

MINUTES
CITY COUNCIL MEETING
June 14, 2022
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 Bryan, Councilmember Richard Frizalone

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Garrett Olsen, Finance Director Lory Irwin, Economic Development and Public Affairs 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 Minutes May 24, 2022

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Approve the City Council Minutes of May 24, 2022.

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. Sixth Amendment to Fire Suppression Contract with Volusia County

B. Opioid Distributors Settlement: Contingent Fee Application

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 June 14, 2022

Attorney Olsen reviewed the report submitted to the City Council.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report June 14, 2022

City Manager Kurt Swartzlander reviewed his report for the City Council. During the Treasure Island update, a short drone video was shown depicting a fairly cleared property. Captain Michael Fowler announced the statistics from the truck event over the weekend. The council was in agreement to hold the budget workshop on July 26th at 5:00 pm. In addition, the City Manager mentioned the recent Home Rule Hero Awards that were given to both Mayor Miller and CMBR Richard Bryan from the Florida League of Cities.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Resolution 2022-03 Investment Policy Update

The CA read the Resolution by title. Finance Director Lory Irwin explained that this resolution would update the city's investment policy to allow the city to invest 100% of reserves funds in U.S. Treasuries if desired. She reported that \$15 million was invested this past week as directed.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Resolution 2022-03 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 of Code Enforcement Lien for Case Number PCDEF2017-71 by SS 2500, LLC (Property Owner of 2500 and 2504 S. Atlantic Avenue)

It was decided that the discussion for both agenda items 11B and 11C would be combined, but the items would have two separate votes. Code Enforcement Coordinator, Gwyn Herstein, stated that the property owner had requested a fine reduction in both cases. The property went through the Special Magistrate Code Enforcement process and is now fully compliant. Attorney George Pappas spoke for the property owner, Janet Ivanhoe. He explained that she tried to get the violations completed in the timeframe provided but contractors wouldn't come out to do the work. He felt there were no life-threatening issues and it only took 4-5 months longer than the time given. Ms. Ivanhoe paid over \$168,000 in repairs and she requested the fine be reduced to \$5,000 for each case. The closing of her miniature golf course is at the end of June and she will pay the fines once that is completed. Ms. Ivanhoe introduced herself and provided a brief background to the council. She explained that it was very difficult to maintain beachside properties. She was asked the price of the golf course and she replied \$900,000. After paying off an existing loan, she would still have approximately \$500,000. After hearing this, a few councilmembers were reluctant to award any fine reduction. After discussion, the council felt that reducing the fine to a combined \$10,000 was too low. A majority agreed on a total of \$20,000 in fines plus the reimbursement of Administrative Fees. It was also agreed upon that if the fines were not paid by the due date, they would revert to the original amounts.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to reduce the fine for Case PCDEF2017-71 to \$7,500 plus reimbursement of Administrative Fees in the amount of \$293.60 paid by July 30th or the fine reverts to the original amount due.

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

Yes: Mayor Nancy Miller, Councilmember Richard Frizalone, Councilmember Michael Politis

No: Richard Bryan, Mel Lindauer

- C. Consideration of Request for Reduction of Code Enforcement Lien for Case Number CDEF2019-38 by SS 2500, LLC (Property Owner of 2500 and 2504 S. Atlantic Avenue)

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to reduce the fine for Case CDEF2019-38 to \$12,500 plus reimbursement of Administrative Fees in the amount of \$133.63 paid by July 30th or the fine reverts to the original amount due.

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

Yes: Mayor Nancy Miller, Councilmember Richard Frizalone, Councilmember Michael Politis

No: Richard Bryan, Mel Lindauer

12. COUNCIL COMMENTS:

Mayor Miller requested CMBR Bryan to provide an update on the TPO meetings that he attends on behalf of the City. He reported that the Director had resigned a year ago and the agency attempted to recruit a new one, but eventually promoted the Assistant Director. The entire council complimented the Public Safety Department on managing the truck event over the weekend. CMBR Frizalone announced that his last council meeting would be June 26th as they are moving out of the city at the end of the month. He thanked the residents for their support over the last 4 years.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Consideration to appoint a new member to fill the vacancy on Seat 1 until the general election.

15. ADJOURNMENT:

The meeting ended at 7:16 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB