

MINUTES
CITY COUNCIL MEETING
July 9, 2019
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

Present: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

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

CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

ORDER OF BUSINESS

1. APPROVAL OF MINUTES

A. Minutes from June 11, 2019 City Council Meeting

Mayor Miller requested the City Attorney to explain that the motion made by CMBR. Politis under the discussion on electronic written communications, was too broad in nature. He will draft a policy that states when and on what terms a councilmember can act.

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the minutes from June 11, 2019.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

B. Minutes from June 25, 2019 City Council Meeting

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Minutes from June 25, 2019.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

2. CONSENT AGENDA:

- A. Approval of \$2,000. for training

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR RICHARD BRYAN to Approve \$2,000.00 for training.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

3. REPORTS OF THE CITY ATTORNEY:

The City Attorney handed out a draft letter requesting an Attorney General Opinion (AGO) regarding the recent firefighter cancer legislation that was enacted. With the city considered a public safety department, as defined by law, the officers are not full-time firefighters. The new legislation would have an impact that can affect the budget. There were no objections to requesting the opinion. Attorney Groot also handed out a draft ordinance for partially revising the city code. He would like to put it on the next agenda to begin its review. He also asked for a follow-up work session regarding the City Charter.

4. REPORTS OF THE CITY MANAGER:

The City Manager congratulated Director Dembinsky for becoming the 2nd Vice President for the Florida Police Chief Association. He thanked Director Swartzlander for his work on the budget. Facilitator Rafael Montalvo will be presenting the follow-up from the strategic planning sessions. He reminded the council that the meeting for July 23rd and August 27th were cancelled.

OLD BUSINESS:

- A. Ordinance 2019-06 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO A COMPREHENSIVE ECONOMIC DEVELOPMENT PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ECONOMIC DEVELOPMENT ACTIVITIES SUCH AS GRANT AGREEMENTS, DEVELOPMENT AGREEMENTS AND A BUSINESS LOYALTY PROGRAM; PROVIDING FOR THE CREATION OF THE CITY OF DAYTONA BEACH SHORES ECONOMIC DEVELOPMENT PROGRAM TRUST FUND; PROVIDING FOR AN ARRAY OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

CMBR Lindauer explained that he would like to flip the lease subsidy percents to the original plan of 30/20/10. The remaining council were in agreement. Audience member Christos Mavronas spoke. He owns Steve's Famous Diner and is hoping to purchase the property at 2400 S. Atlantic Avenue to open a soup and sandwich restaurant. He asked if he would qualify for the incentives. CMBR Frizalone responded that he would qualify since he had not closed on the property yet.

COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to Adopt Ordinance 2019-06 on second reading with the staff recommended amendments relating to: 1) addressing the Certificate of Use Fee as a one-time fee 2) to specifically refer to facade and beautification grants as examples of the other types of agreements authorized to enhance the high quality economic development of the city 3) capping the total benefits under a lease subsidy, facade or beautification or similar agreement to \$20,000.00 additionally: to modify the lease subsidy amounts to be descending incentives with up to 30% for the first year of the lease, up to 20% for the second year of the lease and up to 10% for the third year of the lease with the grants to be generally based upon the number of new jobs created, the desirability of the type of business for the city and the capital investment to be made.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

NEW BUSINESS:

- A. A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SETTING THE PROPOSED MILLAGE RATES FOR THE CITY FOR FISCAL YEAR 2019-2020; PROVIDING AN EFFECTIVE DATE.

Attorney Groot read the full text of the resolution with the proposed millage rate of 5.0046 (the rolled back rate). The council discussed the proposed millage rate. Mayor Miller stated that there were several items that were still waiting for cost estimates. She felt utilizing the current rate of 5.23 initially would be beneficial and then once the estimates were in, the rate could be lowered in September at adoption.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to adopt Resolution 2019-12 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

- B. Nonconforming Sign Removal Incentive Grant Application: 3226 S. Atlantic Avenue, Water's Edge Apartments

City Planner Stewart Cruz read from his staff report. The owner previously received a now expired sign grant in 2018 for \$5,200. Mr. Cruz added that no funds were given to the applicant in 2018. He would like to receive another grant award for the same amount. Mr. Cruz informed the council that the grant amount this year is capped at \$3,900. This is the first time an applicant has requested grant funds twice and it is the council's option to award the grant money.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR RICHARD BRYAN to approve the Nonconforming Sign Removal Incentive Grant Application for the Water's Edge Apartments in the amount of \$3,900 on the condition that the new sign meets all the requirements of the applicable City sign standards and that no code enforcement violation exist prior to the disbursement of City grant funds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

C. Discussion on Request For Proposals (RFP) for City owned land located at 2900 South Atlantic Avenue.

It was explained that all submittals would be reviewed by the Economic Development Agency. A short list would be created and those would be interviewed by the entire City Council. The following audience members spoke:

Rick Brown stated that he lives across the street from the property and did not want additional houses built. He believed the property should be for community usage as it was part of the Oceans West PUD. It was explained to him that this corner piece was not part of that PUD. Investor Doug Cook previously purchased it and the city acquired it from him. It is currently zoned as commercial use.

Deanna Burkhardt explained that she lived in the Cloverleaf North and was speaking for many of the residents there. The main concern is safety. The additional traffic that would be generated by adding many apartments or townhomes would make travel on Oceans West Blvd. very difficult.

Marcia Holman reviewed the RFP from the website and felt there were many errors. She felt 30 days were not enough time to receive valid responses. She also thought many parts did not very professional.

John Schmitz commented that he was glad to see the section forbidding flipping the property. He felt some funds from the sale could be used for facade grants.

Michael Kane inquired if the city had a written economic plan.

David Lesley did not want the property to be sold at all. He questioned whether CMBR Frizalone was violating the Sunshine Law with his weekly meetings.

CMBR Frizalone explained that he understands the residents. It appears high end townhomes are more favorable than an apartment complex. The traffic would be manageable. CMBR Politis added that the council can control the development through the RFP process. The council discussed the number and type of units to include in the RFP and it was decided to use 24 - 25 townhome units.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR RICHARD BRYAN to proceed with the RFP process for the property at 2900 South Atlantic Avenue..

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

COUNCIL COMMENTS:

CMBR Frizalone stated there was good news regarding the application for a USTA grant for the proposed sixth tennis court. He explained that there were audience members who signed up to speak regarding GVTL league play. It seemed that the informal tennis committee has placed a rule that requires 50% of players are residents. With the reservation system, you can reserve a court and bring 3 non-residents to play with you. That is only 25%. He felt creating a council designated tennis authority to create policies and rules was necessary. He nominated CMBR Politis who has past GVTL experience, to work with the committee. CMBR Politis stated that he would help in any way possible. CMBR Lindauer welcomed the new businesses, Flapjack Johnny's and hopefully the new soup and sandwich restaurant. He explained that he had created a slogan for the economic development literature, "Daytona Beach Shores open for business". Mayor Miller introduced Johnny from Flapjack Johnny's. She reminded the audience about the next Coffee with the Mayor. Director Dembinsky will be in attendance to answer any questions by the residents. There is a lecture on Thursday night by Bea Schemer on Remembering the Holocaust. Vice-Mayor Bryan had questions regarding the proposed tennis committee. He would like a resolution added on the next meeting agenda.

AUDIENCE REMARKS/PUBLIC COMMENTS:

Ellen Frizalone spoke on the ability of the GVTL league to play here. Since the courts are open to the public, she didn't think it was fair for an informal committee to impose a 50% resident requirement. She stressed the need for a council appointed tennis advisory committee.

Carl Campbell also spoke on allowing the GVTL to have the courts to play on each month. Bob Knight stated that he was a former Shores resident. He felt that the rules posted don't allow for any league play and requested the council to allow this to happen.

It was mentioned that the rosters for GVTL had to be submitted by August 16th. The council will not meet again until August 13th. Attorney Groot explained that the council by consensus could allow league play with only the 25% residency requirement. After a brief discussion, the council agreed to the 25% residency for the league play at 9:30 am.

ITEMS RECOMMENDED FOR THE NEXT AGENDA:

A resolution to create the tennis advisory committee

ADJOURNMENT:

The meeting ended at 9:09 p.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB