

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

1. CALL TO ORDER BY MAYOR

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

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Becky Vose, 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 June 23, 2020

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes of June 23, 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. Interlocal Agreement Volusia County-Animal Control

B. Approval to award bid for PS roof to Bowhead Roofing in the amount of \$256,900

C. May Finance Report

Vice Mayor Bryan asked to remove the May Financial report for discussion.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to Approve the remaining 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

Vice Mayor Bryan requested the Finance Director to explain the city's debt obligations. Finance Director Swartzlander explained the different general obligation bonds and the note that were outstanding. He also reviewed the various bank accounts that the city had. It was explained that Bank of America was questioned about any pre-payment penalties, but had not responded prior to the meeting. Vice Mayor Bryan would like to consider paying off the debt if there were no penalties associated with it.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER BRYAN to Approve the May Finance Report.

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:

A. City Attorney Report July 14, 2020

Attorney Vose reviewed the items submitted in her monthly report.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report July 14, 2020

City Manager Booker provided a brief update on the Halifax Health Urgent Care. He reported that bids were awarded for the construction but the Corona Virus has slowed down their progress. They anticipate opening next Spring. He explained that his manager's report this month summarized last year's Visioning and Strategic Plan. He highlighted the accomplishments that had so far occurred.

10. OLD BUSINESS:

11. NEW BUSINESS:

- A. Resolution 2020-05: Temporary Moratorium On The Enforcement Of City Codes Relating To Outside Smoking Of Food At 2518 S. Atlantic Avenue

CITY PLANNER STEWART CRUZ EXPLAINED THAT WITH DIRECTION FROM THE COUNCIL, THE CITY ATTORNEY DRAFTED RESOLUTION 2020-05 AND THE ACCOMPANYING AGREEMENT TO ALLOW THE STROUDS A 90 DAY TRIAL FOR THE OUTDOOR SMOKER.

VICE MAYOR RICHARD BRYAN **Moved, Seconded By COUNCILMEMBER MEL LINDAUER To adopt Resolution 2020-05 on first reading.**

Vote: Motion Carried By Unanimous Roll Call Vote (**Summary:** Yes = 4 No = 0).

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

- B. DECLARING A STATE OF EMERGENCY DUE TO THE THREAT OF COVID-19

Attorney Vose read the title of the proclamation for the record. She explained that the City had issued an Emergency Ordinance back in March but it has to be updated every 60 days.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to Approve DECLARING A STATE OF EMERGENCY DUE TO THE THREAT OF COVID-19.

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. State of Emergency - COVID 19 Face Coverings

mayor stated city supports step up program by the county. wash up , back up mask up. Dr Woodard spoke on covid pandemic. phase 1 may in FL and its been increase. there is no vaccine and not one quickly. no true treatment. world wide 4% death rate. FL only 2%, volusia 1.8% death rate. most imp is social distancing. spread by droplets.when you can't distance, wear a mask. will help reduce the droplets from hitting you. cloth mask first standard, CDC recommends wearing a mask.

now stephan spoke on enforcing mask mandate....he explianed teh problem with trying to enforce a citation on someone. cna't ask what health condition due to hippa, both friz and polities want transparency not leaving it ambiguous for enforcemtn. mel's thoughts....up to city to decide on masks. he wants mandatory masks. other local ciites have approved a mandatory order.

rosana spoke for the PAC regarding wearing a mask. of those responded 50% no mask 50% said mask. other govt didn't mandate it like fed, state, county. govt don't tell us what to do.

carol - she feels that the local businesses should be more responsible. unfortunately many tourists are here now so more and more are shopping and eating. protect yourself.
 john schmitz - working in DB now, he agrees that officers shouldn't get involved. he agrees it is worthwhile. he does see more people wearing them in DB.
 bill dryer - agrees with chief regarding enforcement, it will be too hard.
 tiffany conway - she agrees with chief and the issue of enforcement. not a mandate.
 becky read the order for face coverings - with the words city requires. now discussion
 richard wanted to discuss his handouts
 politis is saying i'm not going to listen to this. we just unanimously passed an emerg order to allow mike to do orders. he is asking becky for legal opinion.
 friz says if we are going to mandate, you need teeth. mel is saying businesses want this.

poliits amend to strongly urge. 2nd by frizlaone. politis belives the language of strongly urge will help the businesses.
 richard now discussing the amendment. countries with mandates have low death rate. passed 3-2 so now word strongly urge.
 2nd vote now for wroding is now strongly urge not required. richard wants amendment to force business to have a sign that says wear a mask. no second. now withdrawn.
 orig motion is richard and mel for motion. with wording changed to strongly urge. richard only voted no on this one. 5 minute recess now

D. Discussion to establish a Port Orange/South Daytona Chamber of Commerce Annex in Daytona Beach Shores

Debbie Connors from the Port Orange/South Daytona Chamber of Commerce spoke to the Council. She has been working with Mayor Miller and Stacy Conomos to investigate opening a chamber annex in the city. They have found adequate office space and would provide a part time staff. The City Manager explained that it would be a pilot program for one year. If council gave consensus, the City Attorney would draft an agreement between the city and the chamber. After a brief discussion, the council gave consensus.

E. A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SETTING THE PROPOSED MILLAGE RATES FOR THE CITY FOR FISCAL YEAR 2020-2021; PROVIDING AN EFFECTIVE DATE.

The City Attorney read Resolution in its entirety. Finance Director Swartzlander reminded everyone that the budget workshop is on Friday, August 7th beginning at 1:00 pm. The first budget hearing would be on Wednesday, September 9th at 6:00pm. He recommended keeping the current millage rate of 5.23 for next year. The council could still lower the rate in September, but they could not increase it. There are some revenue sources that are still being evaluated due to the Corona Virus. The rate would be a minimal increase of \$45 annually per household. Vice Mayor Bryan wanted to postpone setting a tentative rate until more information was obtained on the general obligation debt payoffs. The remaining council didn't agree.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Adopt RESOLUTION 2020-06 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:

Vice Mayor Bryan spoke on amending the job descriptions for both the City Manager and the City Council. politis doesn't feel this is necessary. no more need to monitor. richard feels the cc hasn't been doing everything both friz now want to poll citizens and get emergency issues out

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

tony spoke of p & Z meeting. resident there from cloverleaf north. questions weren't answered by the engineer. many concerns. plea

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Mayor Miller would like to revisit allowing temporary promotional activities.

15. ADJOURNMENT:

The meeting ended at 8:42 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB