

MINUTES
CITY COUNCIL MEETING
October 25, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Becky Vose, 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:

6. APPROVAL OF MINUTES

A. City Council Minutes October 11, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER CHRIS CONOMOS to Approve the City Council Minutes of October 11, 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:

A. Public Safety September report

B. Community Services Department Monthly Report - September 2022

C. Mead & Hunt Continuing Services Contract

D. Tyler Technologies Saas (Software as a Service) Contract

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD BRYAN to Approve the consent agenda as presented.

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

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Becky Vose reviewed her report to the council. Mayor Miller inquired about the Emergency Pay Policy from 2017. The City Manager worked through the hurricane including the past two Saturdays and did not request to be paid for his time. She felt he should be compensated in the same manner as all other employees. There was a full consensus by the council to pay the City Manager for his time during the declared emergency.

9. REPORTS OF THE CITY MANAGER:

A. CM Report October 25, 2022

City Manager Swartzlander reviewed his report to the council. An update on hurricane debris pickup and permits was provided. He reminded everyone that the next City Council meeting is on Wednesday, November 9th at 7:00 pm. The City Manager recently attended a meeting with the Lt. Governor and other county representatives to discuss coastal erosion. He requested that the Council authorize the Mayor to sign a letter to Governor Desantis to implement the coastal erosion suggestions by the county. The council provided their consensus. The City Manager requested council to extend the deadline for businesses to apply for the sign grant program. The original deadline was in mid November. Staff would like the date changed to January 1, due to the recent hurricane. It was noted that this would

not extend the April deadline for the sign removal.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to approve moving the deadline to apply for a sign grant to January 1, 2023.

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

10. OLD BUSINESS:

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

Attorney Vose read the ordinance by title. There was no further discussion on the item.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-16 on second 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 2022-18: Voluntary Annexation - 3615 Cardinal Boulevard

Attorney Vose read the ordinance by title. There was no further discussion on the item.

COUNCILMEMBER CHRIS CONOMOS moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-18 on second reading.

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

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

Attorney Vose read the ordinance by title. There was no further discussion on the item.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-19 on second 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

11. QUASI-JUDICIAL HEARING

- A. Ordinance 2022-22: Application to Amend Zoning Map RZ12022032-Parcel 5322-00-04-0170 (2616 S. Atlantic Avenue)

Attorney Vose read the ordinance by title. All witnesses were sworn in for the hearing by the City Clerk. There was no ex-parte communication by the council. City Planner Noel Eaton explained that the proposed ordinance would change the zoning classification for the vacant property located at 2616 S. Atlantic Avenue. The current designation is RMF-3 (Residential Multi-family) to GCRD (General Commercial Redevelopment District. The applicant, Andy Clark, would like to create an interior storage facility. All due public notice had been met and both staff and the Planning & Zoning Board recommended approval. There was no one who wished to speak for or against the proposed ordinance.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-22 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

12. NEW BUSINESS:

- A. Ordinance 2022-20: Amendment to establish the minimum required off-street parking spaces for Interior Storage Facility.

Attorney Vose read the ordinance by title. City Planner Noel Eaton explained that the proposed ordinance was an administrative amendment by staff for off-street parking for interior storage facilities. The current requirement is one parking space per employee plus one space for each 1,500 square feet of the facility. If adopted, the new standard would be one parking space per 6,000 square feet of gross floor area. All due public notice has been met and both staff and the Planning & Zoning Board recommended approval.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER CHRIS CONOMOS to Approve Ordinance 2022-20 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 2022-21: Comprehensive Plan Future Land Use Map Amendment CPA12022031-Parcel 5322-00-04-0170 (2616 S. Atlantic Ave.)

Attorney Vose read the ordinance by title. City Planner Noel Eaton explained that the proposed ordinance would amend the future land use designation for the vacant lot at 2616 S. Atlantic Avenue. It is currently designated as Medium Density Residential. The proposed designation would be Tourist Oriented Commercial which is appropriate for an interior

storage facility. The impact summary analysis was reviewed with no further questions. All due public notice was met and both staff and the Planning & Zoning Board recommended approval.

Danial Nathan, owner of Cowlicks Ice Cream, spoke to the council. He stated that he has a parking easement and felt the new development would encroach onto his property.

Community Services Director Stewart Cruz explained that this is only an entitlement process for the use of the property. The easement is a private document between the two owners.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve Ordinance 2022-21 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

C. Non-conforming Sign Removal Incentive Grant Application: 2616 S. Atlantic Avenue, 91 Oneida, LLC (All Aboard Storage and Sherwin Williams)

City Planner Noel Eaton provided the background for the sign grant application. Two quotes were obtained and they met all the sign requirements. The owner chose the quote from Permacraft and is applying for a grant in the amount of \$2,000. Staff recommended approval provided that no code enforcement violations exist on the property prior to the disbursement of city funds.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve the Non-conforming Sign Removal Incentive Grant for 91 Oneida, LLC in the amount of \$2,000.

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

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

Attorney Vose read the ordinance by title. Property owner Belinda Jenkins spoke on her own behalf. She stated that she was aware of several complaints regarding her dogs. She provided copies of vaccination records for the three dogs she currently has. Ms. Jenkins informed the council that her dogs were kept inside 80% of the time and it was her right to have unaltered dogs. The dogs are AKC registered, with micro-chips and apple tracker tags. She has discontinued breeding as the county regulations prohibit that. One dog is considered a service dog for her autistic son. There were many complaints this past spring as one dog continued to escape the yard. They have now made changes to the fence and gate to stop this behavior. Ms. Jenkins explained that all past citations were paid to the County. She further explained that the property does have a back apartment that is rented out with a one-year lease. It is not used as an Air BNB. She would like to annex into the city for tax benefits. City Planner Noel Eaton informed the council that in the past year, staff found 18 different cases by Volusia County Code Enforcement and Animal Services. Most of them were for unrestrained dogs. There are currently two cases from October 17, 2022 being investigated for having too many dogs and working on the property without a permit.

The ads on social media for available puppies are still current. Ms. Eaton explained that the City Council could approve, deny or continue the ordinance again for a time certain. CMBR Politis felt uncomfortable with the ongoing complaints by Volusia County. He would like to take the time to allow the county to finish their investigation and have the applicant re-apply for annexation at a later date.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Deny Ordinance 2022-17.

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 2022-11: A Resolution To Allow Certain Temporary Signs For Businesses As A Result Of Hurricane Ian

Attorney Vose read the resolution by title. The proposed resolution would allow temporary signs for businesses due to Hurricane Ian damage with no permit fee required. There are two options for businesses and one must be chosen. Option A would allow two temporary signs per business, provided there were two signs damaged. The temporary signs will need to be removed by April 7, 2023. The temporary signs could be banner style no larger than 32 square feet or an A-frame style of no more than 16 square feet per side. Option B is only one temporary sign no larger than 100 square feet that will need to be removed by January 9, 2023.

COUNCILMEMBER CHRIS CONOMOS moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Resolution 2022-11 on first reading as presented.

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

13. COUNCIL COMMENTS:

Mayor Miller thanked the neighboring coastal cities for joining them last week to answer questions regarding the storm damage to sea walls etc. The upcoming concert and food trucks were mentioned. Vice Mayor Lindauer was appreciative that the truck event was pretty much non-existent last weekend. CMBR Politis responded to a letter from Mayor Jennigs regarding the current charter amendments. The letter stated that there had not been much notice to the citizens about the ballot questions. CMBR Politis felt there had been ample notice provided in many different formats to the citizens. It was his opinion that most are house-keeping issues, not major changes to the Charter.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Joanne Dalton thanked the city and the Public Safety Department for the seminar earlier that day on scams/fraud. It was very informative and the residents appreciated it.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no new items added at this time.

16. ADJOURNMENT:

The meeting ended at 7:26 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB