

MINUTES
CITY COUNCIL MEETING
October 11, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney John Cary, 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:

Mayor Miller read a proclamation thanking the employees who worked during Hurricane Ian. She introduced Public Safety Director Michael Fowler and invited everyone to the pinning ceremony on Friday.

6. APPROVAL OF MINUTES

A. City Council Workshop Minutes September 27, 2022

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve the City Council Workshop Minutes of September 27, 2022.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

B. City Council Minutes September 27, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER CHRIS CONOMOS to Approve the City Council Minutes of September 27, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).
Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

7. CONSENT AGENDA:

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report October 11, 2022

Attorney John Cary reviewed his report for the council. There were no additional questions.

9. REPORTS OF THE CITY MANAGER:

A. CM Report October 11, 2022

The City Manager, along with the Public Safety Director and Community Services Director, gave a 45 minute presentation to the council that included both pre and post-storm activities by the city staff.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Ordinance 2022-16: Voluntary Annexation - 2822 S Atlantic Avenue

City Planner Noel Eaton stated that the proposed ordinance was for a voluntary annexation of a single family residence at 2822 S. Atlantic Avenue. All due public notice and annexation criteria have been met. Staff recommended approval.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-16 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

B. Ordinance 2022-17: Voluntary Annexation - 2820 S Atlantic Avenue

Attorney Cary read the ordinance by title. City Planner Noel Eaton stated that the proposed ordinance was for a voluntary annexation of a single family residence at 2820 S. Atlantic Avenue. All due public notice and annexation criteria have been met. Staff recommended approval. Ms. Eaton did note that staff had been advised of potential code enforcement violations and they would be investigated. Alice Klein, the neighbor to the north of the property, informed the council that she had a problem with the neighbor. They have quite a few dogs who bark constantly. Dr. Saundra Harrisman, who lives at 2814 S. Atlantic Avenue, has concerns that the homeowners are breeding the dogs. She felt there were possibly 9 citations from animal control. She is concerned that our city code is perhaps more lax than the county. The council held a brief discussion regarding the potential animal control issues.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to table Ordinance 2022-17 until October 25, 2022.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

C. Ordinance 2022-18: Voluntary Annexation - 3615 Cardinal Boulevard

Attorney Cary read the ordinance by title. City Planner Noel Eaton stated that the proposed ordinance was for a voluntary annexation of a single family residence at 3615 Cardinal Boulevard. All due public notice and annexation criteria have been met. Staff recommended approval.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER CHRIS CONOMOS to Approve Ordinance 2022-18 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

No: None

D. Ordinance 2022-19: Voluntary Annexation - 105 Broad Avenue

Attorney Cary read the ordinance by title. City Planner Noel Eaton stated that the proposed ordinance was for a voluntary annexation of a single family residence at 105 Broad Avenue. All due public notice and annexation criteria have been met. Staff recommended approval.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-19 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

- E. Resolution 2022-10: Consideration to waive city building permit fees for Hurricane related damages

Attorney Cary read the Resolution by title. Community Services Director Stewart Cruz explained that the initial duration would be for 30 days. The City Manager and Mayor may extend the duration in increments of 30 days, not to exceed 90 days. The waiver does not apply to re-inspection fees or surcharges imposed by the state. Proof of storm damage is required. It was stated to make every attempt to ensure the contractor did not charge the property owner for the permit fee.

COUNCILMEMBER CHRIS CONOMOS moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve Resolution 2022-10 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, Councilmember Chris Conomos

- F. Discussion on Temporary Signage For Businesses

Community Services Director Stewart Cruz stated that 14 non-conforming signs collapsed during the storm. Staff recommended a maximum of two temporary signs, assuming that two existing signs were damaged in the storm. They can consist of two banners or a banner and an A-frame sign. The banner has a maximum size of 32 square feet. The duration would be for up to 180 days or 6 months.

Linda Toffolo, owner of the Daytona Diner spoke. She lost her sign and would like to utilize two banners she had from the past. She would place one on each side of her sign frame. Mayor Miller requested staff to work with Ms. Toffolo the temporary banners. The council liked staff recommendations for the temporary signs and requested a resolution to formalize the process be brought to the next meeting.

12. COUNCIL COMMENTS:

Mayor Miller reminded the audience of Coffee with the Mayor on Wednesday. The guest speaker will be Senator Tom Wright. The entire council thanked city staff for all their hard work before, during and after the storm.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Charlie West, a resident of Daytona Beach on S. Peninsula, spoke to the council regarding noise pollution. He believes it is coming from the Peck Plaza chiller. It started in early September and it is affecting his ability to sleep. He felt the high pitch tone was in the key of D at 450 hz. He has to wear noise-reducing headphones when he is inside his home. He asked council for assistance.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

resolution for temporary signs

15. ADJOURNMENT:

The meeting ended at 7:45 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB