

MINUTES
CITY COUNCIL MEETING
January 22, 2019
3000 Bellemead Drive Daytona Beach Shores, FL 32118

Present: Mayor Nancy Miller, Vice Mayor Richard Bryan, Council Member Richard Frizalone CouncilMember Mel Lindauer. Excused: CouncilMember Michael Politis.

Staff: *City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES: None.

2. APPROVAL OF THE MINUTES:

City Council Meeting January 8, 2019

City Council Meeting January 11, 2019

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to approve the minutes of January 8, 2019 and January 11, 2019.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

3. CONSENT AGENDA:

- Monthly Departmental Reports
- Monthly Financial Reports

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

4. REPORTS OF THE CITY ATTORNEY: Attorney Groot explained that he would be discussing the nationwide opiod lawsuit at a future meeting. He has been reviewing material in the City Charter and City Code and will bring his finding to the visioning session. He would like to hold a board training session for information on quasi-judicial matters and the sunshine law.

5. REPORTS OF THE CITY MANAGER: None.

OLD BUSINESS:

6. **Ordinance 2019-01** AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING MAP L-4 ENTITLED, “GENERALIZED FUTURE LAND USE MAP (2030)” TO CHANGE THE FUTURE LAND USE DESIGNATION ASSIGNED TO ANNEXED PROPERTY, GENERALLY LOCATED AT 3036 S. PENINSULA DRIVE TAX PARCEL ID 5334-02-02-0161, FROM VOLUSIA COUNTY URBAN LOW INTENSITY TO DAYTONA BEACH SHORES RESIDENTIAL LOW INTENSITY; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. Second Reading & Public Hearing.

CMBR LINDAUER moved, seconded by CMBR BRYAN to adopt Ordinance 2019-01 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary: Yes = 4**).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

7. **Ordinance 2019-02** AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE RSF-2 URBAN SINGLE FAMILY RESIDENTIAL DETACHED DISTRICT ZONING CLASSIFICATION TO ANNEXED PROPERTY GENERALLY LOCATED AT 3036 S. PENINSULA DRIVE, SHORT TAX PARCEL ID 5334-02-02-0161; PROVIDING FOR MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. Second Reading & Public Hearing.

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to adopt Ordinance 2019-02 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary: Yes = 4**).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

NEW BUSINESS:

8. **Ordinance 2019-03** AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA ENACTING A STATUTORY DEVELOPMENT AGREEMENT RELATING TO THE PROPERTY OWNED BY DAYTONA BEACH DRIVE-IN CHRISTIAN CHURCH, INC. AND GENERALLY LOCATED AT 3140 SOUTH

ATLANTIC AVENUE IN ACCORDANCE WITH THE PROVISIONS OF THE “FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT” AS SET FORTH AT SECTIONS 163.3220 - 163.3243, FLORIDA STATUTES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR NON-CODIFICATION AND IMPLEMENTATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. First Reading.

City Planner Stewart Cruz explained the proposed Development Agreement was from the Daytona Beach Drive-In Christian Church. It is for the construction of a new fellowship hall and redevelopment of the site. The DA is allowed by FL. Statutes. The plan is to demolish the existing hall and construct a new one. The intent is to preserve the historical character of the church. Normally, off street parking requires it to be paved and utilize landscaped medians. The applicant wants to maintain the grassy parking area. The DA provides for four public benefits to the City. They are: additional open space green area, stormwater benefits, continuation of annual movie nights, and establishing a commemorative sign to recognize the historic value of a drive-in movie theater. Staff recommended approval.

CMBR BRYAN was concerned regarding the savings clause that was included in the ordinance. City Attorney Groot replied that he always adds the clause to any ordinance. After a brief discussion on the matter, it was decided to make this an item for the next agenda.

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to approve Ordinance 2019-03 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

9. Resolution 2019-01 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING THE GENERAL FUND BUDGET, PROVIDING FOR APPROPRIATIONS; PROVIDING AN EFFECTIVE DATE. First Reading and Public Hearing.

Finance Director Swartzlander explained that the budget amendment was for a sign in front of City Hall. The old sign was damaged during Hurricane Matthew in 2016 and still not replaced. It was not a budgeted item for this year but can be transferred from contingency. CMBR Lindauer appreciated the use of inhouse labor to keep the cost down.

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to adopt Resolution 2019-01 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

10. Board Appointments for Planning & Zoning Board and Code Enforcement Board

Mayor Miller explained that the interview process had been held earlier that evening for the two advisory boards.

CMBR FRIZALONE moved, seconded by CMBR BRYAN to nominate Chuck Horion, James Lilly and Rose Ann Tornatore as regular members for the Planning & Zoning Board.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

CMBR BRYAN moved, seconded by CMBR FRIZALONE to nominate Harold Needham as alternate member for the Planning & Zoning Board.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

It was noted that there is still one alternate position available for the Planning & Zoning Board.

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to nominate Eric Data, Henry Getz and Van Alder as regular members for the Code Enforcement Board.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

It was noted that there are still two alternate positions available for the Code Enforcement Board.

The next interview process will be held on February 26th at 5:00 pm for the remaining board appointments.

11. Consideration on Recycling

City Attorney Groot explained that since Waste Pro had not formally requested a change, the agenda item was just for discussion purposes. Under the franchise agreement, they have to submit a petition as to why the relief is needed. Finance Director Swartzlander informed the council that three options were available. With the first, they could decide to suspend recycling and pick up the items as trash. The second option was to continue picking up the recyclables and have the city absorb the cost. The third option is to continue to pick up the recyclables and pass the increase in cost to the residents. The impact is very minimal. His recommendation would be to pass on any increase to the residents.

12. COUNCIL COMMENTS: CMBR Lindauer inquired on the status of the Veterans Garden having a fountain or water feature. The City Manager explained that he had reached out for quotes and renderings from a few vendors. It is the hope that the foundation board will assist in raising the necessary funds. MAYOR Miller reminded the audience of her monthly “Coffee with the Mayor”. She introduced the new board members that were in the audience.

13. AUDIENCE REMARKS/PUBLIC COMMENTS: None.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA: update on fountain for Veterans Park, opioid lawsuit discussion, savings clause discussion.

15. ADJOURNMENT: The meeting ended at 7:52 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB