

MINUTES
CITY COUNCIL MEETING
August 10, 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:

6. APPROVAL OF MINUTES

A. City Council Minutes July 27, 2021

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve the City Council Minutes of July 27, 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 Budget Workshop Minutes July 27, 2021

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Budget Workshop Minutes of July 27, 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:

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Cary reviewed the report submitted to the council. There were no additional questions or concerns.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report August 10, 2021

City Manager Michael Booker reviewed his submitted report to the council. Mayor Miller inquired if there was an update on the proposed park maintenance agreement with Volusia County. He responded that a revised agreement is being negotiated that would include a CPI clause. The agreement would cover a total of four parks. An update was also requested on the proposed crosswalk near Edwin Peck Park. County Vice Chair Billie Wheeler is working with the county staff and the TPO on this item.

10. OLD BUSINESS:

A. Ord. 2021-08 Revision of the Economic Development Ordinance

Attorney Cary read the ordinance by short title. There was no additional discussion or comments.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2021-08 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. Resolution 2021-08 Urging FL Legislature to Allow Municipalities to Regulate Smoking in Parks and on Beaches

CMBR Bryan requested this agenda item hoping to get a head start on the next legislative session. Attorney Cary read the resolution by title. CMBR Bryan stated that he hoped a bill would get a sponsor in the House. He stated that he would send a copy of the resolution to other cities asking for their support.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Resolution 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. Consideration of Request for Reduction/Rescission of Code Enforcement Lien for 2000 S. Atlantic Avenue

Code Enforcement Coordinator Gwyn Herstein provided a brief history of the case to the City Council. It began in 2019 with an inspection for a Certificate of Compliance - Vacant Property. Fifteen violations and four interior deficiencies were identified. The Initial Hearing took place in January 2021 with three violations still non-compliant. The Special Magistrate allowed 60 days to gain compliance. Mr. Morali was not able to do so until June 25th, 94 days past his given time. He received a fine of \$150 per day for a total of \$14,100. The Special Magistrate held a Second Compliance Hearing on July 21st, and reduced the fine by 41 days due to Mr. Morali recovering from knee surgery and a Jewish holiday. The reduced fine was \$7,950.00 plus \$128.03 in Administrative Fees if they are paid by September 20, 2021. If they are not paid, the full amount of \$14,100 will be due again. Mr. Morali has requested the City Council to rescind the entire amount due. Attorney David Glasser spoke for Mr. Morali. He explained that his client had been a business owner in the city for many years. This was a gift shop until it caught fire in 2015. He has spent over \$40,000 in major repairs. Mr. Morali stated that he received only \$200,000 from his insurance company after the fire. He hired a contractor to finish the work on the column, which was the final violation to gain compliance. He was not aware that they were not licensed to do the work needed. The work was eventually completed. Various councilmembers inquired why it had taken so long to begin the work that was required. CMBR Lindauer felt that the Special Magistrate was overly generous in reducing the fine to \$7,950.00. He also told Mr. Morali that his conduct of raising his voice to the city staff was unacceptable. He was not in favor of lowering the fine any further. CMBR Frizalone was in favor of reducing the fine to \$5,000.00 to assist Mr. Morali with his legal fees for hiring an attorney to attend the meeting.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to deny any consideration for Reduction/Rescission of Code Enforcement Lien for 2000 S. Atlantic Avenue.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3 No = 2).

Yes: Mayor Nancy Miller, Councilmember Richard Bryan, Vice Mayor Mel Lindauer

No: Richard Frizalone, Michael Politis

- C. Non-conforming Sign Removal Incentive Grant Application: Pirate's Island Adventure Golf - 3420 S. Atlantic Ave.

City Planner Stewart Cruz provided the details for the sign grant application from Pirates Island Golf. As required, three bids were obtained and the one from Don Bell Sign meets the city's requirements. If approved, the applicant would qualify for \$1,300.00 in grant funds. Staff is recommending approval.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve the Non-conforming Sign Removal Incentive Grant for Pirate's Island Adventure Golf.

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

- D. Discussion of ARPA funding expenditures

Assistant Finance Director Lory Irwin provided a brief presentation to the City Council on the American Rescue Plan Act 2021 (ARPA). The allocation to the city is expected to be 2.3 million. At this time, the funds have not been released by the State of Florida. The permissible uses of the funds were discussed. The following eligible uses were proposed by staff: one time incentive payment of \$1,000 for each permanent employee, joint project with the City of Port Orange to provide redundancy through a second sewer transmission force main, joint project with the City of Daytona Beach to provide redundancy through an initial sewer transmission force main, and allot money as recovery funds. At this time, the City of Port Orange has reached out to staff regarding the sewer project. Staff plans to contact the City of Daytona Beach to schedule a meeting with them. After a brief discussion, the council gave a consensus to move forward with the proposed eligible items.

12. COUNCIL COMMENTS:

Mayor Miller explained that a Special Council Meeting was needed to discuss the pending Treasure Island condemnation hearing. The date selected was August 17 at 5:00 pm. Staff has requested to continue the hearing until August 25th. The Mayor reminded the audience of her Coffee with the Mayor tomorrow (Wednesday) with Rep. Tom Leek. CMBR Frizalone announced the opening of the Don Large Museum on August 19th. The entire council thanked staff for their work on both the ARPA potential funding and the Code Enforcement case with Mr. Moralli.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

reminder for upcoming meetings - Spec Council Meeting on August 17th to discuss Treasure Island

August 24th - Audit presentations begin at 4:00 pm

15. ADJOURNMENT:

The meeting ended at 7:26 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB