

MINUTES
CITY COUNCIL MEETING
November 9, 2021
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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 October 26, 2021

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

7. CONSENT AGENDA:

A. Bid Waiver-Court 6

B. Renewal of Non-Exclusive Franchise - Creech Enterprises, Inc., dba Southeast Containers

C. Renewal of Non-Exclusive Franchise - Samsula Waste, Inc.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS 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 November 9, 2021

Attorney Cary provided a brief summary of the submitted report. It was explained that the comp plan amendment for the Treasure Island property was returned from DEO with two minor notations. The staff is looking at options to address them. It is hoped that a draft Development Order for Treasure Island is received in the next few weeks.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report November 9, 2021

City Manager Michael Booker read from his staff report. He included information regarding a county-wide pet licensing program. Each city has been requested to support the program to hopefully assist lost pets in returning to their owners quickly. It could also assist with over crowding at local animal shelters. The council instructed the City Manager to bring back a resolution for support.

10. OLD BUSINESS:

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

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Continue Ordinance 2021-13 until the meeting of December 14, 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. Ordinance 2021-14: Mobile Food Vehicles

The City Attorney read the ordinance by title. Vice Mayor Lindauer stated that he had no issue with food trucks at construction sites, but felt the use of a Development Agreement created a competitive disadvantage. City Planner Stewart Cruz reviewed the sites that would be allowed through regulation.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Adopt Ordinance 2021-14 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. Ordinance 2021-15: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 104 Broad Avenue

The City Attorney read the ordinance by title. City Planner Stewart Cruz informed the council that this procedure was a formality after annexation.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve Ordinance 2021-15 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 2021-16: Comprehensive Plan Future Land Use Map Amendment-131 Glen Myra Avenue

The City Attorney read the ordinance by title. City Planner Stewart Cruz explained that this property had been annexed to the city a few years ago, but the land use map was never assigned. The property will be assigned the designation Tourist Oriented Commercial for its use due to the fact it is adjacent to other commercial property owned by the Denisons.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Ordinance 2021-16 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,

- C. Ordinance 2021-17: Rezoning application for recently annexed property located at 104 Broad Avenue

The City Attorney read the ordinance by title. City Planner Stewart Cruz stated the property would be rezoned as a single family residential similar to the county's designation.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve Ordinance 2021-17 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

12. COUNCIL COMMENTS:

Mayor Miller stated that she had recently participated in a breast cancer awareness walk that was sponsored by CMBR Politis' law firm. She asked Recreation Director Nancy Maddox to review the upcoming events for the next few months. The Mayor questioned CMBR Bryan regarding a recent TPO meeting item. Votran is proposing to stop service on S. Atlantic Avenue south of Dunlawton Avenue. CMBR Bryan explained that it was his understanding it was just a proposal and not a certainty. He will follow up on this matter. There was a short discussion about whether the city had any Veterans Day celebration planned. The City Manager explained that it has been our practice to hold an Armed Forces Day event due to the many other celebrations in neighboring cities on Veterans Day. CMBR Bryan provided an update on the smoking bill currently filed. Senator Wright has proposed a memorial (similar to a resolution) regarding the high ratio of sodium to potassium in food. He read the memorial in its entirety and would like to see a city resolution in support on the next agenda.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Harley, the Mayor from International Falls, Minnesota was in the audience. He has been visiting the city for many years and was interested to learn that the two cities had many things in common.

Jim Cameron informed the council that he was now consulting for the Daytona Chamber of Commerce. He stated that Voluisa Days would be held again in Tallahassee on January 25th -26th. It is a great time to meet the state legislators.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Ordinance 2021-13 for the Beachcomber property and a Resolution recommended by CMBR Bryan

15. ADJOURNMENT:

The meeting ended at 6:54 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB