

MINUTES
CITY COUNCIL MEETING
May 10, 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 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. Employee Service Award - Sgt. Vincent Castellano - 10 years

Director Stephan Dembinsky presented SGT. Vincent Castellano with his 10-year service award.

6. APPROVAL OF MINUTES

A. City Council Minutes April 26, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes of April 26, 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:

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Becky Vose reviewed her report to the City Council.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report May 10, 2022

City Manager Michael Booker reviewed his report to the City Council.

10. QUASI-JUDICIAL HEARING

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

Attorney Vose read the ordinance by title only. The council stated that there was no ex-parte communication regarding the agenda item. Witnesses were sworn in by the City Clerk. Community Services Director Stewart Cruz explained that this was the second and final reading for the ordinance and that it met all standards in state law and the city codes. Staff recommended adoption.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-08 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 2022-09: Rezoning Application RZ12021043; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

Attorney Vose read the ordinance by title only. The council stated that there was no ex-parte communication regarding the agenda item. Community Services Director Stewart Cruz explained that this was the second and final reading for the ordinance and that it met all standards in state law and the city codes. Staff recommended adoption.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-09 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. OLD 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. There were no followup questions or comments. Staff recommended adoption.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to Adopt Ordinance 2022-06 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 2022-07: Future Land Use Map Amendment CPA12021044; Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

Attorney Vose read the ordinance by title. There were no followup questions or comments. Staff recommended adoption.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-07 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

12. NEW BUSINESS:

- A. 2022 Florida Legislature Final Report

Attorney Vose recommended that the councilmembers read the report provided and she will speak more in depth on bills that could affect the city at a future meeting.

- B. Request to Extend Concession Parking Ancillary Facility Special Exception: WD Plaza, LLC - 2200 S. Atlantic Avenue

Community Services Director Cruz explained that this special exception was strictly for storage use by the beach concessions. This is the 5th and final one-year extension that is

available for the special exception. There have been no issues during the past five years and the quarterly inspections have always passed.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve the 5th and final special exception request by WD Plaza, LLC.

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 stated that he had been speaking with the Finance Director regarding the purchase of treasury bills to obtain a better ROI. The others agreed it would be a good investment now that the interest rates are being raised. Mayor Miller reviewed the upcoming special events.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Audience Member Kahri Kenton spoke. She lives next door to the Westminster by the Sea Church, which recently had the counseling center approved. The church had previously stated that they would install a fence between the center and her home. Ms. Kenton stated that only a small part of the fence had been installed. She contacted the fence company, who stated they were not installing anything else. Ms. Kenton is concerned that because patients arriving for counseling can still view her backyard. There is also a table in the yard that is used for counseling that concerns her. She provided pictures of the fence for the record. Community Services Director Cruz stated that the fence company had applied for a permit for a short length of fence due to the fact that a chain link fence was already on the property.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Chase Bank property purchase and sale agreement.

16. ADJOURNMENT:

The meeting ended at 6:43 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB