

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

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Councilmember 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. Resolution 2020-15 Certifying the election results

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Adopt Resolution 2020-15 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

B. Oaths of Office

Attorney John Cary swore in both CMBRS Bryan and Politis who were re-elected to office.

C. Nomination of Vice Mayor

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Nominate Mel Lindauer for Vice Mayor.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

6. APPROVAL OF MINUTES

A. City Council Minutes October 27, 2020

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes of October 27, 2020.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Councilmember 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 items on his report. He added that the closing documents were delivered earlier this afternoon on the Oceans 25 property. CMBR Bryan inquired on the Fryer's Towing breach of contract. It was explained that after reviewing a sample of invoices, they had been over-charging customers for fees not allowed by contract. They have seven days to provide refunds to everyone who was affected.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report November 10, 2020

City Manager Booker reviewed his report. He explained that at the Economic Development Meeting earlier that day, a potential buyer is interested in property at 136 Beachcomber to open a cigar and wine bar. The committee also spoke with the owner of a gym looking to open in a vacant storefront in the Winn Dixie Plaza. Completion on the on bocce and shuffleboard courts will still be a few weeks away. The shuffleboard just needs to be painted and a few final touches added. The bocce courts are playable, but the materials to complete the roof are on backorder. Mayor Miller inquired if plexiglass partitions could be installed on the dais for added safety. Due to the current conditions regarding the Corona Virus, both the Christmas Parade and Volunteer Appreciation Dinner have been cancelled. There will be a virtual tree lighting ceremony. The Ralph Wheeler Volunteer of the Year Award will be announced at the next City Council meeting. The City will hold a holiday decorating contest this year. There are three categories - condominium, single family residence and

commercial business. More details for how to enter will be on the city's website and Facebook pages.

10. OLD BUSINESS:

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

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Adopt Ordinance 2020-15 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

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

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MEL LINDAUER to Adopt Ordinance 2020-16 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

11. NEW BUSINESS:

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

City Planner Stewart Cruz explained that the agenda item had been continued from the October 27th meeting. The proposed ordinance would allow an amendment to the Atlantic Avenue Estates Development Agreement from 2016. The original DA allowed for the construction of four residential duplexes with a total of eight units. The proposed amendment would allow the option for single-family residential development on some or all of the property. The total number of units would not exceed eight. The property owner has requested this amendment due to increasing construction costs and the change in market demand. This project is consistent with both the Comprehensive Plan and LDC. Staff has reviewed and recommended approval.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to Approve Ordinance 2020-13 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

B. Ordinance 2020-17 Planning & Zoning Board Re-organization

It was explained that the Planning & Zoning Board would like to return to a 5-member board. The number is more manageable to obtain a quorum. The proposed ordinance also mandates attendance by alternate members.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MEL LINDAUER to Approve Ordinance 2020-17 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

12. COUNCIL COMMENTS:

Mayor Miller stated that she had been approached once again in regards to naming a tennis court. It was discussed a few months ago by the council and decided that the courts would remain numbered only. The President of the Port Orange/South Daytona Chamber announced the annex was now open in Christina's Plaza. There will be a Walk with the Mayors on Thursday morning to commemorate the new partnership.

CMBR Bryan inquired when Oceans 25 would break ground. Director Hiatt explained that permits had been issued and received, so it could be anytime. Vice Mayor Lindauer congratulated his fellow councilmembers on their reelections. CMBR Politis was glad to see the sale of the 2900 S. Atlantic property so it could go back on the tax roles. He felt the city was moving in the right direction with new businesses coming soon.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Ed Offerman wanted to acknowledge the Marine Corps 245th birthday today. Tony Rembiszewski inquired how the economic incentive grant money was distributed.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Ralph Wheeler Volunteer of the Year award

15. ADJOURNMENT:

The meeting ended at 6:51 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB