

MINUTES
CITY COMMISSION MEETING
February 14, 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:

A. Announcement of Employee of the Year

City Manager Kurt Swartzlander announced that after a discussion with his department heads, it was decided that the Employee of the year would go to the entire staff. With the two hurricanes this past fall, the entire staff went above and beyond their normal job duties. An appreciation luncheon will be scheduled soon for everyone.

6. APPROVAL OF MINUTES

A. City Commission Minutes January 24, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Minutes of January 24, 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

B. City Commission Workshop Minutes January 27, 2023

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve the City Commission Workshop Minutes of January 27, 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

7. CONSENT AGENDA:

- A. Shared parking agreement between Angel's X LLC at 2006 S. Atlantic Avenue and Kitty X LLC at 2016 S. Atlantic Avenue
- B. Memo Of Understanding with City of Port Orange for License Plate Readers
- C. Contraband Forfeiture Funds
- D. December 2022 Executive Financial Report
- E. Application for Non-Exclusive Franchise - GEL Recycling, LLC
- F. Zev Cohen & Associates, Inc. Engineering Services Contract: Beach Access Initial Assessment and Surveying

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 February 14, 2023

City Attorney Vose reviewed her report to the commission. There were no additional questions for concerns.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report February 14th, 2023

City Manager Swartzlander reviewed his report to the Commission. He reminded the commissioners that annual Ethics training classes are starting to be scheduled. The city was formally awarded a resiliency grant by the DEP in the amount of \$130,000. Staff will work with the county to coordinate the study.

10. QUASI-JUDICIAL HEARING

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

All witnesses for the hearing were sworn in. There was no ex-parte communication by the commission. Attorney Vose read the ordinance by title. City Planner Noel Eaton presented her staff report. All due public notice had been given. The rezoning of the property is due to the recent annexation. Both the Planning & Zoning Board and staff recommend adoption.

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

Attorney Vose read the ordinance by title. City Planner Noel Eaton informed the commission that due to a publishing issue the item would need to be continued to the next City Commission meeting.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Continue Ordinance 2022-26 until the February 28, 2023 City Commission meeting.

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

There was no ex-parte communication by the commission. Attorney Vose read the ordinance by title. City Planner Noel Eaton presented her staff report. All due public notice had been given. The rezoning of the property is due to the recent annexation. Both the Planning & Zoning Board and staff recommend adoption.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to adopt Ordinance 2022-28 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. OLD 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 Vose read the ordinance by title. City Planner Noel Eaton presented her staff report to the commission. This is the final step for property that has been annexed into the city. All due public notice has been met. Both the Planning & Zoning Board and staff recommend approval.

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

Attorney Vose read the ordinance by title. City Planner Noel Eaton informed the commission that due to a publishing issue the item would need to be continued to the next City Commission meeting.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Continue Ordinance 2022-25 until the City Commission meeting on February 28, 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

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

Attorney Vose read the ordinance by title. City Planner Noel Eaton presented her staff report to the commission. This is the final step for property that has been annexed into the city. All due public notice has been met. Both the Planning & Zoning Board and staff recommend approval.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER CHRIS CONOMOS to Adopt Ordinance 2022-27 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

- D. Non-conforming Sign Removal Incentive Grant Application: 2100 S. Atlantic Avenue, Congo River Golf

City Planner Noel Eaton stated that after the last commission meeting, she had reached out to the business owners regarding the wording on their website. The webpage states the wording Daytona Beach and not Daytona Beach Shores. The company responded with an email stating that due to the graphics on the webpage, it is not easily changed. Comm. Lindauer stated that he understood that it is a business decision but he was not in favor of approving the grant. Comm. Conomos agreed and added that other businesses were asked to update their websites and had complied.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Deny the Non-conforming Sign Removal Incentive Grant Application for Congo River Golf.

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. Formalization of City Manager Salary Adjustment

Attorney Vose explained that the contract amendment would formalize the City Manager's salary adjustment and address any future increases.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve Formalization of City Manager Salary Adjustment.

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. Resolution 2023-02 support of Florida League of Cities Legislative Agenda

Attorney Vose read the resolution by title. Mayor Miller explained that these were the issues of support for the Florida League of Cities legislative agenda.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to adopt Resolution 2023-02 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. Resolution 2023-03 support Florida Police Chiefs Association and Florida Professional Firefighter legislation

Attorney Vose read the resolution by title. It was explained that the resolution would support both the upcoming Police and Fire legislation issues. Currently, Special Risk classifications in Florida Retirement have to work either 30 years or be age 60 to retire. Prior to July 2011, the retirement guidelines were 25 years of service or age 55. This will support going back to the 25 years of service or age 55 threshold.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt Resolution 2023-03 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:

Comm. Bryan gave a brief recap of his recent trip to Washington DC with the FLC. He stated that he spoke to several representatives to bring awareness to the devastation from Hurricanes Ian and Nicole. Comm. Lindauer thanked the staff for their work on the cookout. Mayor Miller announced that the last Friday of the month concert would start again. This month includes food trucks. She will be speaking before the House of Representatives on Thursday regarding the devastation in the city along the beach. Vice Mayor Politis has had residents call regarding the low lighting in McElroy Park near the western edge and that the recycling bins were not being picked up. Both items will be addressed.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Ed Offerman thanked Commissioner Bryan for his recent efforts in Washington DC. He offered to pull together city residents to serve staff for their appreciation luncheon.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the agenda.

16. ADJOURNMENT:

The meeting ended at 7:09 pm

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB