

MINUTES
CITY COUNCIL MEETING
April 12, 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 Frizalone, Councilmember Michael Politis, Councilmember Richard Bryan

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Becky Vose, 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:

A. Presentation of Public Safety Officers

Director Dembinsky presented some of the Public Safety Officers that were hired last year and just released from probation.

6. APPROVAL OF MINUTES

A. City Council Minutes March 22, 2022

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes of March 22, 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. Approval to spend forfeiture monies

COUNCILMEMBER MICHAEL POLITIS 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

Attorney Becky Vose reviewed her report for the council.

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report April 12, 2022

City Manager Booker reviewed his report to the council. He also presented Mayor Miller with a certificate for attending the Leadership Academy with the Florida League of Cities.

10. OLD BUSINESS:

- A. Ordinance 2022-10: Minimum Lot Size Requirement For Townhomes In The RMF-2 District

Attorney Vose read the ordinance by title. There were no other questions or discussion.

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

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

Attorney Vose read the ordinance by title. City Planner Stewart Cruz stated that this would extend the program for one year until April 9, 2023.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-11 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. City Manager Contract

Attorney Vose explained that her firm worked with the council to negotiate the new contract. The terms of the contract were stated for the record. All the council members exclaimed their support for Director Swartzlander. The Mayor thanked CM Booker for putting a transition plan in place a few years ago. Director Swartzlander thanked the council for their vote of confidence and to Mr. Booker for his mentorship. He plans to build on what the council has put in place.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve the City Manager Contract for Kurt Swartzlander.

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. Reinstitution of the Nonconforming Sign Removal Incentive Grant Program

City Planner Stewart Cruz stated that this grant program began in 2012 to assist business owners. This proposed program has a few minor adjustments. Only two quotes are required instead of three and there is a deadline to submit the application to staff. If the program is approved, staff will send a letter to all businesses who still have a non-conforming sign. There are approximately 69 outstanding. The council held a brief discussion on what the grant payment should be. It was decided to reimburse up to 15% of the new sign with a minimum payment of \$2,000 and a cap of \$3,000.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve the reinstitution of the Nonconforming Sign Removal Incentive Grant Program of a 15% reimbursement with a minimum grant of \$2000 and maximum cap at \$3000.

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. Oceans 25 Plat (Subdivision): 2900 S. Atlantic Avenue

City Planner Cruz stated that this was an administrative item that must be completed in order to allow the individual units to be sold. The plat of land must be subdivided and recorded.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the Oceans 25 Plat (Subdivision): 2900 S. Atlantic Avenue.

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 reminded the residents of the upcoming events. Both the Vice Mayor and CMBR Politis welcomed the new Public Safety Officers and Kurt Swartzlander in his new role of City Manager. CMBR Bryan commented on a recent open house for Oceans 25 townhomes. There are rumors that the units are being sold for \$800,000 each and they will become one-week rentals. CMBR Frizalone stated that while he loves the city, he and his wife have determined that they are not "condo" people. He will be selling his unit and, therefore, will not be running for re-election. He informed Mayor Miller that he was willing to step down early if need be, so the council could appoint a temporary replacement.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

John Danis, owner of a resort near Treasure Island spoke. While he is happy to see the demolition of the structure, he believes the airborne dust is causing a health hazard to his guests. Their current process has not been able to contain the dust and cars are covered, guests can't be out near the pool and are having trouble breathing. Engineer Joe Hopkins was in the audience and informed the council that he would speak with the crew in the morning. He agreed that the dust needed to be contained.

Sandy Cook spoke on potential weekly rentals at the Oceans 25 townhomes. It was her opinion that most of the renters in the winter are snow birds, who stay longer than one week. During the summer months, all the buildings (condominiums) were busy with rentals.

14. QUASI-JUDICIAL HEARING

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

16. ADJOURNMENT:

The meeting ended at 7:05 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB