

**MINUTES
CITY COUNCIL MEETING
February 22, 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 Michael Politis, Councilmember Richard Frizalone

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Wade 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. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

6. APPROVAL OF MINUTES

A. City Council Minutes January 25, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the City Council Minutes January 25, 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

B. City Council Special Minutes February 1, 2022

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Special Minutes February 1, 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 January report
- B. Community Services January, 2022 Report
- C. Building Division January, 2022 Report
- D. October Finance Report

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN 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

The City Attorney reviewed the submitted report.

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report February 22, 2022

The City Manager reviewed his submitted report. He stated that he had moved his retirement date to June 3rd. Community Services Director Fred Hiatt reported that the city was aware

that Acres Capital had been receiving bids for the demolition process of the Treasure Island property.

10. OLD BUSINESS:

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

Attorney Vose read the ordinance by title. The Mayor called the hearing to order. There was no ex-parte communication by any councilmembers. The City Clerk swore in all witnesses for the hearing. City Planner Stewart Cruz advised that all public notice requirements had been met. There was nothing new to add to his staff report and he recommended approval. Administrative Director Laura Walker spoke on behalf of the church. She explained that they had obtained quotes for a privacy fence between the counseling center and the neighbor as discussed at the last meeting. New signage and a dedicated walkway were also created.

There was no one who wished to speak in favor of the application.

Kahri Kenton spoke against the application, stating that she was still very unhappy with the process. She felt that the clients who attended the counseling were court-mandated with troubled backgrounds. It was her opinion that the church provided false information on the rezoning application stating the use was just for office space.

CMBR Frizalooone inquired why the counseling center opened. Ms. Walker responded that the church had received a grant from United Way that enabled them to open the center. The building was previously the Assistant Pastor's residence. Vice Mayor Lindauer asked about the court-mandated sessions. Ms. Walker responded that maybe 5% of the total sessions were mandated and very few were at this location.

The Mayor closed the public hearing.

Vice Mayor Lindauer stated that a letter had been submitted at their previous meeting where nine neighbors declared they were fine with counseling center's location. He confirmed with Public Safety that there had been no recent calls or incidents.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Adopt Ordinance 2022-01 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 2022-05 Daytona Beach Shores proposed charter amendments

Attorney Wade Vose read the Ordinance by title. He explained that the proposed ordinance was drafted from the charter workshops that were held last year. If adopted, the five

questions would be on the November General Election ballot. The five questions were read to the council and there were no changes made. The questions would be on the following topics: 1) increasing the number of votes to remove a councilmember for misconduct, 2) eliminating a specific meeting time for the organizational meeting, 3) revising timelines for citizen-initiated charter amendments, 4) providing purchasing be governed by purchasing policies, and 5) renaming city council to city commission.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Ordinance 2022-05 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. Discussion on the Bank of America property that is for sale.

Finance Director Kurt Swartzlander explained that the Bank of America property was officially for sale. They are accepting sealed bids until March 10th. He stated there were many uses that the city could use the building for, including additional classes as overflow from the community center. With the property being adjacent to city property, if the city decided to sell it at a later date, it can control what would go there. Staff reached out to Halifax Health for a partnership, but they declined as they have too many capital projects currently in the works. If the council decided not to purchase the property, the permitted uses were listed for the commercial zoning area that included many service industries. The council held a brief discussion stating that it would be in the city's best interest to own the property due to the proximity of the park and the pavilion. The City Council gave a consensus to bring back a Proposed Sale Agreement to the next meeting.

C. Rezoning Application RZ12021040: Coby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Continue the Rezoning Application RZ12021040 until the meeting on March 22nd.

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. Rezoning Application RZ12021043: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Continue Rezoning Application RZ12021043 until the meeting on March 22nd.

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. Future Land Use Map Amendment CPA12021041: Colby & Jennifer Caldwell - 6
Carter Terrace, Annexed Property

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Continue Future Land Use Map Amendment CPA12021041 until the meeting on March 22nd.

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

- F. Future Land Use Map Amendment CPA12021044: Larry & Barbara Pollack - 3102
Liberty Street, Annexed Property

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Continue Future Land Use Map Amendment CPA12021044 until the meeting on March 22nd.

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 reported that she and city staff had a beneficial trip to Tallahassee. They were able to meet with a few state legislators to discuss upcoming bills. The recent casino night was a very successful event. There will be a free concert this Friday with food trucks in McElroy Park. She thanked the Vice Mayor for filing in for her during the recent parade and car show. CMBR Bryan provided an update on the smoking bill that he had been watching. He also noted a bill that would require all elected officials and city managers to provide more in depth personal financial information. Vice Mayor Lindauer enjoyed taking part in the parade and car show. He gave praise to the Drive-In Christian Church for the events.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Bernadette Walsh inquired if the council could speak with the state legislators regarding the increase in homeowners insurance. She also inquired if the large dog side of the dog park could have more sod placed. Currently, large dogs are going into the small dog area. She stated there was a rumor going around that the Oceans 25 town homes were being sold to one owner and turned around for rental units. She asked if there were any laws the city had to prevent that. She will follow up with City Planner Stewart Cruz on this issue.

Tony Rembiszewski felt it was an inconvenience that the sidewalk on Oceans West Blvd.

near the town homes had been closed due to construction for over two weeks. It is predicted to be closed for another three weeks and he is unhappy with the dangerous conditions.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

The meeting ended at 7:33 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB