

MINUTES
CITY COMMISSION MEETING
December 13, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Commissioner Mel Lindauer, Mayor Nancy Miller, Commissioner Chris Conomos, Commissioner Richard Bryan, Vice Mayor Michael Politis
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. Proclamation for Volunteer of the Year

The mayor read the proclamation for Richard Beeman as Volunteer of the Year.

B. Proclamation for County Councilmember Billie Wheeler

The Mayor read the proclamation for County Councilmember Billie Wheeler.

6. APPROVAL OF MINUTES

A. City Council Minutes November 7, 2022

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the City Council Minutes of November 7, 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

- B. City Commission Minutes November 15, 2022

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Minutes of November 15, 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:

- A. October Public Safety report

- B. Walmart Opioid Settlement Document for approval

- C. Community Services Department Monthly Report - October 2022

- D. Approval of City of Eustis Piggyback Contract For Sewer Line Repair Services

- E. Approval of McKim & Creed Contract for Design to Bid Engineering Services For Master Pump Station Odor Control

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve the consent agenda.

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

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report December 13, 2022

City Attorney Paul Waters provided a brief bio on himself as this was his first commission meeting. The report was reviewed with no additional questions.

9. REPORTS OF THE CITY MANAGER:

A. CM REPORT December 13, 2022

The mayor stated that Governor Desantis was giving an extra holiday on December 23rd to all state employees. She inquired if the commission would like to do the same thing for city employees due to the extraordinary year everyone has worked through.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve giving employees an extra holiday on December 23, 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

City Manager Kurt Swartzlander reviewed his report and provided a brief summary of the recent advocacy workshop.

10. OLD BUSINESS:

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

Attorney Waters read the ordinance by title. This is the second reading, that if adopted, would amend the parking requirement for off-street parking for an interior storage facility. Our current standard in the LDC is antiquated and this would be consistent with up-to-date standards.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2022-20 on second 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

B. Ordinance 2022-21: Comprehensive Plan Future Land Use Map Amendment CPA12022031-Parcel 5322-00-04-0170 (2616 S. Atlantic Ave.)

Attorney Waters read the ordinance by title. This is a second reading of the ordinance that, if adopted, would amend the Future Land Use Map for the parcel located at 2616 S. Atlantic Avenue. All due public notices have been met.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2022-21 on second 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

11. QUASI-JUDICIAL HEARING

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

Attorney Waters read the ordinance by title. All witnesses were sworn in by the City Clerk. The Mayor opened the hearing at approximately 6:40 pm. There was no ex-parte communication by any commissioner regarding this item. City Planner Noel Eaton gave a brief staff presentation. She stated that all due public notice had been met. The business will be All Aboard Interior Storage. The proposed ordinance would amend the zoning designation to be consistent with the surrounding area. There was no public input either for or against. The hearing closed at 6:43 pm.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt Ordinance 2022-22 on second 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

12. NEW BUSINESS:

- A. Ordinance 2022-29: Temporary relocation of businesses with non-conforming uses that have incurred substantial damage as a result of Hurricane Ian in the "GC-RD" General Commercial Redevelopment District

Attorney Waters read the ordinance by title. The proposed ordinance would allow a business with a non-conforming building that had hurricane damage to temporarily relocate. Currently, there is only one business that would qualify; Jet Set Tattoo. There are seven conditions that must be met and they were briefly reviewed by City Planner Noel Eaton. Both the Planning & Zoning Board and staff recommend approval. Both Mayor Miller and Vice Mayor Politis stated that the business owner had spoken to them. This ordinance would sunset in two years.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2022-29 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

- B. Ordinance 2022-30: Adopting a modified version of the *International Property Maintenance Code, 2018 Edition*, as a supplemental code enforcement tool

Attorney Waters read the ordinance by title. Code Enforcement Coordinator Gwyn Herstein explained that in 2019 the city adopted the IPMC for vacant buildings only. The proposed ordinance would adopt the entire 2018 International Property Maintenance Code. She stated that there would be an education period for any properties affected by the new code standards.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER RICHARD BRYAN to Approve Ordinance 2022-30 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

C. Beautification Improvement Grant Application 12022062: Angels X, LLC - 2010 S. Atlantic Avenue

City Planner Noel Eaton provided the details for the beautification improvement grant. A complete application was submitted by Jodi Tomlinson for 2010 S. Atlantic Avenue. The applicant would like to pressure wash the building. Two estimates were provided and, if approved, the grant would be in the amount of \$950. Staff recommended approval as long as there are no code enforcement fines at the time of disbursement. Mayor Miller inquired if the applicant had been approved for a grant in the past. Ms. Eaton replied affirmatively in 2020. At that time, a \$500 grant was received for pressure washing and painting. There have been no other applicants in recent times for a beautification grant. Commissioner Lindauer felt the program was intended for more than just pressure washing and cleaning. Those are considered routine maintenance for him. After a brief discussion, the commission requested staff to revise the criteria for any future grants.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Deny Beautification Improvement Grant Application 12022062: Angels X, LLC - 2010 S. Atlantic Avenue.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 2 No = 3).

Yes: Commissioner Mel Lindauer, Vice Mayor Michael Politis **No:** Nancy Miller, Richard Bryan, Chris Conomos

The applicant, Jodi Tomlinson, spoke. During the pandemic, she spent over \$30K cleaning up debris on her building and property. She has been in the city since 1997 and applied for an available grant. Commissioner Conomos inquired how often she pressure washed the building. The answer was every 2-4 years. It was his opinion, that if the applicant met the requirements, the city should proceed. The total budget for the grant program is only \$3000. If they move forward with the proposed amounts from staff, Ms. Tomlinson would be given \$2900. After a brief discussion, reduced amounts were proposed for all three grants the applicant applied for.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to approve Beautification Improvement Grant Application 12022062: Angels X, LLC - 2010 S. Atlantic Avenue in the amount of \$400.

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

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

D. Beautification Improvement Grant Application 12022061: Angels X, LLC - 2006 S. Atlantic Avenue

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Beautification Improvement Grant Application 12022061: Angels X, LLC - 2006 S. Atlantic Avenue in the amount of \$800.

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. Beautification Improvement Grant Application 12022073: Kitty X, LLC - 2016 S. Atlantic Avenue

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Beautification Improvement Grant Application 12022073: Kitty X, LLC - 2016 S. Atlantic Avenue in the amount of \$400.

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 12022063: 3634 S. Atlantic Avenue - Mad Dog Surf Shop

City Planner Noel Eaton stated that the Mad Dog Surf Shop applied for a sign grant. The application meets all requirements and would be eligible for the minimum \$2000 grant. Two quotes were received and the applicant chose Don Bell at a cost of \$2400. Staff recommended approval as long as there are no code enforcement liens at the time of disbursement. Mayor Miller felt that the city shouldn't pay more for the sign than the owner did. It seemed this was not considered when the grant guidelines were created.

Commissioner Conomos was concerned that the business address stated Daytona Beach, not Daytona Beach Shores. He proposed continuing this item to allow the owner to correct this.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Continue the Non-conforming Sign Removal Incentive Grant Application 12022063: 3634 S. Atlantic Avenue - Mad Dog Surf Shop until the meeting on January 10, 2023.

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 12022064: 2430 S. Atlantic Avenue - Peck Office Center

City Planner Noel Eaton explained the details of the grant application. The applicant is the Peck Office Center. Three quotes were obtained and the applicant would qualify for \$2025 reimbursement. The complete application meets all the grant criteria except for criterion #8, which states that no prior work shall be eligible for grant funding. The new sign is installed and pending final inspection. Staff recommended approval in the amount of \$2025 on the condition that no code enforcement violation exists on the property prior to the disbursement of city funds.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL

LINDAUER to Approve the Grant Application for Peck Office Center in the amount of \$2025.

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. Non-conforming Sign Removal Incentive Grant Application 12022065: 3612 S. Atlantic Avenue - Cherise's Salon

City Planner Noel Eaton provided the details for the sign grant. Cherise's Salon has submitted a complete grant application and qualifies for a minimum of \$2000. Two quotes were obtained. The sign is being repurposed from another location and the total cost is \$3668.50. The sign will now be a wall sign, no longer a pole sign. It was noted by Mayor Miller that this application would be another one that the city is paying more than the owner. Staff recommended approval in the amount of \$2000 on the condition that no code enforcement violation exists on the property prior to the disbursement of city funds. Vice Mayor Politis moved to award \$500 to Cherise's Salon for the sign grant. The motion died with no second.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the Grant Application for Cherise's Salon in the amount of \$2000.

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

I. Non-conforming Sign Removal Incentive Grant Application 12022069: 2328 S. Atlantic Avenue - Fratelli's Pizzeria

City Planner Noel Eaton explained the details of the grant application. The applicant is Fratelli's Pizza. Two quotes were obtained and the applicant would qualify for \$2109 reimbursement. The complete application meets all the grant criteria. Staff recommended approval in the amount of \$2109 on the condition that no code enforcement violation exists on the property prior to the disbursement of city funds.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the Grant Application for Fratelli's Pizzeria in the amount of \$2109.

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

J. Non-conforming Sign Removal Incentive Grant Application 12022070: 138 Beachcomber - Cherry Hill Ice Cream Cafe

City Planner Noel Eaton explained the details of the grant application. The applicant is the Cherry Hill Ice Cream Cafe. Two quotes were obtained and the applicant would qualify for \$2000 reimbursement. The complete application meets all the grant criteria. Staff

recommended approval in the amount of \$2025 on the condition that no code enforcement violation exists on the property prior to the disbursement of city funds.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve the Grant Application for Cherry Hill Ice Cream Cafe in the amount of \$2000.

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:

Mayor Miller asked Commissioner Bryan for an update on the TPO meetings he had attended. He explained that he had been attending virtually, but now that Covid is over, he will attend in person. He will provide an update at the next meeting. Mayor Miller reminded the audience that she would hold Coffee With the Mayor the following day. The guest is County Councilmember Billie Wheeler. Commissioner Conomos inquired about beginning the Beautification Committee after the first of the year. The entire City Commission wished everyone a Happy Holiday.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the agenda by the Commission.

16. ADJOURNMENT:

The meeting ended at 7:51 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB