

**MINUTES
CITY COUNCIL MEETING
October 13, 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 John Cary, 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:

A. Employee Service Award - Officer Trevor Wyman 20 Years

Public Safety Director Stephan Dembinsky presented Officer Trevor Wyman with his 20-year service award.

B. Proclamation on Domestic Violence

Mayor Miller read the proclamation declaring October as Domestic Violence Awareness month.

6. APPROVAL OF MINUTES

A. City Council Minutes September 22, 2020

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes September 22, 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

B. City Council Special Minutes September 25, 2020

COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to Approve the City Council Special Minutes September 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:**

8. **REPORTS OF THE CITY ATTORNEY:**

A. City Attorney Report

Attorney Cary briefly reviewed the report submitted to the City Council. Items included drafting proposed ordinances and attending Economic Development meetings.

9. **REPORTS OF THE CITY MANAGER:**

A. City Manager Report October 13, 2020

The City Manager reviewed his report that was submitted. He added that Cherise Wentz would like to sponsor a 5K run in November and will need assistance with traffic control. The proceeds will benefit Operation Changing Lives. **CMBR Lindauer moved, seconded by CMBR Politis to allow the run to take place. The motion passed unanimously by a voice vote.** Chase Bank plans to open next week and the city plans to open an account with them. He asked for council's approval to do so. **CMBR Lindauer moved, seconded by CMBR Bryan to open a checking account with Chase Bank. The motion passed unanimously by a voice vote.** City Manager Booker announced that the ribbon cutting for the 6th tennis court will be Friday morning at 9:00 am.

10. **OLD BUSINESS:**

- A. Ordinance 2020-03: Comprehensive Plan Amendment to create a new Future Land Use Goal, Objective and Policy that would allow the limited expansion of nonconforming single-family residential uses and structures on properties with the High Intensity Future Land Use.

The City Attorney read the ordinance by title only. City Planner Stewart Cruz provided a brief overview. The process has taken a few months but both the state and the county have approved the proposed amendment. If adopted, it would allow non-conforming single-family residential properties to expand their structure within and up to the existing footprint. Staff recommend adoption of the ordinance.

Attorney Riggio stated that his client, the Banker family, very much appreciated the work that the council and staff did to allow him to expand his home.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER MEL LINDAUER to adopt Ordinance 2020-03 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

B. Ordinance 2020-11: Temporary Promotional Activities

The City Attorney read the ordinance by title.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to adopt Ordinance 2020-11 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

C. Ordinance 2020-12: Land Development Code Amendment Relating To Expansion of Non-Conforming Single-Family Residential Uses/Structures

The City Attorney read the ordinance by title. City Planner Stewart Cruz stated that this ordinance would change the LDC to reflect the Comprehensive Plan amendment just approved.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER MEL LINDAUER to adopt Ordinance 2020-12 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 2020-14 Relating to Trespass on City Property

The City Attorney read the ordinance by title. It was explained that the purpose of the ordinance was to allow Public Safety Officers to issue trespass warnings on city property. There were no current provisions in the city's code and state law is directed to private property only.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to approve Ordinance 2020-14 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 number of Planning & Zoning Board members

Mayor Miller explained that the Planning & Zoning Board used to be a 5-member board, but last year when it was combined with the Board of Adjustments, it was increased to seven members. Since that time, it has been cumbersome to hold a meeting with everyone in attendance. The Chairman asked the Mayor to consider changing the board back to just five members. With the current state of affairs, it is much easier to obtain a quorum for five members. The Chairman would also like to mandate attendance for all alternate members. The council held a brief discussion and directed the City Attorney to draft an ordinance for the change.

C. Consideration to cancel the City Council Meetings for November 24 and December 22

Due to the winter holidays, it has been past practice to cancel the second council meeting in both November and December. There were no objections by the City Council.

12. COUNCIL COMMENTS:

Vice Mayor Bryan inquired if tile roofs were discussed regarding the project for 2900 S. Atlantic Avenue. City Planner Cruz indicated they were not discussed since they are not a requirement for the Development Agreement or the site plan. CMBR Lindauer thanked his fellow councilmembers, staff and friends for their support lately. Mayor Miller reminded the audience that Biketoberfest would begin this weekend. There is also a rumor that another truckfest will occur next weekend. There is Coffee With the Mayor tomorrow with guest speaker Finance Director Kurt Swartzlander.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Carol Christopher stated that she is happy to have Chase Bank in the city. She does have an issue with the fluorescent light that shines over the front door each night. She explained that the bright light prevents her from looking outside her window and asked if it could be dimmed or perhaps a shield put on it.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

City Planner Stewart Cruz indicated that three items recently seen at the Planning & Zoning Board would be coming to council. They are ordinances for shared parking, removing background checks for fortune tellers and an amendment to the Atlantic Estates DA. He also has an economic development grant for a Latin Restaurant opening soon.

15. ADJOURNMENT:

The meeting ended at 6:46 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB