

MINUTES
CITY COUNCIL MEETING
October 27, 2020
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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 Captain Michael Fowler.

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 October 13, 2020

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes for October 13, 2020.

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 Michael Politis

7. CONSENT AGENDA:

A. Public Safety September report

B. Community Services September, 2020 Report

C. Building Division September, 2020 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 = 4 No = 0).

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

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Cary reviewed the items on the submitted report. Mayor Miller inquired when the ordinance for amending the Planning & Zoning Board would be on the agenda. He responded that it would first go before the P&Z Board in November and then be placed on the next council agenda. Vice Mayor Bryan asked the attorney to provide details on the meeting with Marriott. The City Attorney felt it should be the City Manager to respond. City Manager Booker explained that the discussion is in the preliminary stages right now and details can't be shared.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report October 27, 2020

City Manager Booker congratulated IT Manager Dave Lockwood who is now livestreaming all city meetings. He explained that the Christmas holiday would fall on a Friday this year and inquired if council would consider adding Christmas Eve as an additional holiday. The council gave their consensus for the additional day off. The Christmas parade has now been cancelled. The surrounding cities have also cancelled their parades due to COVID. A virtual tree lighting and citywide decorating contest are being planned.

10. OLD BUSINESS:

A. Ordinance 2020-14 Relating to Trespass on City Property

The City Attorney read Ordinance 2020-14 by title for the record. There were no additional details to discuss.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to adopt Ordinance 2020-14 on second 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 Michael Politis

11. NEW BUSINESS:

- A. Ordinance 2020-13: Proposed Amendment to Atlantic Avenue Estates, LLC - Daytona Beach Shores Development Agreement 12020027

Mayor Miller explained that the applicant had made an error in advertising so the agenda item must be continued until November 10th.

- B. Ordinance 2020-15: Removal of Background Check Requirement For Fortune Tellers, Palmists, etc.

City Planner Stewart Cruz explained that the proposed ordinance would remove the background check requirement for fortunetellers, palmist and similar occupations in conjunction with the issuance of a certificate of use. There is no legal requirement for having this background check. The courts have deemed fortune telling and similar occupations as protected under the "free speech" provisions of the US Constitution. There is also no Florida Statute requiring a background check on these occupations. This is purely an administrative housecleaning effort.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Ordinance 2020-15 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 Michael Politis

- C. Ordinance 2020-16: Shared Off-street Parking Requirements

City Planner Stewart Cruz explained that the proposed Ordinance 2020-16 would amend the LDC off-street parking requirements relative to shared parking. This has been one of the limiting factors in economic development in the city due to the nonconforming nature of commercial properties. Currently, some businesses make parking agreements with their neighbors or they purchase additional property on the west side of S. Atlantic Avenue for extra parking. This is especially difficult for many small businesses. The proposed changes would amend the definition of shopping center that would make it consistent with other chapters in the LDC; amend the combination of off-street parking regulations for businesses with varying peak hours and create an additional method to calculate the overall off-street

parking required. The optional method would be one parking space for every 250 square feet of gross floor area of the entire shopping center. The proposed ordinance is consistent with the LDC and the city's comprehensive plan.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Ordinance 2020-16: Shared Off-street Parking Requirements.

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 Michael Politis

D. Resolution to open accounts with JPMorgan Chase

Finance Director Swartzlander explained that this would allow him to deposit cash at the new branch that opened next to City Hall. The local branch of Bank of America, the city's current bank, has been closed with no re-opening date in the near future.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Adopt Resolution 2020-14 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 Michael Politis

E. Economic Development Grant (New Business Lease Subsidy) Application: Tres Leches Restaurant, 2514 S. Atlantic Avenue

City Planner Stewart Cruz explained the details of the lease subsidy grant application. It is for a three year period capped at 30%, 20% and 10% for the first, second and third year. The total amount that could be reimbursed is \$13,573.80 over the three years. The casual restaurant will be located in Pappas Plaza and have a Latin style menu. Both city staff and the Economic Development Committee recommend approval.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the Economic Development Grant for Lease Subsidy with Tres Leches Restaurant.

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 Michael Politis

F. Economic Development Grant: Beach Bagel Cafe of Daytona, LLC (aka High Tide Kitchen), 3344 S. Atlantic Ave.

City Planner Stewart Cruz explained that the council originally approved this grant on March 10th. The original business plan included evening dining. When the restaurant re-opened, it is still only serving breakfast and lunch. The interior has been renovated and the outdoor

pergola is almost complete. Staff requested direction from the council in regards to paying the grant money. Property Owner Erision Tahiray spoke to the council. He explained that serving dinner was never going to happen right away, it would be a phased in approach. He needs to hire additional staff and create a dinner menu. Mayor Miller inquired how long that would take. He felt it could happen by the end of the year. Council discussed options to pay the grant such as 50/50 or 75/25. The City Manager added that these are not just business owners, but property owners as well.

The council gave consensus to authorize a reimbursement payment of \$15,000 now with proper invoices received and pay the remaining \$5,000 once the restaurant is open for dinner. The council allowed until March 31, 2021, to include evening dining.

G. Beautification Improvement Grant 12020031: Angels X, LLC, 2006 S. Atlantic Avenue

City Planner Stewart Cruz stated that there was only \$1,500 budgeted this year for beautification grants. These grants are for businesses and assist in cleaning, painting, pressure washing, and landscape materials. The grant is only 50% reimbursable with a \$1,000 cap per grant. The business owner has applied for three grants on the agenda for three separate businesses. Staff recommended approval. The council held a brief discussion on whether to pay \$1000 for first and \$500 for second or to just pay each one \$500.

The consensus of council was to pay \$1,000 for the first grant #12020031 and \$500 for the second #12020030 for Angels X, LLC.

H. Beautification Improvement Grant Application 12020030: Angels X, LLC - 2010 S. Atlantic Avenue

This grant was voted on under agenda item G.

I. Beautification Improvement Grant 12020029: Kitty X, LLC - 2016 S. Atlantic Avenue

This grant was voted on under agenda item G.

12. COUNCIL COMMENTS:

friz thanked staff cm and fred alwork on sprots. and maint. congrats on great job with truck event. no wories this weekend. vm asking how many trucks showed up . fwoler - alot less than labor day. edge and sd sent help. for traffic control. mayor - concert this friday traces of gold.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

The meeting ended at 6:59 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB