

MINUTES
CITY COMMISSION MEETING
March 14, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

Staff: City Manager Kurt Swartzlander, City Attorney Becky Vose, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety LT. Michael Schoenbrod.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Proclamation for Finance Professionals Week

Mayor Miller read a Proclamation stating that the week of March 20th was Finance Professionals Week.

6. APPROVAL OF MINUTES

A. City Commission Minutes February 28, 2023

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

7. CONSENT AGENDA:

- A. Approval to award Towing Services Bid
- B. Approval to award Public Safety Annex Building Roof Bid
- C. Acceptance of a \$130,000 grant from the Department of Environmental Protection Resilient Florida Program
- D. Approval of the East Central Florida Regional Planning Council (ECFRP) as a sole source vendor for the FDEP Resiliency Grant.
- E. Approval of Mutual Aid Agreement between Public Safety and FDLE regarding the Central Florida Child Abduction Response Team
- F. MOU with Volusia Sheriff regarding registration of Sexual Offenders/Predators

COMMISSIONER MEL LINDAUER 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

Audience Member Amanda Balboa spoke about the towing contract item. She passed out a document showing towing costs that included supplemental and administrative costs. She felt the amount submitted by Volusia County Towing was too high as the most a tow could cost was \$125 per occurrence.

8. REPORTS OF THE CITY ATTORNEY:

The City Attorney had nothing to report.

9. REPORTS OF THE CITY MANAGER:

- A. CM Report March 14,2023

City Manager Kurt Swartzlander reviewed his report to the commission. He asked LT. Michael Schoenbrod to provide an update on bike week statistics. Overall, the event was well attended with a slight increase in visitors this year. Community Services Director Stewart Cruz provided an update on seawall repair permits. There are 8 currently in the process of obtaining a city permit. After a brief discussion, there was a consensus by the commission to waive permit fees for seawall repair. It will be placed on the next agenda. It was discussed that the city would host an open house for the County of Volusia on Monday, March 20th to obtain easements from properties located on the east side of S. Atlantic Avenue that had damage.

10. QUASI-JUDICIAL HEARING

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

City Attorney Vose read the ordinance by title. Vice Mayor Politis swore in all witnesses for the hearing. City Planner Noel Eaton gave a brief presentation stating that this was a requirement for the newly annexed property. The ordinance would assign a city zoning classification to the property. All due public notice had been met.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER CHRIS CONOMOS to adopt Ordinance 2022-26 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 2022-25: 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 gave a brief presentation to the commission. This ordinance would provide the land use designation for the recently annexed property. All due public notice requirements had been met.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to adopt Ordinance 2022-25 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. Resolution 2023-05 Elected Officials Travel Policy

Attorney Vose read the resolution by title. In 2012, a City Manager Policy was created for travel that includes elected officials' travel. It was decided that a resolution was the proper direction to address elected officials' travel. All planned travel will still be a part of the budget process. This is for any travel outside normal events.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to adopt Resolution 2023-05 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 2023-06 Emergency Pay Policy

Attorney Vose read the resolution by title. It was explained that a City Manager Policy was in place for emergency pay that outlined when and who were paid during any emergency situation. This resolution would update that policy to ensure future reimbursement when possible through FEMA.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to adopt Resolution 2023-06 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. Discussion to allow a stand alone restaurant on the east side of S. Atlantic Avenue

City Manager Kurt Swartzlander explained that this item was requested to be placed on the agenda at the last meeting. Staff looked into the restaurants (Landshark and Crabby's) on the east side of Atlantic Avenue in Daytona Beach and they are part of a larger planned development. Our current code states that no stand-alone restaurant could be built on the east side. It was researched why the previous council made that rule. The biggest reason is the tax revenue that would be generated between a condominium and a restaurant. Using our tax guidelines, the difference between a Landshark or the Aruba condominium is from \$34,000 to \$175,000. COMM Conomos inquired why that couldn't happen in our city. It was explained that it could, if the property were large enough. One potential property is where the previous Treasure Island Motel stood. The property could request a rezoning for the land use. Both the Mayor and the City Manager agreed that a hotel or condo with a restaurant was possible. It would just take a code amendment. In the past, most developers wanted to build what would produce the most revenue for them, which has been residential units.

D. Discussion on the Alternate Tax Relief (ATR) as a continuing incentive for Economic Development

Mayor Miller began the discussion stating that the commission was very interested in economic development and had several ways to entice new businesses. One item was a lease subsidy that has been working well. Another tool was the ATR, Alternate Tax Relief that would focus development on the east side of S. Atlantic Avenue. Currently, there are only a few prime properties left available and she felt a developer wouldn't need an incentive

to purchase it. She would like to sunset, or do away with this incentive. VM Politis stated that the city was not giving up income. Instead, the city gives up taxable revenue. He would like it kept to be used on a case-by-case basis. Mayor Miller asked the City Attorney if it was removed from the code, could the ATR be included in a Development Agreement, and the answer was yes. The remaining commission members were in agreement to remove it from the code and utilize it on a case by case basis inside a development agreement. An ordinance will be prepared for the next meeting.

13. COUNCIL COMMENTS:

The commission were very appreciative of Public Safety for maintaining a good presence during Bike Week. Mayor Miller reminded everyone that Coffee with the Mayor would be the next day. Guest speakers were staff from Volusia County. There is a free concert on March 31st. Commissioner Bryan would like a workshop to discuss seawalls. He felt that all properties should have temporary armoring or a cofferdam. The workshop would allow property owners to share information on the design and cost of seawalls and temporary measures. It would benefit them to work together and perhaps reduce price gouging. City Manager Swartzlander explained when the city hosted the earlier meeting, no one really knew how to get a permit, who to speak with or costs. Now, there are properties moving forward and people have experience in the permitting process. There are still a lot of people who have done nothing. He agreed, if neighbors could work together, the seawall they build would be stronger and could save them time and money. The commission provided consensus to move forward with a workshop.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

John Nissenzone felt the dog park had been going downhill. The grass is dead, it needs an irrigation system and more attention. Broken or used tennis balls need to be removed on a regular basis.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

The ordinance to repeal ATR.

16. ADJOURNMENT:

The meeting ended at 7:17 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB