

**MINUTES
CITY COUNCIL MEETING
September 28, 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 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. NEW BUSINESS (TRIM PROCESS ONLY):

- A. A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FOR FISCAL YEAR 2021-2022; PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2021-11 was read in its entirety by City Attorney Becky Vose as required by state statute.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt RESOLUTION 2021-11 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 2021-12 Final Budget Adoption FY 2021-2022

The resolution was read by title only by City Attorney Becky Vose.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Resolution 2021-12 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

6. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

7. APPROVAL OF MINUTES

A. City Council Minutes September 13, 2021

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes for September 13, 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

8. CONSENT AGENDA:

A. Public Safety August report

B. Community Services, August 2021 Report

C. Building Division, August 2021 Report

D. Port Orange/South Daytona Chamber of Commerce Agreement Renewal

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

9. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

City Attorney Becky Vose read from her submitted report. Mayor Miller inquired when the final revisions for the charter amendment would be on the agenda. Attorney Vose will follow up to ensure the ordinance(s) will be ready for the next election cycle.

10. REPORTS OF THE CITY MANAGER:

A. City Manager Report September

The City Manager's report was a follow-up to the recent council discussion on cross walks. The FDOT is willing to fund crosswalks at their expense on SR A1A. The consensus was to upgrade the existing one near the ABC to include lights, install a new one near Sea Spray Avenue, and install a new one at the Treasure Island property. The County of Volusia would like one installed near the new Peck Park. CMBR Politis suggested for consistency, all the pedestrian cross walks should be lighted.

11. OLD BUSINESS:

12. NEW BUSINESS:

A. Ordinance 2021-09: Comprehensive Plan Amendment - Property Rights Element

City Planner Stewart Cruz explained that this amendment is required by HB 59, which was recently approved by the Florida Legislature. It would add a chapter on property rights elements. The house bill included model language and staff is recommending approval.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Ordinance 2021-09 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. Ordinance 2021-10: Treasure Island Stipulated Settlement Agreement Comprehensive Plan Amendment - 2025 S. Atlantic Ave, et al

City Planner Stewart Cruz explained that the proposed comprehensive plan amendment is related to the stipulated agreement between the City and 2025 S. Atlantic LLC. He provided a summary of the amendment to the council. It would allow flexibility and a mixture of uses. It would also allow density to be transferred from parcel to parcel with certain restrictions. Both staff and the Planning & Zoning Board recommended approval of the amendment.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2021-10 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 1).

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

No: Richard Bryan

- C. Ordinance 2021-11: Proposed Amendment to the Atlantic Avenue Estates Development Agreement; Request by owner of 3833 Cardinal Boulevard

City Attorney Becky Vose read the ordinance by title.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Continue Ordinance 2021-11: until the October 12th City Council meeting.

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. Ordinance 2021-13 Sale of Property located at 136 Beachcomber.

Finance Director Kurt Swartzlander explained this was a cash offer and everything was in order with the contract.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Ordinance 2021-13 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

- E. Consideration for Alternate Member to Planning & Zoning Board

Mayor Miller explained that the council held interviews earlier at their workshop. There were two applicants that applied for the alternate position.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to select Jeni Groot-Begnaud as Alternate Member to the Planning & Zoning Board.

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

13. COUNCIL COMMENTS:

CMBR Frizalone felt the city was in good shape and happy to keep moving forward with projects etc. Mayor Miller stated that she was speaking at the Chamber leadership class tomorrow morning. She will also be attending the joint task force meeting regarding special events.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

The continuation of Ordinance 2021-11.

16. ADJOURNMENT:

The meeting ended at 6:46 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB