

MINUTES
CITY COMMISSION MEETING
April 11, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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. Presentation by James Moore Audit firm

James Halleran, partner with James Moore Audit firm, presented the city's annual financial report to the commission. He stated that there were no material weaknesses in internal control over financial reporting and no instance of non-compliance. The city's finances were in a very good position.

6. APPROVAL OF MINUTES

A. City Commission Minutes March 28, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission of Minutes March 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. Acceptance of AdventHealth Centra Care Exposure Hotline Contract
- B. Access Agreement & Construction License For Seawall Construction: Bella Vista Condominium, 2515 S. Atlantic Avenue
- C. Access Agreement & Construction License For Seawall Construction: Palma Bella Condominium, 3245 S. Atlantic Avenue
- D. Access Agreement & Construction License For Seawall Construction: St. Croix Condominium, 3145 S. Atlantic Avenue
- E. Access Agreement & Construction License For Seawall Construction: St. Kitts Condominium, 2853 S. Atlantic Avenue

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

8. REPORTS OF THE CITY ATTORNEY:

The City Attorney had nothing to report for the agenda.

9. REPORTS OF THE CITY MANAGER:

City Manager Kurt Swartzlander provided an update on the dune walk-overs. He also gave a brief update on his recent trip to Tallahassee with Mayor Miller for legislative days.

10. OLD BUSINESS:

- A. Ordinance 2023-01: Repeal of the Supplemental Economic or Tourism Development Incentive Program (AKA The ATR Program)

City Attorney Becky Vose read the ordinance by title. There were no comments or discussion on the item.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2023-01 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. NEW BUSINESS:

A. Ordinance 2023-02: Floodplain Management Regulations Update

City Attorney Becky Vose read the ordinance by title. Community Services Director Stewart Cruz explained the proposed ordinance would implement administrative changes needed for the city to maintain its Federal National Flood Insurance Program community rating system status class 5. This classification allows property owners a 25% discount. The proposed changes were drafted by the Florida Department of Emergency Management Office of Flood Management.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve Ordinance 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. Joyride Golf Cart Tours Establishment Land Use Proposal: 2120 S. Atlantic Avenue

City Planner Noel Eaton gave a brief presentation on the proposed business. The location is 2120 S. Atlantic Avenue (GC-RD). Mayor Miller inquired if they owned the property and Mr. Eskra replied that they currently have the property under contract. It is the old car wash/Baskin Robbins ice cream location. Devon and Danielle Eskra wish to open a small restaurant in the front of the building and use the rear bays to house golf carts in the back. They would operate a golf cart tour business around the Daytona Beach and Daytona Beach Shores area. This business type is currently not permitted in the district. They would also like to utilize the live/work component for the small upstairs unit. The current code states that the owner must live on the property. The Eskra's would like their manager to live onsite. The live/work component residential area requires a minimum floor area of 800 square feet. The upstairs unit is only 704 square feet. Staff would like direction from the commission in regards to the zoning designation and the live/work requirements. The potential property owners, the Eskra's, also gave a quick presentation of their Joyride experience to the commission. They plan to update all the exterior code violations, install fresh landscaping, and provide outdoor tables with umbrellas. The restaurant would be a lunch and dinner concept. Commissioner Lindauer had a concern with the business manager living onsite instead of the property owner. After a brief discussion, it was decided that an employee contract could be submitted to the city to allow an employee to live onsite. The commission gave staff a consensus to bring back a document to address the code variations.

12. COUNCIL COMMENTS:

Vice Mayor Politis inquired if a representative from Chase Bank could give a presentation regarding the city's investments. Commissioner Bryan felt his recent seawall informational meeting went very well. He had two important take aways from the meeting. First, it is very important to have temporary armoring in place, and second, save money by working with your neighbors to create a contiguous seawall.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Debra Taylor informed the commission that her condo was having a struggle with getting their seawall permitted. The information that their engineer sent had been declined regarding the height of the seawall. She was advised to have the engineer re-submit information ASAP.
Emma Clark from the Port Orange- South Daytona Chamber of Commerce introduced herself.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the next agenda.

15. ADJOURNMENT:

The meeting ended at 7:13 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB