

MINUTES
CITY COUNCIL MEETING
March 22, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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, Economic Development and Public Affairs Director Nancy Maddox, 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:

Director Dembinsky introduced SGT. Jessica Long who was the recipient of the Officer of the Year for Daytona Beach Shores from the Port Orange South Daytona Chamber of Commerce.

6. APPROVAL OF MINUTES

A. City Council Minutes March 8, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the City Council Minutes of March 8, 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 February Monthly report
- B. February 2022 Finance Report
- C. Community Service February Monthly report
- D. Building & Codes February Monthly report

- E. Application for Non-Exclusive Franchise - C. Wright Landscaping, Inc.

COUNCILMEMBER MICHAEL POLITIS 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

Attorney Vose reviewed her report for the council. There were no additional questions.

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report March 22, 2022

City Manager Michael Booker reviewed his report to the council. He noted that the tentative date for the demolition at Treasure Island was pushed to March 28th. Mayor Miller announced there would be a small celebration across the street beginning at 11:00 am. He also provided an update on the FPL charging station that is being installed. Once the project is complete, use of the station is no longer free.

10. OLD BUSINESS:

A. Bank of America Property Purchase

Finance Director Kurt Swartzlander informed the council that the city's bid came in fourth place. They will allow the city to submit a best and final bid. He was told that there were two bids worth over \$1 million. The city bid \$850,000. Bank of America had an appraisal done that came in at \$1,340,000. The city had an appraisal done ten months ago and the market has greatly increased. Both Vice Mayor Lindauer and CMBR Frizalone thought it strange that BOA had originally stated they would allow the top three bids to resubmit. If the city was number 4, why are they allowing us to resubmit? After a brief discussion, council approved staff to resubmit the original bid.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR MEL LINDAUER to submit another bid in the amount of \$850,000 to purchase the Bank of America Property.

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. Quasi-Judicial Hearings

A. Ordinance 2022-08: Rezoning Application RZ12021040, Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

Attorney Vose read the ordinance by title. The City Clerk swore in the witnesses for both hearings. City Planner Stewart Cruz gave a short PPT presentation showing the location of the property and the zoning designation. The property was recently annexed and this ordinance is the next step in the process to apply zoning regulations. Both staff and the Planning & Zoning Board recommended approval.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve Ordinance 2022-08 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 2022-09: Rezoning Application RZ12021043; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

Attorney Vose read the ordinance by title. City Planner Stewart Cruz gave a short PPT presentation showing the location of the property and the zoning designation. The property was recently annexed and this ordinance is the next step in the process to apply zoning regulations. Both staff and the Planning & Zoning Board recommended approval.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-09 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. NEW BUSINESS:

- A. Ordinance 2022-06: Future Land Use Map Amendment CPA12021041; Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

Attorney Vose read the ordinance by title. This is also a part of the annexation process. It is a requirement by the Florida Statutes to enforce land development regulations. Both staff and the Planning & Zoning Board recommend approval.

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve Ordinance 2022-06 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 2022-07: Future Land Use Map Amendment CPA12021044; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

Attorney Vose read the ordinance by title. This is also a part of the annexation process. It is a requirement by the Florida Statutes to enforce land development regulations. Mr. Cruz pointed out that this property is larger and could potentially have three units built on it. The zoning that is being assigned would limit it to just one single family home. Both staff and the Planning & Zoning Board recommend approval.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-07 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 2022-10: Minimum Lot Size Requirement For Townhomes In The RMF-2 District

City Planner Stewart Cruz informed the council that this was an administrative amendment to the city's code. There is a current townhome project being developed in the southern end of

the city. After a review, it was discovered that both the medium and low density residential districts allowed the same number of townhome units to be constructed per acre but allowed a greater number of condo units. In order to correct the discrepancy, staff proposed allowing 18 townhome units per acre in the medium density district.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-10 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

D. Ordinance 2022-11: Extension of Nonconforming Freestanding Sign Compliance Amortization Period

Attorney Vose read the ordinance by title. City Planner Stewart Cruz provided background on the updated sign ordinance. In 2012, the city council created the monument sign ordinance as a way to complement the recent underground utility project. At that time, businesses had up to 10 years to bring their signs into compliance. All property owners were noticed. Currently, there are 69 signs that are still non-compliant. If this proposed ordinance is adopted, it would extend the deadline one year, until April 2023. This will go before the Planning & Zoning Board for their recommendation in April. Staff has proposed this amendment due to the pandemic the past two years. Businesses have faced monetary issues and there are supply chain issues.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-11 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

13. COUNCIL COMMENTS:

CMBR Bryan provided an update on the state's legislative efforts. The smoking bill has passed and is waiting for the Governor to sign it. Both the bill regarding increased financial statements for elected officials and the bill for increased building codes for high rise structures died with no votes taken. Mayor Miller reminded the citizens of the upcoming free concert on Friday night. She announced the speakers for the upcoming "Coffee with the Mayor" April - Senator Tom Wright, May- City Manager Michael Booker, and June - an evening event to introduce the new executive staff. CMBR Frizalone thanked the staff for their hard work and determination for the upcoming Treasure Island demolition. CMBR Politis commented that most of the businesses who still need to correct their signs were family owned. He hoped that the council could assist while still being good stewards of the city finances.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Tony Rembiszewski spoke about the increase in homeowner insurance. He was upset that the state legislators did nothing to alleviate the increase during their recent session. He encouraged everyone to reach out to their representatives and voice their concerns.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Introduction of new Public Safety Officers

16. ADJOURNMENT:

The meeting ended at 7:02 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB