

MINUTES
CITY COMMISSION MEETING
April 25, 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 Paul Waters, Community Services Director Stewart Cruz, 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 April 11, 2023

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the City Commission Minutes of April 11, 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. Public Safety Monthly Report

B. Executive Finance Report for February 2023

C. Executive Finance Report for March 2023

D. Community Services Department Monthly Report - March 2023

E. Access Agreement & Construction License For Seawall Construction: Marbella Condominium, 3343 S. Atlantic Avenue

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER MEL LINDAUER 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 new to report for the agenda.

9. REPORTS OF THE CITY MANAGER:

The City Manager reviewed the number of sea wall permits issued by the DEP. The number has increased in the past few weeks. Along with that, the city has waived 37 permit applications for seawalls in the amount of \$87,100. The DEP recently announced that work can continue on the beach after May 1st providing a permit has been applied for and no turtle nest is near the construction zone. The non-conforming sign extension ended on April 10th. There are currently 20 remaining signs, down from an original 130 non-conforming signs. Ten property owners are in the process of upgrading their signs. The Code Enforcement department has reached out to the remaining property owners. Finally, CM Swartzlander reported that attendance was down on Saturdays at the community center. He proposed closing the building during the months of May through September for all classes. If a room is rented for an event, staff would be there to work.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER RICHARD BRYAN to Approve closing the community center on Saturdays from May through September.

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

10. OLD BUSINESS:

A. Ordinance 2023-02: Floodplain Management Regulations Update

Attorney Waters read the ordinance by title only. Community Services Director Stewart Cruz explained that the updates to the code would allow the residents to continue to receive a discount on flood insurance premiums when applicable. Staff recommended approval.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2023-02 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:

12. COUNCIL COMMENTS:

Mayor Miller reminded everyone of the upcoming concert and food truck event on Friday evening. Tickets are on sale for the Casino Night on May 13th. She announced that the visioning session planned for this spring would be postponed until next year due to the heavy staff load from the hurricanes. The City Manager's evaluation was handed out to the commission. It is due back by June 1st. The Mayor would like to add a discussion item for the next agenda to discuss expectations when completing the form. It had come to the attention of the commission that Comm. Bryan had attended the recent County Council Meeting last week and spoke under Audience Comments. He was introduced as Comm. Bryan from Daytona Beach Shores and spoke on increasing the number of trapbags being used for a seawall and a potential study. Comm. Bryan requested that \$10,000 be spent by the county on this study. The remaining commission were concerned because it seemed like Comm. Bryan was there representing the city. Comm. Bryan denied that he presented himself as a city commissioner. Vice Mayor Politis explained that Richard had signed in as a City Commissioner, wore his nametag and was introduced as a city commissioner. Furthermore, Richard never once stated this is my opinion. The Vice Mayor referenced Ordinance 2020-08 that was adopted specifically for this reason. Comm. Lindauer cautioned Richard explaining that he had done this same action in the past and was reprimanded for it. Comm. Bryan stated that he had sent an email to the County Council prior to him speaking, so they were aware his remarks were only his opinion. He intended to clarify at the end, but he had run out of time. Vice Mayor Politis recommended that Comm. Bryan write a letter to the County Council to apologize if his statements were interpreted as views of the city. The letter should state that he spoke as a private citizen and all statements made were his. He did not have authority or jurisdiction to speak on behalf of the City Commission. Comm. Bryan advised that a new seawall approach was introduced this past week that might be beneficial to some property owners who do not have a permit yet. He hoped to meet with a few property owners to inform them. Mayor Miller instructed Comm. Bryan to bring back his research to the commission before he engages with the community.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Joe Monaco inquired about the condition of Pappas Plaza since the hurricanes. Community Services Director Stewart Cruz explained that the property was currently for sale. The owner has until the end of the month to update city staff regarding code enforcement issues.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Discussion regarding the city manager's evaluation and the rating process.

15. ADJOURNMENT:

The meeting ended at 6:40 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB