

MINUTES
CITY COMMISSION MEETING
February 28, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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. Update on City Public Beach Access Hurricane Recovery Efforts

Community Services Director Stewart Cruz gave a brief PowerPoint presentation updating the recovery process for pedestrian beach access. Pictures were shown of each beach walkover before and after the hurricanes. All 14 that are city owned had some degree of damage. The city's recovery plan has three components: safety, short term beach access and long term recovery. The city has done its best to remove or secure any unsafe access components and to barricade the site. For the short term beach access there were three sites that are favorable: Fornari Park (completed), Ocean Vistas and Tuscany Shores. Once the quotes are reviewed and approved, the work will be contracted out. The long term recovery plan includes the bid process, permitting and actual permanent construction. Director Cruz estimated this would take a few months and would most likely be into turtle season. Director Irwin explained that all the beach walkovers were covered by insurance. She would also be submitting everything to FEMA for possible reimbursement.

6. APPROVAL OF MINUTES

A. City Commission Minutes February 14, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Minutes of February 14, 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. January Public Safety Report

B. Community Services Department Monthly Report - January 2023

C. Executive Finance Report for January 2023

COMMISSIONER RICHARD BRYAN moved, seconded by VICE MAYOR MICHAEL POLITIS 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:

Attorney Paul Waters reviewed his report to the commission. There were no additional concerns.

9. REPORTS OF THE CITY MANAGER:

A. CM Report February 28, 2023

City Manager Kurt Swartzlander reviewed his report for the commission. He added that Waste Pro had requested an earlier start time during Bike Week which he approved. The trucks will begin picking up at 6:00 am each morning. He recently learned that homeowners insurance will help cover the cost of additional assessments with a cap of \$2,000 per storm. He encouraged all condo owners to look at their policies and contact their agents. Mayor Miller stressed to everyone who requires a permit with DEP to make sure to apply now and follow up to ensure it is completed by May 1, 2023.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Resolution 2023-04 Fund Balance Policy

Attorney Waters read the resolution by title only. It was stated that this policy was a suggestion by the auditors.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Resolution 2023-04 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. Beach Access Public-Private Partnership For Seawall Reconstruction

Community Services Director Stewart Cruz gave a short presentation on a potential public - private partnership for seawall reconstruction. There are five condominiums that have reached out to the city to find a common solution to repair the damaged seawall. Each has a city public beach access adjacent to their property. A partnership could provide one contiguous and unified seawall design, enhanced protection for both the condo and city property and the condo may be willing to pay for construction/permitting. The five condominiums are: Bella Vista, St. Kitts, St. Croix, Marbella and Palma Bella. Each would be decided on a case by case basis. The process could include: city deeds seawall area to COA that includes a perpetual reserve public access easement, provide a construction easement to COA, construction occurs, and COA deeds back the seawall area to the city. Staff is looking for direction from the commission. Vice Mayor Politis inquired why the seawall area needed to be deeded back and forth, and the response was due to liability issues. The entire commission felt it was a great idea to partner, especially if the COA could have construction completed at a faster rate than the city. Mayor Miller wants to ensure that access would remain open to the public. There are letters from a few of the COA that would like to see the public access eliminated, or given to them permanently. After a brief discussion, it was decided that the city would not eliminate any public beach access nor did the city wish to acquire any new walkways.

There were two audience members who spoke on the issue. Matt Dixon and Susan Furlong, both live in a condominium. They stated that the COA does not wish to have the liability issue any longer than is necessary during construction. They also don't want the city to hold up any work they could get started on. They were very appreciative of the city's partnership.

12. COUNCIL COMMENTS:

Mayor Miller announced that Coffee with the Mayor would be moved to March 15th. The speaker will be Ben Bartlett, Public Works Director for Volusia County. She is traveling back to Tallahassee next week to speak before the Senate on hurricane recovery. Vice Mayor

Politis reported on a recent TPO meeting. There are many exciting projects in the works for the county including exit ramp improvements for LPGA and US1 in Ormond Beach. A new ramp has been proposed for Pioneer Trail in New Smyrna Beach.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

County Councilmember Matt Rinehart was in attendance. He wanted the residents to know that he was there to provide assistance and information.

Audience member Tony Rembrezewski stated that his insurance increase was extremely high due to recent legislation. He added that he also had two recent condo assessments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Mayor Miller asked to have a discussion regarding the ATR, Alternate Tax Relief for an economic incentive. Commissioner Conomos asked to discuss the possibility of a restaurant opening on the east side of S. Atlantic Avenue.

15. ADJOURNMENT:

The meeting ended at 7:36 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB