

MINUTES
CITY COUNCIL MEETING
November 15, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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:

A. Oaths of Office for Mayor and Council

Attorney Becky Vose swore in Mayor Miller and Commissioners Conomos and Lindauer who were re-elected to office.

B. Nomination for Vice Mayor

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER MEL LINDAUER to nominate Michael Politis as Vice Mayor.

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

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

6. APPROVAL OF MINUTES

A. City Council Minutes October 25, 2022

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the City Council Minutes of October 25, 2022.

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

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

7. CONSENT AGENDA:

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report November 9, 2022

Attorney Vose introduced Paul Waters as a new attorney for the Vose firm. John Cary is leaving the firm and Attorney Waters will be taking over his responsibilities. The City Attorney's report was reviewed with no additional questions.

9. REPORTS OF THE CITY MANAGER:

A. CM Report November 9, 2022

City Manager Kurt Swartzlander provided an update on Hurricane Nicole and the impact it had on the city. Mr. Swartzlander presented a historical timeline of the storm and the process of building evacuations. There are now many buildings that are compromised due to coastal erosion. Buildings had to be evacuated right after the storm and any building declared unsafe will need an engineer's report before they can be released for re-occupancy.

The following residents spoke regarding the storm:

Pat Murphy, who lives in St. Maarten's Condominium stated that he has experience in excavation. He had some ideas to rebuild and felt a uniform seawall would be the best answer. Steve Groaner also resides in St. Maarten's. He was in agreement with a uniform seawall and had ideas for financing as well. Ed Offerman lives in the Dimucci Twin Towers and encouraged everyone to continue to contact the state legislators and DEP. Janet Abbott lives in Towers Ten and inquired if the Army Corp of Engineers could design anything. She had heard they have done this in other states. Greg White also resides in Dimucci Twin Towers and stated he was willing to work with the other COA's to brainstorm ideas. Jodi Tomlinson inquired if there were any grants available for sea walls. Mike Gumbel explained that his property lost the seawall due to a neighboring seawall that gave away. He was curious how many others this had happened to.

CM Swartzlander continued with his manager's report. The resident cook-out has been

postponed for now. It was decided to cancel the Christmas Parade and just have a simple tree lighting ceremony on December 4th. Cherise Wintz would like to reschedule her Operation Changing Lives 5K run to January 7th.

10. OLD BUSINESS:

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

Community Services Stewart Cruz stated that the item was withdrawn so staff could re-advertise the ordinance.

11. QUASI-JUDICIAL HEARING

- A. Ordinance 2022-24: Rezoning application for recently annexed property located at 2822 S. Atlantic Avenue

Community Services Stewart Cruz stated that the item was withdrawn so staff could re-advertise the ordinance.

- B. Ordinance 2022-26: Rezoning application for recently annexed property located at 3615 Cardinal Boulevard

Community Services Stewart Cruz stated that the item was withdrawn so staff could re-advertise the ordinance.

- C. Ordinance 2022-28: Rezoning application for recently annexed property located at 105 Broad Avenue

Community Services Stewart Cruz stated that the item was withdrawn so staff could re-advertise the ordinance.

12. NEW BUSINESS:

- A. Ordinance 2022-23: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 2822 S. Atlantic Avenue

Community Services Stewart Cruz stated that the item was withdrawn so staff could re-advertise the ordinance.

- B. Ordinance 2022-25: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3615 Cardinal Boulevard

Community Services Stewart Cruz stated that the item was withdrawn so staff could re-advertise the ordinance.

- C. Ordinance 2022-27: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 105 Broad Avenue

Community Services Stewart Cruz stated that the item was withdrawn so staff could re-advertise the ordinance.

- D. Non-conforming Sign Removal Incentive Grant Application: 2010 S. Atlantic Avenue, Angels X LLC, (Generation X Tattoo).

City Planner Noel Eaton provided the grant details for Angels X LLC. Two quotes were obtained and all the sign grant requirements have been met. The applicant chose the vendor SLS-Southeastern Lighting Solutions, at a cost of \$8,225. The qualifying grant would be the \$2,000. Staff recommended approval on the condition that the new sign meets all required City standards and that no code enforcement violation on the property exists prior to the disbursement of grant funds.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve the Grant Application for Angels X LLC, in the amount of \$2,000.

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

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

- E. Non-conforming Sign Removal Incentive Grant Application: 2016 S. Atlantic Avenue, Kitty X LLC.

City Planner Noel Eaton provided the details for the grant application. This is a vacant building, so the sign would have a blank face until a business rented or purchased the building. Two quotes were obtained and the applicant chose SLS - Southeastern Lighting Solutions at a cost of \$8,225. The qualifying grant amount would be the minimum of \$2,000. Staff recommended approval on the condition that the new sign meets all required City standards and that no code enforcement violation on the property exists prior to the disbursement of grant funds.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve the Grant Application for Kitty X LLC in the amount of \$2,000.

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

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

F. Non-conforming Sign Removal Incentive Grant Application: 2042 S. Atlantic Avenue, The Psychic Shop

City Planner Noel Eaton provided the details for the grant application. Two quotes were obtained and the applicant chose Don Bell Signs at a cost of \$9,361. This would qualify for a grant of the minimum of \$2,000. The property is currently under Code Enforcement action. However, this criterion is subject to distribution of funds. The property owner has been working for several months now, and only has one remaining violation that should be completed by November 28th. Staff recommended approval on the condition that the new sign meets all required City standards and that no code enforcement violation on the property exists prior to the disbursement of grant funds.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the Grant Application for The Psychic Shop in the amount of \$2,000.

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

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

G. Non-conforming Sign Removal Incentive Grant Application: 3217 S. Atlantic Avenue, Dream Inn

City Planner Noel Eaton provided the grant details for the Dream Inn. All requirements were met and three quotes were obtained. The applicant chose Coastline Wholesale Signs at a cost of \$13,554. This would qualify for a grant in the amount of \$2,034. Staff recommended approval on the condition that the new sign meets all required City standards and that no code enforcement violation on the property exists prior to the disbursement of grant funds.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the Grant Application for the Dream Inn in the amount of \$2,034.

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

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

H. Resolution 2022-12 Certifying General Election Results

Attorney Vose read Resolution 2022-12 to certify the election results. The vote for each individual question was also read aloud. Charter question #1 failed, but the remaining four charter questions passed.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Resolution 2022-12 on first reading.

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

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

13. COUNCIL COMMENTS:

Vice Mayor Politis thanked the other commissioners for nominating him to be Vice Mayor. He stated that the city only has little control on what can be done on the beach. Residents need to contact their state legislators and county officials. The remaining Commissioners felt a standardized seawall would be a good idea and encouraged the residents to join together to formulate a plan.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Mayor Miller stated that a public comment from William Williams was sent through the website.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

16. ADJOURNMENT:

The meeting ended at 8:54 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB