened the public hearing.

Corey Brown, Storch Law Firm (420 S Nova Road, Daytona Beach) said he was also a representative for this project and said he was available for any questions. He thanked staff for working on this project.

Mayor Hall closed the public hearing.

Councilman Sander commented it looks like a great project.

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

F. COUNCIL COMMENTS

Councilman Brandon Young said he is looking forward to Sparkle Days especially before hurricane season begins as well as Opening Day.

Vice-Mayor Doug Quartier echoed the sentiments of Councilman Young and noted the park upgrades and updates especially at Melodie Park which look really good. He said he is excited for the continued upgrades throughout all the parks in the city.

Councilman Eric Sander thanked city staff for their hard work this last month and noted he is hearing positive comments from the community.

Councilman Sander took an opportunity to expound on how City Government and Council Meetings work. He explained that each month there are lots of items addressed within the agenda, and each Councilmember takes adequate time to meet with the City Manager to discuss at length each item on the agenda as well as the business of the city. During one-on-one meetings with the City Manager, questions are asked with explanations and expounded details provided by City Manager Gillis, he said. The Sunshine Law requires members of the council meet only with the City Manager without communication between councilmembers until the public meeting, Councilman Sander explained. He stated that preparation, research and consultation with the City Manager is why there are few questions and discussion at the meetings. All concerns and questions are handled with the Manager prior to the meeting, he concluded.

Councilwoman Lisa O'Neal echo the comments of the other members of the Council and thanked staff.

Vice-Mayor Doug Quartier encouraged citizens to connect with members of the council, saying that he enjoys hearing from members of the community and receiving their input.

Mayor William Hall recognized Parks and Recreation Director Zengotita, noting he was surprised to see 14,000 eggs disappear in two and a half minutes on Saturday at the City's annual Easter Egg Hunt. He said the event was awesome and even the squirrels received a treat from the Easter Bunny.

G. CLOSED LITIGATION EXECUTIVE SESSION

Closed Litigation Executive Session. Pursuant to Sec. 286.011(8), Fla. Stat., the City Council, City Manager, and City Attorney will hold a closed litigation executive session to discuss the litigation captioned Yelvington Big Tree, LLC v. City of South Daytona, Case No.: 2021-31036-CICI. The discussion shall be confined to settlement negotiations or strategy sessions relating to litigation expenditures. The session is expected to last 15 minutes. The following individuals will be in attendance at the Executive Session: Mayor William C. Hall, Vice Mayor Doug Quartier, Council Member Brandon Young, Council Member Lisa O'Neal, Council Member Eric Sander, City Manager James L. Gillis, Jr., City Attorney Wade Vose, and a court reporter. All others will be required to leave the Council Chambers during the pendency of the executive session. A Court Reporter will be present to record the session and the transcript shall be made part of the public record upon conclusion of the litigation.

Mayor Hall said the City Council will now be going into an executive session to discuss the litigation captioned Yelvington Big Tree, LLC v. City of South Daytona, Case No.: 2021-31036-CICI.

He explained the subject matter of the executive session shall be confined to settlement negotiations or strategy sessions related to litigation expenditures, concerning the aforementioned litigation.

Mayor Hall said the executive session is estimated to last 15 minutes and the following individuals will be in attendance at the Executive Session: Mayor William Hall, Vice Mayor Doug Quartier, Council Member Brandon Young, Council Member Lisa O'Neal, Council Member Eric Sander, City Manager James L. Gillis, City Attorney Wade Vose, and a court reporter.

He explained the entire session will be recorded by a certified court reporter. The reporter will record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session will be off the record. The court reporter's notes will be fully transcribed and filed with the clerk within a reasonable time after the meeting.

At the conclusion of the executive session, the meeting will be reopened, and he said he will announce the termination of the session.

The session began at 6:54pm and concluded at 7:23pm.

H. Adjournment: Mayor William C. Hall adjourned the City of South Daytona Regular Meeting of the City Council 7:23pm.

Deputy City Clerk, Becky Witte

Mayor William C. Hall