

MINUTES
CITY COUNCIL MEETING
February 23, 2021
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, Community Services Director Fred Hiatt, 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:

6. APPROVAL OF MINUTES

A. City Council Charter Workshop Minutes Feb. 9, 2021

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Approve the City Council Charter Workshop of Minutes Feb. 9, 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 Minutes February 9, 2021

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes February 9, 2021.

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. Contraband Forfeiture Expenditure Request
- B. Public Safety January report
- C. Building Division January, 2021 Report
- D. Community Services January, 2021 Report
- E. Finance Monthly Report - December

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER 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 briefed the council on items in his report. CMBR Bryan requested a summary on the opioid case. It seems that one company will probably settle and any proceeds will be earmarked for a remedy to the crisis. The firm has been in conversation with both the County and other cities to maybe collaborate on any potential funds. At this point, there has been no charge to the city for this litigation.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report February 23, 2021

City Manager Michael Booker presented his report as presented in the agenda. He added that the flags were at half staff by a Presidential Proclamation for the 500,000 COVID-19 victims.

10. OLD BUSINESS:

A. Discussion on Electric Motor Scooters and Electric Bicycles

Mayor Miller stated that she had visited most all sites who currently are renting the electric scooters and thought they all looked neat in appearance. The City Attorney reminded the council that they could only regulate the rental aspect of the scooters, not the operational aspect. Currently, the city has no regulations in place.

Audience member Mickey Pedersen, owner of the Flamingo Inn, spoke. He stated that he had been renting scooters this past year and it had been a welcome revenue addition. The company he utilizes is professional and prompt with providing scooters to him. He generally has 5-6 on site at any one time.

Gary Brown, owner of the Sun Viking, also spoke. He has received a great commission on renting scooters to his customers. He understands the safety concerns and hoped the council could work with the company for a solution going forward.

CMBR Lindauer would like to have a mandatory training session prior to any scooter being rented out. He also favored having riders only in a single file line, not grouped side by side. Both CMBRS Politis and Frizalone felt they could work on the regulation aspects between the city and the company providing the scooter to rent. Attorney Cary stated that if the council desired, they could ban scooters from being ridden on the sidewalks. That would then force them to be driven on S. Atlantic Avenue. It was decided to have the attorney work with staff on regulations and propose a six month trial.

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

CMBR Bryan informed the other members that the title of the agenda item was a bit misleading. This is a home rule issue and would take away the power the state currently has in regulating where smoking can be banned. He felt this particular bill should have the city's support. After a brief discussion, the council directed the City Attorney to draft a resolution for the next agenda.

11. NEW BUSINESS:

A. Economic Development New Business Lease Subsidy Grant Application, NSB eBikes, LLC., d/b/a Daytona Electric Bikes

Economic Development Director Nancy Maddox provided a brief background on the grant application. The total for the three years lease subsidy would be \$5,400. She added that the business only rents out electric bicycles, not electric scooters.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve the Economic Development New Business Lease Subsidy Grant Application for NSB eBikes, LLC., d/b/a Daytona Electric Bikes.

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 New Business Lease Subsidy Application: Realty Pros Assured, 3118 S. Atlantic Avenue

Economic Development Director Nancy Maddox provided a brief background on the grant application. The total for the three-year lease subsidy would be \$14,400. There was a brief discussion by council on approving the grant for another realtor. There are already quite a few in the city and they would prefer to see new retail or restaurants. Ms. Maddox explained that 6 of the 7 realtors live in the city. They are working closely with staff and the Chamber to promote commercial property in the city. It was suggested to hold a future workshop to direct staff what terms they would like to see for any future grants.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve the Economic Development New Business Lease Subsidy Application for Realty Pros Assured.

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

12. COUNCIL COMMENTS:

CMBR Bryan advised that he had spoken with staff in Port Orange regarding the construction of a new sewer force main. He was told that it was currently in the planning/engineering design phase and would take approximately 9-12 months. That cost is \$600,000. The new force main would be a 20-inch line running parallel to the existing line under the river. The total cost is approximately \$3 million. Staff advised that they were not looking for participation to help with funding the project, just support with any grant applications. CMBR Bryan asked the City Attorney at what point does a Development Agreement become a public record. Attorney Cary will research this and provide an answer to the council. Mayor Miller inquired at what time can a council member ask the firm to do something for an individual. Attorney Cary explained that anyone of them could call and ask advice on a subject matter. The line comes when board action would be required and it could impact the city. The Mayor reminded everyone of the upcoming concert in the park on Friday. This month they will be joined with food trucks.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Matt Reilly inquired what was being constructed across from Red Lobster and Ocean Luxe Realty. It was explained that it was an off-beach county parking lot.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Resolution in support of allowing cities to determine if they want to prohibit smoking in parks and beaches.

15. ADJOURNMENT:

The meeting ended at 7:20 AM.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB