

**MINUTES
CITY COUNCIL MEETING
December 8, 2020
3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

1. CALL TO ORDER BY MAYOR

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

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney John Cary, City Planner Stewart Cruz, Finance Director Kurt Swartzlander, Recreation Director Nancy Maddox 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. Ralph Wheeler Volunteer of the Year Award

Mayor Miller and City Manager Michael Booker presented the annual award to Marilyn Wheeler.

B. Employee Service Award - Jose Ramos 10 years

Mayor Miller announced Jose Ramos would be receiving his ten-year service award. It will be presented to him at a later date.

6. APPROVAL OF MINUTES

A. City Council Minutes November 10, 2020

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes of November 10, 2020.

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

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone,

7. CONSENT AGENDA:

- A. Public Safety October Monthly Report
- B. Community Services October, 2020 Report
- C. Building Division October, 2020 Report
- D. Amendment to Beach Bagel Cafe of Daytona, LLC (High Tide Kitchen) Economic Development Grant: 3344 S. Atlantic Avenue
- E. Application for Non-Exclusive Franchise - ACET Recycling, LLC
- F. Renewal of Non-Exclusive Franchise - WCA of Florida, LLC
- G. Renewal of Non-Exclusive Franchise - Creech Enterprises, Inc., dba Southeast Containers
- H. Renewal of Non-Exclusive Franchise - Samsula Waste, Inc.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve the consent agenda.

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

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

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Cary reviewed the items on his report for the council.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report December 8, 2020

City Manager Michael Booker reviewed his report for the council. He added the following items: details for the Light Up the Shores decorating contest, free concert by Orlando Philharmonic Orchestra on Dec. 17th, and effective January 1st, Finance Director Kurt Swartzlander will have a new title added, Assistant City Manager.

10. OLD BUSINESS:

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

There was no discussion or public comments for the Ordinance.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2020-13 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, Vice Mayor Mel Lindauer, Councilmember Michael Politis

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

There was no discussion or public comments for the ordinance.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Adopt Ordinance 2020-17 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, Vice Mayor Mel Lindauer, Councilmember Michael Politis

11. NEW BUSINESS:

A. Consideration to amend lease with Halifax Health

City Manager Booker explained the few modifications with the lease agreement. The effective date for the lease would be the date for the Certificate of Occupancy. The language for use of premises was modified to be less descriptive but still requires medical office use.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the amended lease agreements with Halifax Health.

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

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

B. Economic Development Grant Application 12020019: ANP Investments, LLC - Stroud's Barbeque and Grill

City Planner Stewart Cruz stated that the applicant, ANP Investments, LLC, had applied for an Economic Development Grant for buildout and kitchen equipment. The proposed reimbursable amount is \$19,944. The business opened back in August and currently has a signed five year lease with their landlord. The Economic Development Committee recommended approval with a phased payout to mirror the lease subsidy portion of the program which is paid over a three year period. Staff would like direction from council for the payment distribution. Mayor Miller was in favor of phased payments as was the rest of the council. CMBR Frizalone said they had a bit of a rough start but are now open for business. Vice Mayor Lindauer had questions regarding some of the items listed for reimbursement. It was his opinion that portable equipment, cleaning supplies and routine maintenance items should not be included and he didn't want to set a precedent. Attorney Cary stated that the council could accept or reject any cost submitted per the grant guidelines. There was some minor confusion on which grant guidelines to follow, but Attorney Cary reminded the council that the applicant only requested a renovation grant, not a lease subsidy. It was mentioned that a revised ordinance for the economic development grants would be coming to council earlier next year. Staff has taken the comments and concerns from past grant applications and is working with the City Attorney on an amendment. Mayor Miller felt dividing the reimbursable amount into three years and quarterly payments was a practical method. Finance Director Swartzlander added that the payments could be in equal installments or similar to the lease payments in declining percentages. After a brief discussion regarding the types of items that could be included in a renovation grant that they weren't comfortable with, the council felt it would be best to limit economic development grants for lease subsidy, land purchase and alternative tax relief only. Attorney Cary explained that with that being said, the council has established a moratorium on the existing language and if any new applications were submitted, they could be held until the amendment was adopted.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the Economic Development Grant for Stroud's Barbeque and Grill to be paid out over a total of three years in quarterly payments in arrears.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer. CMBR Politis abstained.

12. COUNCIL COMMENTS:

CMBR Frizalone stated that work had begun at Oceans 25. There maybe some movement on the Treasure Island property. A joint venture between two capital firms is being discussed. Mayor Miller reminded the audience of Coffee with the Mayor for Wednesday morning. Vice Mayor Lindauer thanked the residents for attending the meeting and wished everyone Happy Holidays.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

John Nissenzone inquired if the pickleball courts could be blown off to prevent debris from collecting and creating a hazard. Recently, grass, sand and stones are collecting on the courts.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

revised ordinance for economic development grants, workshop before second meeting in January to discuss 2021 Council priorities. Each councilmember should turn in 3-4 goals to the City Clerk for the agenda.

15. ADJOURNMENT:

The meeting ended at 7:06 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB