

MINUTES
CITY COMMISSION MEETING
May 6, 2025
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky. **Excused:** Commissioner Chris Conomos.

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Paul Waters, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety Director Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Employee Service Award - Nancy Maddox Five Years

City Manager Kurt Swartzlander presented Nancy Maddox with her 5-year service award.

6. APPROVAL OF MINUTES

A. City Commission Minutes April 1, 2025

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MARK CARD to Approve the City Commission Minutes of April 1, 2025.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

B. City Commission Special Meeting Minutes April 22, 2025

COMMISSIONER MARK CARD moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Approve the City Commission Special Meeting Minutes of April 22, 2025.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

C. City Commission Strategic Planning Workshop Minutes April 22, 2025

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Approve the City Commission Strategic Planning Workshop Minutes of April 22, 2025.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner

7. CONSENT AGENDA:

- A. March Public Safety Monthly Report
- B. Community Services Department Monthly Report - March 2025
- C. Executive Financial Report: February and March 2025
- D. Approval of Agreement to Piggyback Services Contracted by Sourcewell: City Hall 1st Floor & Bathroom Treatment Project
- E. Approval for Mayor to travel to US Conference of Mayors in Tampa. FL
- F. Approval of Agreement to Piggyback Services Contracted by Seminole County: Public Works Building Concrete Restoration Project

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

8. OLD BUSINESS:

9. NEW BUSINESS:

- A. Public Beach Access Dune Walkover: 2901 S. Atlantic Avenue (Tuscany Shores Condominium)

Community Services Director Stewart Cruz gave a presentation that included the background of the Tuscany beach walkover. It was explained that the original agreement from 2005 included a clause that the city had the option not to rebuild if the walkover was destroyed beyond 25% of its construction value if an existing public beach access was located within 500 feet. The walkover was destroyed in 2016 by Hurricane Matthew, Hurricanes Nicole and Ian in 2022 and finally Hurricane Milton in 2024. After each storm, an engineer reviewed the damage and repairs were made, except for Milton. The engineer stated too much damage had occurred and it would need a full replacement. The city had the ramp removed. Five options were given to the City Commission to consider: 1) rebuild Tuscany with public access, 2) take no action, 3) build a new ADA ramp at St. Kitts Park, 4) rebuild Tuscany with no public access and 5) rebuild Tuscany with no public access and cost share with the condominium. The costs of each option were discussed. Staff recommended option 3: build a new ADA walkover at St. Kitts Park. Director Cruz reviewed the advantages of building there, which included a significant decrease in cost. The estimate for Tuscany was \$247,104 and St. Kitts was \$86,000. These numbers did not include permitting, surveying or engineering. The question was

asked if the city had to rebuild an ADA ramp and the response was no, since there were two other ADA ramps nearby. There was a brief discussion of the commission's fiscal responsibility if they did elect to rebuild a ramp. They understand that FEMA may not reimburse any funds. There were nine residents who spoke on this agenda item. Some were in favor of rebuilding a ramp at the Tuscany location, while others just want an ADA ramp rebuilt. There were some concerns about how the existing walkway at Tuscany would look if it was abandoned.

Mayor Miller thanked everyone who reached out to her concerning the issue. She asked Building Official Steve Edmunds, to clarify whether an ADA ramp had to be reconstructed. He informed the commission that if the decision was to rebuild anything at the Tuscany location, it must follow ADA guidelines. The location can be left empty with no ramp as it currently is.

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the recommendation by staff to construct an ADA Public Beach Access Dune Walkover at St. Kitts Park.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

B. Ordinance 2025-07: Towing And Prohibition Of Overnight Parking On City Properties

The Mayor took a five-minute recess for residents to clear the chamber. Attorney Paul Waters read the ordinance by title only. Community Services Director Stewart Cruz provided a brief staff report explaining that the proposed ordinance would assist with unauthorized vehicles parking overnight in city parks or at the community center. This would allow those vehicles to be towed. Staff recommended approval.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MARK CARD to Approve Ordinance 2025-07 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

C. Resolution 2025-05: Supporting And Accepting The Volusia County Local Mitigation Strategy Plan And Floodplain Management Plan

The resolution was read by City Attorney Waters. Director Cruz advised that this process is done every 4–5 years by all the local municipalities. The program will aid in reducing flood insurance premiums when applicable and can adopt polices to save property and lives.

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt Resolution 2025-05 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

D. Appointment Of Member To The Volusia Growth Management Commission

Director Cruz explained the purpose of the Volusia Growth Management Commission (VGMC) and that the representative's term would expire on June 30, 2025. Staff from the VGMC had requested that the representative, Mr. Larry Saffer, be reappointed to another four-year term.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Appoint Larry Saffer To The Volusia Growth Management Commission for another four year term.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

E. Ordinance 2025-05: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3836 S. Atlantic Avenue
City Attorney Waters read the ordinance by title only. City Planner Gwyn Herstein gave a brief report on the item. The property was recently annexed into the city and state law requires that a future land use classification is given. The property is a single-family residence and the use will remain the same. All due public notice requirements have been met and staff recommended approval.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MARK CARD to Approve Ordinance 2025-05 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

10. QUASI-JUDICIAL HEARING

A. Ordinance 2025-04: Rezoning application for recently annexed property located at 3836 S. Atlantic Avenue

The witnesses were sworn in by the City Clerk. The Commission declared there was no ex-parte communication. Attorney Waters read the Ordinance by title only. City Planner Gwyn Herstein provided a brief report. Aerial views of the property and surrounding neighborhood were shown. If approved, the zoning designation would be RSF-2 Urban Single-Family Residential District. All the criteria for the application have been met and all due public notice was satisfied. Staff recommended approval.

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve Ordinance 2025-04 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky

11. CITY ATTORNEY COMMENTS

The City Attorney had no additional information for the City Commission.

12. CITY MANAGER COMMENTS

City Manager Kurt Swartzlander thanked Director Cruz and his staff for the presentation they put together regarding the ADA beach ramp.

13. COMMISSION COMMENTS:

Mayor Miller reviewed the upcoming events for the next few weeks. . coffee, armed forces day. concert at end of month

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional agenda items mentioned at the meeting.

16. ADJOURNMENT:

The meeting ended at 8:07 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB