

MINUTES
CITY COUNCIL MEETING
February 9, 2021
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Richard Frizalone, Vice Mayor 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. FPL Presentation on EV Charging Station by Tony Tucci

FPL Representatives Tony Tucci and Peter Martinez spoke on electric charging stations. FPL would like to have 1,000 ports in the state. They would like to install two fast chargers at the community center. It would take between 30-45 minutes for a full charge that is paid by the consumer. FPL would provide all the equipment and maintenance but they would require a 10-year commitment. A transformer easement would also be required. There would be a 6-month process for permits and installation. City Manager Booker stated that the city currently had one free charging station in place for the past 2 years. It appears it is not used by tourists, but by one or two residents. The charging time for the current station is approximately 8 hours. The council gave their consensus to move forward with the fast chargers.

B. Employee Service Awards

Mayor Miller announced the following service awards:

Seth Cunningham 5-years, Gary Malphurs 15-years and Glen Schwarz 30-years.

6. APPROVAL OF MINUTES

A. City Council Minutes January 26, 2021

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve the City Council Minutes for January 26, 2021.

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. City Council Workshop Minutes January 26, 2021

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Workshop Minutes for January 26, 2021.

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

C. City Council Public Safety Workshop Minutes February 1, 2021

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Public Safety Workshop Minutes for February 1, 2021.

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

7. **CONSENT AGENDA:**

A. Community Services Monthly Report - December, 2020

B. Building Division Monthly Report - December, 2020

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, 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 February 9, 2021

City Manager Booker reviewed his report for the council. He added one item, regarding the opioid litigation. There had been a recent settlement of 30 million with one of the pharmaceutical companies.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Resolution 2020-01: Adoption of 2020 Volusia Multi-Jurisdictional Program for Public Information Plan

City Planner Stewart Cruz explained that the Program for Public Information Plan was a multijurisdictional program. The city sends out annual letters and includes correspondence in utility bills. Adoption of this plan will maintain its current rating as well as the existing discounted rate for flood insurance premiums.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to Adopt Resolution 2020-01 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, Vice Mayor Mel Lindauer, Councilmember Michael Politis

B. Resolution 2021-02 Budget amendment to purchase additional Public Safety vehicles

Mayor Miller explained that the budget amendment stemmed from the recent Public Safety Workshop. Starting a take home car program will keep the department competitive with the surrounding areas.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Resolution 2021-02 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, Vice Mayor Mel Lindauer, Councilmember Michael Politis

C. Discussion on Electric Motor Scooters and Electric Bicycles

Business Owner Louie Matthews addressed the city council. He is co-owner of Boogie Down for the past seven years. This past year has been extremely tough with many hotels temporarily closing and the pandemic. They decided to rent scooters to help keep their business alive. It have them an extra \$20,000 last year. They take the time to educate their riders. He asked the council to not take away the ability to rent electric scooters.

Director Hiatt explained that after the last council meeting, the council had concerns with scooters being dropped off everywhere. He had Code Enforcement contact the various businesses and put them on notice for illegal displays. He reminded the council that a scooter could be rented in Daytona Beach and still be dropped off in the Shores. There is no law to prevent that from happening. Attorney Cary added that you could not prohibit scooters being ridden on public streets.

Audience member Jared Root spoke to the council. He owns the local business who supplies the scooters to the various drop-off points. He requested the council to be supportive of his business. They are a very inexpensive mode of travel and the income generated from the rentals has helped hem get through the pandemic. He explained that all of his scooters have GPS and GEO tracking so they know where they are. He has operational teams that work round the clock.

CMBR Bryan inquired about the regulation of scooters and what other cities were doing. CMBRS Frizalone and Lindauer don't like them being left everywhere and when riders travel in large groups. They would like to see some sort of regulation on what type of business could rent a scooter. CMBR Politis added that the regulation could push the rentals to certain shops. He inquired if there could be an abeyance on any Code Enforcement fines until the staff brought forward regulation guidelines for their approval. They other council members were in agreement with this. The City Attorney will work with staff to draft some guidelines to bring to the next meeting.

D. Discussion in support of banning smoking in public parks and beaches

CMBR Bryan requested this item on the agenda. He would like the council to prepare a resolution in support of HB 239. The bill would authorize cities and counties to restrict smoking within the boundaries of any public beach or park they own. Director Fred Hiatt stated that signs were already posted to discourage no smoking at the dog park and tennis courts. Attorney Cary explained that currently Florida Statutes state that local governments

can't ban smoking in these areas. This bill, if passed would allow the city more control. After a brief discussion, it was decided more information was needed. CMBR Bryan agreed to follow the bill and it was placed on the next agenda.

12. COUNCIL COMMENTS:

CMBR Bryan requested a report be provided at the next meeting on the Treasure Island property. He would like it to include specific things that have been done. Vice Mayor Lindauer wanted to clear up any misunderstanding on comments he may have made during the Public Safety Workshop. He is 100% in favor of retaining triple trained officers and is not looking to separate police and fire. Mayor Miller reminded everyone of the next Coffee with the Mayor happening tomorrow. She also mentioned the concert on February 26 will include food trucks this month. CMBR Frizalone commended the Public Safety Department on their workshop. CMBR Politis agreed with those comments.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

discussion on electric scooters, discussion on banning smoking, report on Treasure Island

15. ADJOURNMENT:

The meeting ended at 7:34 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB