

MINUTES
CITY COUNCIL MEETING
January 14, 2020
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Councilmember Mel Lindauer, Councilmember Richard Frizalone, Vice Mayor Richard Bryan, Councilmember Michael Politis

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Raymond Branch, Community Services Director Fred Hiatt, City Planner Stewart Cruz, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

6. APPROVAL OF MINUTES

A. December 10 Workshop and Council Meeting Minutes

Council member Lindauer moved, seconded by Council member Frizalone to approve the December 10th Workshop Minutes.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

Council member Frizalone moved, seconded by Council member Lindauer to approve the December 10th Council Meeting Minutes.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

7. CONSENT AGENDA:

A. Forfeiture funds for the purchase of guardian vest carriers

- B. Community Services Dept November, 2019 Report
- C. Building Division November, 2019 Report
- D. December Attorney Bill

E. Utilize forfeiture funds for training

COUNCIL MEMBER FRIZALONE moved, seconded by COUNCIL MEMBER LINDAUER to approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

8. REPORTS OF THE CITY ATTORNEY:

Attorney Branch noted that his staff report would be included with the next agenda. He has been learning the new software. There were no questions or concerns regarding his current report. CMBR Lindauer inquired about what the \$2,500 retainer covered on the monthly attorney bill. It was explained that prep work for the council meetings, agenda work, and travel were included. It was noted that questions by council members were itemized on the bill. The attorney was asked if follow-up questions after a council meeting were part of the retainer. Attorney Branch was unsure but would report back.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report for Jan 14, 2020

City Attorney Michael Booker reported on the following: Chase Bank has closed on the property adjacent to City Hall. At this time it seems corporate does not want to sell a portion of the property to the city. He will arrange a meeting with the bocce and shuffleboard players to review other locations for moving the courts; the USTA grant is moving forward; City Council pictures will be taken before the next meeting; an Administrative Site Plan has been submitted for Halifax Health; plans are in the works to increase the hours that the Community Center is open. Saturday hours will be added. ; the lights on Oceans West Blvd are being retro-fitted with LED bulbs. Speed weeks are approaching and more people will be in town, so be extra careful while walking or driving on S. Atlantic Avenue; the Mayor and City Manager will be holding several census meetings at various condos to explain the process and the importance of being counted this year; The business expo will be held next Friday from 6-8 pm and admission is free. Director Dembinsky announced that there would be another Citizens Academy beginning the end of January. It will be 14 weeks long and there are still some openings.

10. OLD BUSINESS:

A. Ordinance 2019-14 revising Ord. 2019-09 Code Enforcement Enhancements

There was no additional discussion or questions regarding Ordinance 2019-14.

CMBR Lindauer moved, seconded by CMBR Frizalone to adopt Ordinance 2019-14 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

11. NEW BUSINESS:

A. Resolution 2020-01 in support of keeping the Daytona Tortugas Baseball team

Mayor Miller explained that the franchise is in jeopardy of leaving Daytona Beach. Major League Baseball is considering cutting 42 teams from their roster once the contract expires. County Councilmember Billie Wheeler is in support of keeping the team and requested the resolution of support. Many other surrounding cities are also adopting resolutions in support of keeping the local franchise team.

CMBR Lindauer moved, seconded by CMBR Bryan to adopt Resolution 2020-01 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

B. Discussion on crosswalks

It was explained that the main crosswalk being discussed at this time is located near Oceans West Blvd. and S. Atlantic Avenue. If and when the crosswalk is moved, there are three options to be considered. The first is just to simply relocate the crosswalk at a more northerly location. The design would be the same . The second option would be to add lights similar to the crosswalk at Publix. The third option is to install a stoplight. The most cost effective way is to just relocate the crosswalk keeping the design the way it is currently. Vice Mayor Bryan recently sent an article regarding crosswalks giving pedestrians a false sense of security. The City Manager explained that we have a consultant, TEDS, that could do the work. The estimated cost is \$30,000 to relocate the existing design. One important consideration is that the new location can not block a driveway or beach access. There is a possibility that FDOT would help with the cost and it will be explored.

- C. Ordinance 2020-01: City of Daytona Beach Shores and Oceans 25, LLC Development Agreement to permit the development of townhomes on the City owned property located at 2900 S. Atlantic Avenue.

Attorney Branch read the ordinance by title. Mayor Miller than opened up the agenda item to those who wished to speak.

Mary Lightfine who stated she would be a direct neighbor felt the drawing portrayed ugly affordable housing. She felt it lacked green space, noise buffers and had dangerous entrances and exits.

Dena Burkhardt supported the development but didn't care for the unsightly buildings. She also had safety concerns regarding the entrances and exits.

Jean Marie Martinac stated that she was not against new development on the property, but felt having a smaller number of units would be a better fit. It would allow more green space and possibly include backyards for the units.

Robert Clements felt that only having 15 feet of clearance from the streets provided a negative visual impact of the development. He felt a buffer needed to be in place to mask the buildings.

Sandy Cook explained that the drawings are just conceptual drawings. The development will most likely have many changes as it moves through the site plan and permitting process. She encouraged the residents to give the development a chance.

City Planner Stewart Cruz informed the council that the property was under contract contingent upon a development agreement. The proposed ordinance must be adopted in order for the developer to move forward. The property is currently zoned for mixed use to include a five-story residential building with two commercial out parcels. Under the direction of the City Council, an RFP was sent out on the property. There was only one respondent, now known as Oceans 25 LLC. If this ordinance is approved, it will change the entitlement to the property to include 25 town homes with no commercial use. Once the DA is adopted, then a site plan would be submitted. Pictures of the property were shown that included a preliminary site plan. He stated that the Fire Marshall had approved the plans and it allowed for accommodations for various vehicles to enter and exit the property. CMBR Politis inquired if the DA allowed the city to recommend aesthetics and such. Mr. Cruz replied that it currently did not speak to those items, but they could be included.

Joe Hopkins, engineer for the developer spoke to the council. He stated that the property has many existing challenges regarding utilities on or near it. He felt the residents concerns would be addressed during site plan development. CMBR Frizalone inquired if a different concept drawing could be shown at the second reading. Mayor Miller stated that she liked beachy coastal design that was shown at one point.

CMBR Frizalone moved, seconded by CMBR Lindauer to approve Ordinance 2020-01 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 1).

Yes: Mayor Nancy Miller, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

No: Richard Bryan

- D. Ordinance 2020-02: Future Land Use Amendment CPA12019029, Atlantic Avenue Estates, LLC-Parcel ID 6302-05-07-0150/3828 S. Atlantic Avenue

Attorney Branch read the ordinance by title for the record. City Planner Cruz announced that the applicant had requested a continuance until the February 25th meeting.

CMBR BRYAN moved, seconded by CMBR LINDAUER to continue Ordinance 2020-02 until the meeting of February 25, 2020.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

12. COUNCIL COMMENTS:

CMBR Frizalone stated that it was his 19th wedding anniversary. Vice Mayor Bryan explained that he was traveling to Tallahassee for Volusia Days. There were several issues that are important to cities being addressed this year. CMBR Lindauer began by speaking about the First Step Homeless Shelter and the safe zone that is in jeopardy right now. He asked for a consensus to withhold any future payments until the safe zone is created as promised in the design. The others agreed with him. He requested discussion on whether to change their title from council member to commissioner. He also requested revisiting the potential charter changes that Attorney Groot had started. Lastly, he reminded everyone of the free business expo coming up next Friday. Mayor Miller announced that tickets were available for the upcoming Chili Night Out.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

The meeting ended at 7:21 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB