

MINUTES
CITY COUNCIL MEETING
September 22, 2020
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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

- A. A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FOR FISCAL YEAR 2020-2021; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Miller announced the agenda item. Finance Director Kurt Swartzlander explained that the Daytona News Journal made an error in printing the display ads. The ads will be reprinted in Wednesday's edition and the public hearing will be continued until Friday, September 25th at 5:01 pm. There were no changes made to either the millage rate or budget since the Sept. 9th meetings. Mayor Miller opened the public hearing but there were no public comments. City Attorney Vose read Resolution 2020-11 in its entirety. The public hearing was recessed until September 25th.

- B. A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES OF VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2020-2021; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Miller opened the public hearing on the budget. There were no public comment to be made. City Attorney Vose read Resolution 2020-12 by title only. Mayor Miller recessed the hearing until September 25th.

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

6. APPROVAL OF MINUTES

A. City Council Minutes September 9, 2020

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to approve the City Council Minutes of September 9, 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. Public Safety August monthly report

B. Community Services August 2020 monthly Report

C. Building Division August 2020 monthly Report

D. August Financial Report

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS 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:

A. City Attorney Report 9/22

Attorney Vose reviewed her submitted report. The firm had worked on Code Enforcement issues, an Economic Development grant for Go Juice, and the resolution with Bank of American for debt repayment.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report September 22, 2020

The City Manager provided an update on the construction of the 6h tennis court. It will be ready later this Fall. Beginning in October, some classes will resume at the Community Center. The IT department hopes to have the chambers ready to live stream the meetings in the near future. A few months ago, someone brought to the council's attention that the city spent 37% of the budget on personnel costs. It was intimated that this was a high percentage and out of line with select cities. The City Manager provided two tables of comparable cities both in size and coastal status, including Volusia County. Daytona Beach Shores is the 7th lowest percentage of 24 cities.

Public Safety Director Dembinsky received the 5th Amendment between Daytona Beach Shores and Volusia County for fire suppression services. It is a 2-year contract whereby the county pays \$65,000 each year. He asked that it be added to agenda for approval.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER MEL LINDAUER to Approve the 5th Amendment to the County Fire Suppression Services Agreement.

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

Mr. Booker informed the council that earlier that day, he received word from USTA that the city would receive a \$20,000 grant for the 6th tennis court.

10. OLD BUSINESS:

A. Ordinance 2020-10: Amendment to Shores 109, LLC - City of Daytona Beach Shores Development Agreement

City Planner Stewart Cruz reminded the council that this ordinance would amend an existing Development Agreement with Shores 109 LLC. The developer had to scale down the project to fit his budget due to increased construction costs. The city's obligation is still \$57,000 for two easements needed on the property. City staff recommends approval.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to adopt Ordinance 2020-10 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 2020-12: Land Development Code Amendment Relating To Expansion of Non-Conforming Single-Family Residential Uses/Structures

City Planner Stewart Cruz explained that the proposed ordinance would amend the Land Development Code to implement the comprehensive plan amendment, thereby allowing the limited expansion of non-conforming single family residential structures. The expansion would allow structures that meet the criteria to expand to "fill in" and or "square off" up to the current building footprint and no higher than the roof line. If adopted, there are very few properties that would benefit. Staff recommended approval.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve Ordinance 2020-12 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. Bank of America Bond Pre-payment Resolution

Finance Director Kurt Swartzlander explained that the resolution was a requirement by Bank of America in order to pay off the debt in advance. The resolution will allow the City Manager to pay off the debt as money becomes available. One loan is set to paid prior to September 30th of this year. The remaining two would be paid in 2021 once the tax revenue is collected. This allows the city to be debt free while not raising taxes.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER MEL LINDAUER to adopt Resolution 2020-13 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

C. Economic Development Grant Application 12020025: Smith & Juice, LLC - Go Juice

City Planner Stewart Cruz stated that the city had received a grant application on August 25th requesting a new business lease subsidy grant totaling \$11,880 over the course of three years. The business is a Go Juice franchise. They have signed a five year lease on the property and intend to build out the interior. Both the Economic Development Committee and staff recommend approval. The business hopes to be open by the first of the year.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Economic Development Grant Application 12020025: Smith & Juice, LLC - Go Juice.

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. Appointment of Board Member to Planning & Zoning Board for three year term

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER MEL LINDAUER to Appoint John Schmitz to the Planning & Zoning Board for three year term.

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

E. Discussion on issuing RFP for sale of 136 Beachcomber property.

Finance Director Kurt Swartzlander stated that the city had received multiple offers for the property over the last few months. It had been appraised at \$300,000. Staff felt a formal Request For Proposal would be more appropriate. After a brief discussion, the council came to a consensus to have staff work with the City Attorney to put together an RFP.

12. COUNCIL COMMENTS:

Vice Mayor Bryan wanted to discuss the payment of debt. It was his opinion that the city could save approximately \$40,000 over the next four years if the remaining two swaps were not paid next year. The remaining councilmembers did not share his opinion and wanted to pay the swaps off as discussed and voted on previously. Vice Mayor Bryan also felt the city should not purchase the ultra violet system to aide in aerosol transmission related to COVID19. He felt there was no real dat to support the purchase and other alternatives such as air purifiers would work. Mayor Miller announced that the new Chase Bank should be open by the second week in October. There is a concert on Friday with the Endless Summer Band.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Harry Jennings applauded both city staff and the council members for arranging to pay off the remaining debt. He felt it would be a great opportunity to go back into the county enclaves and attempt to annex them into the city. We have a better tax rate then the county offers.

Tony Rembiszewski was concerned with the number of banks that had closed in the city as it was an inconvenience to drive over the bridge. Mayor Miller explained that many people just utilize online banking now and this is happening all over, not just in our city.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

The meeting ended at 6:59 pm.

MAYOR

CITY MANAGER

NANCY MILLER

MICHAEL T. BOOKER

ATTEST:

CITY CLERK, CHERI SCHWAB