

**MINUTES  
CITY COUNCIL MEETING  
October 12, 2021  
3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

**1. CALL TO ORDER BY MAYOR**

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

**Staff:** City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Becky Vose, City Planner Stewart Cruz, Finance Director Kurt Swartzlander, and Public Safety Captain Michael Fowler.

**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 September 28, 2021

**COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to Approve both sets of minutes from September 28, 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 Board Workshop Minutes September 28, 2021

**7. CONSENT AGENDA:**

## 8. REPORTS OF THE CITY ATTORNEY:

### A. City Attorney Report

Attorney Becky Vose reviewed her report for the council. She explained that the agenda item regarding the sale of the Beachcomber property would need to be continued. When the property was purchased using grant funds there are restrictions attached to it that need to be settled.

## 9. REPORTS OF THE CITY MANAGER:

### A. City Manager Report Oct. 12

City Manager Michael Booker reviewed his report for the council. He included an item regarding construction work hours on a Sunday. He determined that it is legal for construction work between the hours of 10:00 am and 6:00 pm. A call had been received that workers had been seen on the site of Oceans 25. The council held a brief discussion and determined they were not in favor of allowing construction work on Sunday. Staff will work on providing an ordinance to make this change.

## 10. OLD BUSINESS:

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

Attorney Vose read the Ordinance by title for the record.

**COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Continue Ordinance 2021-13 until October 26, 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

## 11. NEW BUSINESS:

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

City Planner Stewart Cruz provided a brief review of his staff report. This is the second amendment to the Atlantic Avenue Estates LLC development agreement. The Planning &

Zoning board recommended approval at their meeting earlier that morning. Vice Mayor Lindauer inquired about the fee that was requested to be waived. Mr. Cruz explained that the fee for a variance request was only \$220 while the fee for a development agreement is \$550. The council was in agreement to reduce the fee to \$220.00.

**COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to amend the motion to state the fee was reduced to \$220.**

**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

**COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Ordinance 2021-11 on first reading as amended.**

**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 2021-12: Voluntary Annexation - 104 Broad Avenue

City Planner Stewart Cruz stated that all requirements for annexation had been met. Staff recommended approval. Property owner Heather Roberts spoke to the council. This is a voluntary annexation and she was excited to become a citizen of the Shores.

**COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Ordinance 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

C. Approval to cancel City Council meetings on November 23rd and December 21st due to holidays.

**COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to cancel the City Council meetings on November 23rd and December 28th due to holidays.**

**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:

CMBR Bryan informed the council that there were two potential bills regarding smoking in the house and senate. He will stay in touch with the representatives in Tallahassee and

update the council as necessary. Mayor Miller reminded the audience that Coffee With the Mayor would be the following day. The guest speaker is the new Tax Collector, Will Roberts. She also announced the next food truck/concert event would be November 5th.

**13. AUDIENCE REMARKS/PUBLIC COMMENTS:**

There were no audience comments.

**14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:**

136 beachcomber, ord for Sunday work

**15. ADJOURNMENT:**

The meeting ended at 6:37 pm.

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**MAYOR  
NANCY MILLER**

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**CITY MANAGER  
MICHAEL T. BOOKER**

**ATTEST:**

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**CITY CLERK, CHERI SCHWAB**