

MINUTES
CITY COUNCIL MEETING
July 27, 2021
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Councilmember Richard Frizalone, Vice Mayor Mel Lindauer, Councilmember Michael Politis. Councilmember Richard Bryan attended by calling in.

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Becky Vose, 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. Employee Service Award - Detective Daniel Carrazana 5 years

This item was moved to the August 10th meeting.

County Council Vice-Chair Billie Wheeler presented Director Dembinsky with a proclamation stating July 27th as Stephan Dembinsky Day. Director Dembinsky was recently appointed as the President of the Florida Police Chief's Association.

B. Bill Griffin from Halifax Health

Halifax Health representative, Bill Griffin apologized for the cancellation of the open house for Express Care. He did announce, that all the inspections were complete, and it would be open for business tomorrow, July 28th.

6. APPROVAL OF MINUTES

A. City Council Minutes June 22, 2021

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to approve the minutes of June 22, 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. Audit Selection Committee Minutes June 22, 2021

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to approve the Audit Selection Committee minutes of June 22, 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. Public Safety June report

B. Request to utilize forfeiture funds

C. Building Division June 2021 Report

D. Community Services June 2021 Report

E. Interlocal Agreement between the State Attorney and the City for the purpose of prosecuting cases

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,

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Becky Vose reviewed her report with the council. There were no further questions or discussion.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report

City Manager Michael Booker reviewed his report for the council. There were no further questions or discussion.

10. OLD BUSINESS:

A. Ordinance 2021-04: Comprehensive Plan Future Land Use Map amendment for annexing single-family residential property located at 2924 S. Peninsula Drive

The City Attorney read the Ordinance by short title for the record. There was no further discussion.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to adopt Ordinance 2021-04 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 2021-05: Single-family residential rezoning application for annexed property located at 2924 S. Peninsula Drive

The City Attorney read the Ordinance by short title for the record. There was no further discussion.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to adopt Ordinance 2021-05 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

- C. Ordinance 2021-07: Permitting counseling services as an accessory use to churches in the "P - Public/Quasi Public" Zoning District

The City Attorney read the Ordinance by short title for the record. There was no further discussion.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to adopt Ordinance 2021-07 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. Ord. 2021-08 Revision of the Economic Development Ordinance

Economic Development Director Nancy Maddox explained that the proposed amendment came from the council's direction during the workshop last March. The grant for 10% for acquisition has been removed. The remaining two items, lease subsidy grant and the Alternative Tax Relief (ATR), would still be applicable.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve Ord. 2021-08 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 2021-06 FY2021-2022 Proposed Millage Rate

Finance Director Kurt Swartzlander stated that the proposed Resolution would set the millage rate at 4.9356, the voted debt millage to 0 and publish the date and time for the first budget hearing.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to adopt Resolution 2021-06 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. Resolution 2021-07 to purchase land at 3046 S. Atlantic Avenue

Finance Director Kurt Swartzlander explained that an appraisal had been done on the property and it came in at \$900,000. Bank of America will be doing a modified auction later this year. If adopted, this Resolution would allow the city to negotiate an offer with the bank to purchase the property. Attorney Vose also added that if the city was unsuccessful in making an offer, we could utilize imminent domain if the council choose. CMBR Politis was not in favor of having to utilize imminent domain, but understood it was a tool the city had. CMBR Frizalone inquired what the city would use the property for. The answer was that the land was a prime location for McElroy Park expansion/improvement and additional parking for existing services. CMBR Frizalone was not in favor of moving forward without a detailed plan in place. Mayor Miller felt the location was a prime piece of real estate for the city to obtain. She added that Halifax Health had stated they may be interested in a partnership for that property. CMBR Lindauer was concerned that the amount of the appraisal was now a public record. Attorney Vose explained that the council can omit the Resolution and just provide consensus to the staff to negotiate with Bank of America. The council did give consensus for staff to negotiate with Bank of America while also drafting a plan for the property.

D. Economic Development Existing Business Expansion Grant Reimbursement

Economic Development Director Nancy stated the grant originally began in March 2020. The total cost of the project was \$28,963.58. The project did go over budget for a final total of \$30,891.77. The owner was unable to utilize the decorative panel due to the HOA board not approving them. The ADA ramp was also not installed. Staff recommended the grant reimbursement of \$14,481.79.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Economic Development Existing Business Expansion Grant Reimbursement.

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:

Mayor Miller explained that the annual conference for the Florida League of Cities needed a voting delegate appointed. CMBR Bryan nominated Vice Mayor Mel Lindauer and he agreed to be the delegate. There is a concert this Friday and the new Halifax ExpressCare will be open for tours. Next month's Coffee With the Mayor will have Rep. Tom Leek as guest speaker. CMBR Bryan would like to have a Resolution created for the next meeting to support giving local control to regulate smoking on the beach and in parks. The entire council congratulated Director Dembinsky once again on his role as President for the Florida Police

Chief's Association. They also complimented the City Manager and staff on their work on the budget.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments made.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

CMBR Bryan Resolution in support of smoking ban

15. ADJOURNMENT:

The meeting ended at 7:30 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB