

MINUTES
CITY COMMISSION MEETING
January 10, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

6. APPROVAL OF MINUTES

A. City Commission Minutes December 6, 2022

B. City Commission Minutes December 13, 2022

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve both sets of City Commission Minutes for December, 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. Renewal of Non-Exclusive Franchise - Creech Enterprises, Inc., dba Southeast Containers

B. Renewal of Non-Exclusive Franchise - Samsula Waste, Inc.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN 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 January 10, 2023

Attorney Becky Vose reviewed her report to the commission. There were no additional questions or concerns.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report January 10, 2023

City Manager Kurt Swartzlander reviewed his report for the commission. To date, the city has waived just over \$41,000 in permit fees. Staff is still getting requests for the waiver by residents doing repairs from the two storms. After a brief discussion, the commission decided to extend the period until January 31st.

COMMISSIONER RICHARD BRYAN moved, seconded by VICE MAYOR MICHAEL POLITIS to approve extending the permit fee waiver until January 31, 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

It was reported that there are still ten buildings deemed unsafe for habitation. Of those, eight are definitely going to take time before they are structurally sound. CM Swartzlander discussed holding a workshop in the next few weeks. Potential items would be staff goals and objectives, city manager evaluation form, gem of the city program and displaying pictures of past mayors in chambers. COMM Lindauer would like to include discussion on a "Make a Difference " annual award. Dates were discussed and Friday, February 3rd was chosen.

10. OLD 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 Vose read the ordinance by title. Community Services Director Stewart Cruz provided a brief summary for the commission. The ordinance would allow a business with a non-conforming use to temporarily relocate while the original location is remodeled. There is currently only one business impacted so far. The Planning & Zoning Board has given their approval, as well as staff.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER RICHARD BRYAN to Adopt Ordinance 2022-29 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 2022-30: Adopting a modified version of the *International Property Maintenance Code, 2018 Edition*, as a supplemental code enforcement tool

Attorney Vose read the ordinance by title. Code Enforcement Coordinator Gwyn Herstein explained that the ordinance would adopt the entire 2018 International Property Maintenance Code. Staff recommended approval.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Adopt Ordinance 2022-30 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

- C. Non-conforming Sign Removal Incentive Grant Application 12022063: 3634 S. Atlantic Avenue - Mad Dog Surf Shop

City Planner Noel Eaton stated that this was a continuation item. The website for Mad Dog Surf Shop stated that it was located in Daytona Beach. Once they were advised of this, it was corrected within a very short time. The applicant did receive two quotes as required and all criteria has been met. The applicant is entitled to the minimum \$2000 grant.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER MEL LINDAUER to Approve a Sign Removal Incentive Grant for Mad Dog Surf Shop 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

11. QUASI-JUDICIAL HEARING

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

Attorney Becky Vose read the ordinance by title. The City Clerk swore in all witnesses for the next three hearings. The hearing opened at 6:28 pm. There was no ex-parte communication reported by the commission. City Planner Noel Eaton gave a brief staff presentation. The property is newly annexed into the city and requires a zoning classification. It is currently zoned R-4 (Urban Single-Family Residential) with the County and will be assigned RSF-2 (Urban Single-Family Residential Detached District). All zoning criteria have been met as well as all public notice requirements. The Planning & Zoning Board has recommended approval as well as by the staff. Audience member, John Dannis stated that he had seen activity from the residence depicting an Air BNB. He wanted the City Commission to be aware. Community Services Director Stewart Cruz explained that the city does not have any specific regulations for short-term rentals. The hearing closed at 6:40 pm.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve Ordinance 2022-24 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 2022-26: Rezoning application for recently annexed property located at 3615 Cardinal Boulevard

Attorney Becky Vose read the ordinance by title. The hearing opened at 6:41 pm. There was no ex-parte communication reported by the commission. City Planner Noel Eaton gave a brief staff presentation. The property is newly annexed into the city and requires a zoning classification. It is currently zoned R-6 (Urban Two Family Residential) with the County and will be assigned RSF-2 (Urban Single-Family Residential Detached District). All zoning criteria have been met as well as all public notice requirements. The Planning & Zoning Board has recommended approval as well as by the staff. The hearing closed at 6:44 pm.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve Ordinance 2022-26 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. Ordinance 2022-28: Rezoning application for recently annexed property located at 105 Broad Avenue

Attorney Becky Vose read the ordinance by title. The hearing opened at 6:45 pm. There was no ex-parte communication reported by the commission. City Planner Noel Eaton gave a brief staff presentation. The property is newly annexed into the city and requires a zoning classification. It is currently zoned R-9 (Urban Single-Family Residential) with the County and will be assigned RSF-2 (Urban Single-Family Residential Detached District). All zoning criteria have been met as well as all public notice requirements. The Planning & Zoning Board has recommended approval as well as by the staff. The hearing closed at 6:47 pm.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2022-28 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

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

Attorney Becky Vose read the ordinance by title. City Planner Noel Eaton gave a brief staff presentation. The property is newly annexed into the city and requires a future land use classification as required by law. The proposed ordinance would assign the property as Residential Low Intensity. All criteria have been met as well as all public notice requirements. Staff recommended approval.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve Ordinance 2022-23 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 2022-25: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3615 Cardinal Boulevard

Attorney Becky Vose read the ordinance by title. City Planner Noel Eaton gave a brief staff presentation. The property is newly annexed into the city and requires a future land use classification as required by law. The proposed ordinance would assign the property as Residential Low Intensity. All criteria have been met as well as all public notice requirements. Staff recommended approval.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2022-25 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. Ordinance 2022-27: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 105 Broad Avenue

Attorney Becky Vose read the ordinance by title. City Planner Noel Eaton gave a brief staff presentation. The property is newly annexed into the city and requires a future land use classification as required by law. The proposed ordinance would assign the property as Residential Low Intensity. All criteria have been met as well as all public notice requirements. Staff recommended approval.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2022-27 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

D. Non-conforming Sign Removal Incentive Grant Application 12022075: 2613 S. Atlantic Avenue - Emerald Shores Hotel

City Planner Noel Eaton provided the details for Emerald Shores Hotel sign grant. The application was received on December 14th and all the criteria have been met. Two quotes were received and Don Bell was the preferred vendor. The quote is \$28,791.00 and would qualify for the maximum \$3000 funds. All the sign requirements are met and there are currently no code enforcement issues. Staff recommended approval of \$3000.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve Sign Grant Application for Emerald Shores Hotel in the amount of \$3000.

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. Consideration of Salary Treatment

Mayor Miller handed the gavel to Vice Mayor Politics so she could make a motion. She stated that Kurt Swartzlander had been the City Manager for the past 7 months and recapped some of his accomplishments. The city has been through two hurricanes, has established weekly meetings with his executive team, meets with officials prior to each meeting to discuss agenda items and is highly respected from the surrounding cities and Volusia County.

MAYOR NANCY MILLER moved, seconded by COMMISSIONER CHRIS CONOMOS that effective with our next pay period, I believe it starts on January 18th, our city manager's base pay be raised a \$1,000 per month, This would be an increase of 7.84% and this would be in line with what our previous city manager was.

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

The City Manager thanked the commission for their support.

13. COUNCIL COMMENTS:

Comm. Bryan stated that he would be ending his representation for the TPO after the January meeting. After a brief discussion, Vice Mayor Politis would be the new representative with both Mayor Miller and Comm. Lindauer as backup. Comm. Bryan has been meeting with the ad hoc engineering committee for sea walls. He requested the city pass a resolution on turtle season and the ability to continue construction work during those months. He also explained that it has been hard to obtain asbuilt drawings for sea walls. He

felt the city should require a copy even if the city doesn't inspect or regulate them. He inquired if the City Manager could enter into agreements with vendors to purchase sand, rock etc. and then property owners would purchase it from the city. He felt this would help property owners with potential price gauging for materials. The remaining commissioners were not in agreement with this and felt the city should not be involved. Both Comm. Conomos and Lindauer felt City Manager Swartzlander was doing an excellent job and it was a pleasure to work with him. Mayor Miller stated the various committees she was on and stated that she would begin providing monthly updates on them.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

John Dannis who owns a boutique hotel and a home in the city, stated that money is coming in for grants to help homeowners. He encouraged everyone affected to submit an application for assistance.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

resolution regarding postponing or stopping turtle season so construction may continue on sea wall and ordinance requesting asbuilt plans.

16. ADJOURNMENT:

The meeting ended at 7:31 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB