

MINUTES
CITY COUNCIL MEETING
January 11, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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 LT. Michael Schoenbrod.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

There were no ceremonial items for the meeting.

6. APPROVAL OF MINUTES

A. City Council Minutes December 14, 2021

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

7. CONSENT AGENDA:

A. Third Amendment for ILA Fire and/or Rescue Mutual Aid

COUNCILMEMBER RICHARD BRYAN 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

City Attorney Cary reviewed his report for the council. Mayor Miller inquired about the timeline to put the charter review changes on the agenda. It was decided to include them on the February agenda.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report January 11, 2022

City Manager Michael Booker reviewed his report for the council. He officially announced his retirement effective July 8th of this year. Mayor Miller requested this item be added to the next agenda.

10. OLD BUSINESS:

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

The City Attorney read the ordinance by title only. There was no additional discussion related to the item.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2021-09 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 2022-02: Voluntary Annexation-3102 Liberty Street

The City Attorney read the ordinance by title only. This is a voluntary annexation and there was no further discussion.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-02 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 2022-03: Voluntary Annexation - 6 Carter Terrace

The City Attorney read the ordinance by title only. There was no further discussion on the item.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve Ordinance 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

C. Ordinance 2022-04: Treasure Island Development Agreement - 2025 S. Atlantic Avenue, Fraile St/Armstrong Ave, etc.

The City Attorney read the ordinance by title. City Planner Stewart Cruz provided a short history of the property. The City Council approved a stipulated agreement last August which kept the previous code violations at bay. At this point, all the councilmembers announced that they had ex-parte communications with Attorney Rob Merrill of Cobb & Cole. The proposed development agreement provides for demolition of the existing structure at 2025 S. Atlantic Avenue within a total of 120 days of approval/recordation. If the structure is not demoed within 60 days, the owner shall place monies in escrow to cover the demolition cost with an option for the city to access the funds and finalize the demolition within 120 days. The site must be restored within a total of 150 days. The DA also establishes development criteria, agreement duration, property maintenance, deviations, entitlements and incentives. If approved, this would replace the existing development agreement that is set to expire in 2024. The proposed development consists of a 300 room hotel and a multi-family building with 200 units. The one area of the DA that staff doesn't agree with is the time duration. Staff felt that 5 years to obtain a Certificate of Occupancy for the hotel and 15 years for the condominium was adequate. The applicant would like 8 years to obtain the building permit and pay all permit fees for the hotel and 15 years for the permit and fees for the multi-family building. Mr. Cruz stated that the Planning & Zoning Board recommended approval of the 5 year plan. Mayor Miller commented that she did not appreciate receiving an updated copy of the DA moments before the meeting began. Attorney Rob Merrill for the applicant responded that he had been working diligently with city staff on the DA. He mentioned that the wonder had now shortened the demolition window to 60 days from the initial 120 days. He stated that it would be up to the market on whether a building ever gets built and how long it may

take to do so. With the recent world events in the past two years, the owners definitely want 8 years to obtain a permit. Mayor Miller requested that total restoration be explained and Director Hiatt outlined the details involved, including debris removal and property maintenance. CMBR Politis stated that he could support the 8 year plan due to the current marketplace and availability of materials. CMBR Frizalone asked each staff member individually if they were on board with the 8 year plan and all responded they were. Audience members Anne Ruby and Sandy Murphy spoke in favor of the project. Their properties are directly across the street from the existing structure. They have been waiting for the property to be renovated and are anxious for work to begin. They hoped to see a crosswalk, bus shelter and native plants on the property.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Ordinance 2022-04: and directed the City Manager to negotiate the final terms of the development agreement for the second hearing.

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. Consideration to cancel the February 8, 2022 City Council Meeting

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to cancel the February 8, 2022 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

12. COUNCIL COMMENTS:

Mayor Miller thanked Nancy Maddox and her staff for a successful business expo last weekend. There was great participation and beautiful weather for the event. She also reminded the audience of her upcoming Coffee with the Mayor. CMBR Bryan informed everyone that he was very optimistic that the state legislature would approve the proposed smoking bill that he had been following. Vice Mayor Lindauer announced that Mayor Miller would be receiving the Mayor Blaine O'Neal Award at the upcoming Volusia League of Cities Annual Award Banquet. CMBR Frizalone thanked the City Manager for his many years of service to the city. CMBR Politis added to the accolades for the City Manager, stating that "Mike is a good man with a great staff".

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Selection of a new city manager after Michael Booker's retirement.

15. ADJOURNMENT:

The meeting ended at 7:30 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB