

**MINUTES
CITY COUNCIL MEETING
February 26, 2019
3000 Bellemead Drive Daytona Beach Shores, FL 32118**

Present: Mayor Nancy Miller, Vice Mayor Richard Bryan, Council Member Richard Frizalone, CouncilMember Mel Lindauer and CouncilMember Michael Politis. **Staff:** *City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, City Planner Stewart Cruz, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

Director Stephan Dembinsky presented Officer Brian Brueggemann with a 30-year award. City Planner Stewart Cruz presented Steve Edmunds with a 15-year award.

2. APPROVAL OF THE MINUTES:

City Council Meeting February 12, 2019

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to approve the minutes of February 12, 2019.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

3. CONSENT AGENDA:

- Monthly Department Reports
- Monthly Financial Reports

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

4. REPORTS OF THE CITY ATTORNEY: City Attorney Groot reported that the city was in good shape regarding risk management. There is only one lawsuit from a former employee who owes the city due to tuition reimbursement. There has been no contract yet for the opioid litigation. It will be arriving in the future. He explained that he is working on a potential charter amendment package, but he has questions and would like guidance. He would like to schedule a work session. Board training will be held on Friday, March 1. Attorney Groot encouraged the

council to read the email he sent them on an ethics case. There was a brief discussion on website ADA lawsuits that are beginning.

5. REPORTS OF THE CITY MANAGER: City Manager Michael Booker gave the following report:

Community Visioning Follow-Up Workshops: first choice of dates is either March 13 or 14 from 6:00 – 8:30 pm. The second workshop could be held on March 28th. The council was ok with the dates provided.

Westminster-by-the-Sea Spring Concert Series:

The Culture & Entertainment Board has recommended a donation to the church of \$2,000 from their annual budget allocation for a series of concerts (dates and time attached). City Attorney Groot explained that he could not recommend approving the donation due to the separation between church and state. He felt there was no public purpose. It was explained that the city had provided a donation for the past few years for the event, but it had not come before council for approval. City Attorney Groot stated that the city could enter into a contract with the church to hold a concert. After a brief discussion, the council decided to make the donation this year since the concert series begins in a few weeks.

CMBR POLITIS moved, seconded by CMBR BRYAN to give the \$2000 donation as a public purpose to Westminster Church.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Halifax Health Facility Update:

Attached is the response from Halifax Health regarding the City's proposal to lease the former Senior Center Facility. As you can see, their "Letter of Intent" is in agreement with the City's terms as outlined in my proposal to them.

Treasure Island:

Yesterday Mayor Miller, Fred Hiatt and I met with representatives from the Jaymoor Group. Jaymoor has hired Peck Construction to do the renovation of the existing building, as a Marriott Autograph Hotel. They are working toward a summer start date.

Aruba Condominium:

The construction is moving forward as planned. Lately, there has been a lot of activity on the site as work on the parking garage is about half way complete. The building should be coming out of the ground soon.

Max Daytona:

Max Daytona is not dependent on pre-sales as their product is being constructed in a manner that will allow individual buyers to almost completely customize their units. We anticipate the developer will bring forward a plan submitted in the next few months.

Tennis Court:

Councilman Frizalone, Fred Hiatt and I met on site with a representative of Fast Dry Corporation to obtain estimates for a sixth clay tennis court where bocce and shuffleboard are located. I anticipate receiving an estimate from Fast Dry prior to the next council meeting. We are also in the process of submitting a grant application to the USTA for construction of the court. Between the grant possibility (50%) and doing the demolition/reconstruction of the bocce/shuffleboard courts, the City will realize a substantial cost savings.

Proposed Half-Cent Sales Tax:

If the half-cent sales tax passes the City of Daytona Beach Shores is estimated to receive \$274,000 annually. If the referendum does not pass all projects listed will be funded through property taxes. Attached is a power point presentation outlining the impact of the tax and potential Shores' projects. Mayor Miller requested that the presentation be placed on the city's website.

West side redevelopment:

The city will be contacting a local commercial real estate professional to get a strategy in place.

The electric car charging station is now in place and ready for use.

Recycling:

A letter will be sent to Waste Pro regarding recycling. Since they have not provided a contract amendment, the city will ask Waste Pro to go back to full recycling beginning March 1.

OLD BUSINESS:

6. Ordinance 2019-04 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA REPEALING SECTIONS 17-12 THROUGH SECTION 17-14; OF THE *CODE OF ORDINANCES OF THE CITY OF DAYTONA BEACH SHORES*; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, DIRECTIONS TO THE CODE CODIFIER AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. Second Reading and Public Hearing.

CMBR Bryan read a short statement regarding the savings clause that is attached to the minutes.

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to adopt Ordinance 2019-04 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

NEW BUSINESS:

7. Resolution 2019-02 A RESOLUTION SUPPORTING THE DESIGNATION OF THE HALIFAX HERITAGE BYWAY INCLUDING PORTIONS OF STATE ROAD A1A FROM THE NORTH CITY LIMIT TO DUNLAWTON AVENUE IN THE CITY OF DAYTONA BEACH SHORES AS A FLORIDA SCENIC HIGHWAY; SUPPORTING THE CORRIDOR MANAGEMENT PLAN (CMP); AUTHORIZING TRANSMITTAL; AND SETTING FORTH AN EFFECTIVE DATE. First Reading and Public Hearing.

CMBR POLITIS moved, seconded by CMBR LINDAUER to adopt Resolution 2019-02 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

8. QUASI-JUDICIAL/PUBLIC HEARING – RSP 12018034 Site Plan for Daytona Beach Drive-In Christian Church Fellowship Hall

CMBR POLITIS moved, seconded by CMBR LINDAUER to approve the site plan for Daytona Beach Drive-In Christian Church Fellowship Hall.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

9. QUASI-JUDICIAL/PUBLIC HEARING – SPEX 12019004 Special Exception Pirates Cove Resort Overflow Parking Lot

City Planner Stewart Cruz explained that the Pirates Cove resort needed occasional overflow parking. The property in question is zoned GC2 which does not allow parking as a principal use. The request for a special exception would allow the project. It was noted that all due public notice was submitted, and all requirements had been met. This was presented to the Planning & Zoning Board and they recommended approval.

CMBR POLITIS moved, seconded by CMBR BRYAN to approve SPEX12019004 as presented.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

10. Consideration of proposed dog park

Resident Van Alder spoke to council regarding a dog park. He explained that together with Mayor Miller and Community Services Director Fred Hiatt, they visited local dog parks for

ideas. They looked at five locations in the city and felt that the western portion of McElroy Park was the best. It is centrally located, included existing parking and shade trees. There would be no separate liability rider needed for insurance. The estimated budget for the installation and maintenance is \$51,700.

The following audience members spoke in favor of the dog park: Lee Kimball, Linda Cox, Kim Titus, Kim Hovanecz, AB Taylor, Pat Gadbow and Donna Grant. There was no one who wished to speak against.

11. Resolution 2019-03 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY'S GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 RELATING TO THE FUNDING OF A DOG PARK; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. First Reading and Public Hearing.

CMBR BRYAN moved, seconded by CMBR LINDAUER to adopt Resolution 2019-03 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

12. Board Appointment Selections

CMBR FRIZALONE moved, seconded by CMBR LINDAUER to re-appoint Lynn Bishop, appoint Donald Large as regular member and appoint Stacy Conomos as alternate member to the Culture & Entertainment Board.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

CMBR BRYAN moved, seconded by CMBR LINDAUER to reappoint Joyce Connor, Kay Schwarz and Carol Beaver to the Beautification Board.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

CMBR POLITIS moved, seconded by CMBR LINDAUER to appoint Ricardo Delange as alternate member to the Planning & Zoning Board.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

13. Discussion on ½ cent Sales Tax Projects

City Manager explained that the Community Services Director put together the project list as requested by Volusia County and included all the streets in the city. They can be prioritized if needed. It was explained that other cities had included sewer work and other items that are not always seen by the naked eye. Residents are more likely to vote for what they can see. Resident John Ghighi inquired how much was the tax increase.

14. COUNCIL COMMENTS: CMBR Frizalone thanked Realtor Sandy Cook for her assistance with looking into westside development with Team Volusia. He hopes to get something moving. CMBR Politis was impressed with the amount of participation by the residents. MAYOR Miller stated that many issues had been presented to her during the campaign and she is working on them. CMBR Bryan asked that the contract for the opioid litigation be reviewed very carefully. CMBR Lindauer felt the recent community visioning session had gone very well.

15. AUDIENCE REMARKS/PUBLIC COMMENTS: Carol Christopher was not in favor of moving the bocce courts to accommodate another tennis court. She suggested the tennis court could be placed in one of the new parking lots. She also suggested removing the carpet from the upstairs room in the community center and replace it with hardwood. The dance classes could then be move upstairs where they would have more room. She stated the Zumba class she attends is too crowded downstairs.

Chris Chibbaro, owner of Millie’s Restaurant would like to add an outdoor dining space. City Planner Stewart Cruz explained that the location has design challenges that would require a variance.

John Gjighi

inquired if the Public Safety Department could get speed control signs that show your speed and flash lights when you are speeding. It was explained that the city would check with FDOT.

16. ITEMS RECOMMENDED FOR THE NEXT AGENDA: None.

17. ADJOURNMENT: The meeting ended at 9:09 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB