

**MINUTES
CITY COUNCIL MEETING
March 10, 2020
3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Councilmember Richard Frizalone, Councilmember Mel Lindauer, 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. City Council Minutes Feb. 25, 2020

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to approve the City Council Minutes of Feb. 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

7. CONSENT AGENDA:

A. City Attorney February 2020 invoice

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to approve the consent agenda.

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

8. REPORTS OF THE CITY ATTORNEY:

There was no City Attorney report for this agenda.

9. REPORTS OF THE CITY MANAGER:

A. City Manager report March 10, 2020

City Manager Booker reported on the following: staff will meet with Halifax Health officials who anticipate having "bid ready" documents in a week; city staff will begin work on creating a more coherent Economic Development Incentive Ordinance. He recommended suspending any new grant applications. Those currently in the process would be considered. Census meetings will begin starting tomorrow (March 11). There will be a secure computer in the Community Center for residents to use. There is definite interest from the Port Orange Chamber of Commerce to open an annex here in the City. Developer Mark Scharff who had planned on creating apartments south of Dunlawton has withdrawn his applications.

10. OLD BUSINESS:

A. Ordinance 2020-04: Amending the Daytona Beach Shores Land Development Code tree removal exemption provisions for consistency with Sec. 163.045, *Florida Statutes*.

It was explained that this ordinance allows the city to comply with the new state law for tree removal.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to adopt Ordinance 2020-04 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. 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.

City Planner Stewart Cruz provided a brief overview of his staff report. The property is currently under contract to develop 25 town-homes at 2900 S. Atlantic Avenue. The proposed development agreement would be for two years. The agreement calls for \$100,000 from the city for the sewer line relocation. As part of the economic development incentive program, the city will rebate 10% of the purchase price upon issuance of the certificate of occupancy if the project is completed within two years from the closing date. The amount would be \$80,100. The development agreement includes three deviations from the Land Development Code. They are: a front yard setback of 15 feet on S. Atlantic Avenue and 10 feet on Ridge Road, there is no commercial component as required by the Mixed Use District and there are no loading zones. The site is limited to only 25 town-homes with a deed restriction requirement. The new renderings were on display. Mr. Cruz stated that staff did recommend approval.

Joe Hopkins spoke for the developer. He stated that the development team listened to the changes that both the council and the residents requested. There are now patios and balconies on the units. The roof line is more developed showing gable roofs. The exterior coatings now have a mix of hardy board and stone. When asked how long construction would take, Mr. Hopkins responded 9 months once the site plan was approved. The Council complimented them on their response to the previous concerns.

Audience member John Hannula explained that he was a retired builder. He felt the site needed to provide more of a landscape buffer along S. Atlantic Avenue. He also was not in agreement with the setback amounts for the structures. Mr. Hopkins explained there was a large utility easement in the front of that building that does not allow and landscaping.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to approve Ordinance 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. Economic Development Grant Application 12019036: Lynn Jones-Kwik Stop Plaza-3348 S. Atlantic Avenue

City Planner Stewart Cruz explained that the item had been continued from the last meeting. The grant application was submitted on November 25, 2019. The owner would like to repave and re-stripe the parking lot and also install new modern electrical lighting. The minimum bids received totaled \$14,795. The grant program is capped at \$20,000. After a brief discussion, the council was not in favor of businesses utilizing grant funds for what they considered routine property maintenance.

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to deny Economic Development Grant Application 12019036 due to the fact it is routine maintenance.

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

C. Economic Development Grant Application 12020003: Eri's Propertys, LLC-3344 S. Atlantic Avenue

City Planner Stewart Cruz began by explaining that the property owner would like to combine both grant applications on the night's agenda. The paving and re-striping component would be removed. Council should only consider the grant to renovate the interior space of the building to transform from Beach Bagel Cafe to High Tide Kitchen, a full service restaurant. The business will extend service hours and hire additional employees. The design also included a new outdoor dining area. The business owner has been working with staff for many months to draft the proposed plans. The renovations will exceed \$80,000 but the grant is capped at \$20,000. City staff recommended approval of \$20,000 in grant funds.

The Council had a few questions for the business owner but were very impressed with the proposed plans. They looked forward to another option for evening dining.

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Economic Development Grant Application 12020004: Eri's Propertys, LLC-3344 S. Atlantic Avenue.

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

D. Economic Development Grant Application 12020004: Beach Bagel Cafe of Daytona, LLC-3344 S. Atlantic Avenue

This item was included with the above agenda item.

- E. Ordinance 2020-05: An ordinance amending various sections of Chapter 14 (Zoning Regulations) of the Land Development Code relating to outdoor dining.

City Planner Stewart Cruz provided a brief summary of his staff report. If adopted, this would allow properties who are non-conforming to establish dining structures within front and side yard setbacks. The structure would be 400 square feet or less and located no less than three feet from the property line. There are currently two applications that are in the process now. One restaurant wants to construct a pergola for dining and the other wishes to have a pavilion. The Planning & Zoning Board recommended unanimous approval.

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve Ordinance 2020-05 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

12. COUNCIL COMMENTS:

Mayor Miller explained that she wanted to hold a workshop to amend the current Economic Development Incentive program. Council decided to meet on Friday, March 20 at 2:00 pm. She reminded the audience that the next Coffee with the Mayor was the following day. She advised that the city website was updated with links to the latest information regarding the Corona Virus. CMBR. Frizalone agreed that the development incentive grants needed to be revised. He also stated that he would like all future Development Agreements to first be shown to the Planning & Zoning Board for their recommendation. CMBR. Bryan requested an update on the Treasure Island property. Code Enforcement Coordinator, Gwyn Herstein explained that so far they had not complied with the dates given by the Special Magistrate. The next meeting is March 25th.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Jeremy Stroud explained that he would like to open a new restaurant. He has had successful restaurants in Georgia. He had been speaking with the City Planner and asked the City Council for any advice. Mayor Miller advised him to continue working with City Planner Stewart Cruz.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

discussion on number of members for P & Z board, suspending economic development grant applications

15. ADJOURNMENT:

The meeting ended at 7:13 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB