

MINUTES
CITY COUNCIL MEETING
January 25, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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 Captain Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

There were no agenda items for this section.

6. APPROVAL OF MINUTES

A. City Council Minutes January 11, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the City Council Minutes of January 11, 2022.

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. Public Safety December report

B. Community Services November, 2021 Report

C. Community Services December, 2021 Report

D. Building Division November, 2021 Report

E. Building Division December, 2021 Report

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

No: None

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Vose reviewed her report to the council.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report Jan. 25, 2022

City Manager Booker reviewed his report for the council. He attended a meeting regarding the crosswalk at Peck Park that morning. The plan is to install a lighted crosswalk at the northern end of the property. Website analytics were also provided to the council.

10. OLD BUSINESS:

A. Ordinance 2022-02: Voluntary Annexation-3102 Liberty Street

Attorney Vose read the ordinance by title only. There was no additional discussion.

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 10 No = 0).

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

B. Ordinance 2022-03: Voluntary Annexation - 6 Carter Terrace

Attorney Vose read the ordinance by title only. There was no additional discussion.

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

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.

Mayor Miller announced that due to the legal advertisement not being published properly, the item would be continued.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER RICHARD BRYAN to Continue Ordinance 2022-04 until February 1, 2022, at 4:00pm.

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. Discussion on selection criteria process for City Manager

Mayor Miller stated that with the recent retirement announcement by the City Manager, the council needed to begin the process of selecting a replacement. She explained that there were a few methods from promoting within to hiring a recruiting firm to perform a search. The current CM has put together a great team of Department Heads and with the city not having any current major issues, she would like to appoint Assistant City Manager/Finance Director

Kurt Swartzlander as the incoming City Manager upon Michael's retirement. This would allow continuity and maintain a cohesive team. The remaining councilmembers also endorsed Kurt as the next City Manager. They felt the management team worked very well together.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Appoint Kurt Swartzlander as City Manager upon Michael Booker's retirement.

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

Attorney Vose stated that she would work with Kurt on a contract and would bring it back at a later meeting. Kurt accepted the appointment and stated that he looked forward to continuing working with the council and staff.

B. Ordinance 2022-01: Rezoning Application RZ12021045, 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

Attorney Vose read the ordinance by title. Attorney Leann Wagner and Engineer Peter Zahn spoke on behalf of the applicant. Ms. Wagner explained that the church has owned the property for many years and that it was always intended to be used for outreach services. The City Council approved the use last year and the center opened this past fall. There have been other church-supported counseling centers in Volusia County for years. The clients at this center are mainly children and families. One of the family counselors spoke to the council explaining that 95% of her clients were families. Mayor Miller inquired if the church would consider adding a barrier such as a hedge or fence between the center and the neighbor. Mr. Zahn replied that the church would install a barrier, most likely a fence, in the future. The Mayor read a statement in support of the counseling center that was presented at the Planning & Zoning meeting and entered it into the record. It included 8 signatures of neighbors also in support. City Planner Stewart Cruz explained the reason for the item being on the agenda. In 2003, the city hired a third party contractor to update the zoning maps. A mistake occurred when the wrong color was assigned to this property. It has never changed the legal zoning classification on it. The Planning & Zoning Board along with city staff recommend approval. Mr. Cruz's staff report was submitted for the record.

Audience member Blake Kenton felt the application had errors on it stating that using the home as a for-profit counseling center was not office use. It was his opinion that this was considered spot zoning. Kahri Kenton also spoke, stating that she was concerned about the safety of her children. She would like some type of buffer installed between her home and the center. She quoted a section of code that stated a 50 foot setback was required. It was later determined that she had downloaded the code for Langley, Washington, and not Daytona Beach Shores.

City Planner Cruz stated that his staff report provides a thorough analysis and this is not spot zoning.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Ordinance 2022-01: Rezoning Application RZ12021045, 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church.

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 announced that she had recently given a proclamation for Teacher of the Year at Longstreet Elementary. She reminded the audience that the February 8th meeting was canceled as well as Coffee with the Mayor. There will be a Casino Night on February 12th with a 60's theme. She requested a discussion item for the next agenda regarding the Bank of America property. It is officially on the market now and there has been some interest from various businesses. If the city were to purchase it, that would guarantee its use. CMBR Bryan provided an update on the smoking bill before the state legislature. It passed the first committee hearing. Both Vice Mayor Lindauer and CMBR Frizalone announced that they were running for re-election.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

discussion on the Bank of America property

15. ADJOURNMENT:

The meeting ended at 7:04 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB