

MINUTES
CITY COMMISSION MEETING
May 23, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Commissioner Mel Lindauer, Mayor Nancy Miller, 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, 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. Proclamation for Public Works Week

Mayor Miller read a proclamation declaring the week of May 21st as Public Works Week. The employees in the audience were recognized by the City Commission.

B. Investment Presentation by JPMorgan Chase

Daniele Driscoll from JP Morgan Chase provided an overview of the city's investment portfolio. The city has had the portfolio for approximately one year and the total amount currently invested is \$25,537,000 with a 3.80% yield to maturity.

6. APPROVAL OF MINUTES

A. City Commission Minutes April 25, 2023

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve the City Commission Minutes of April 25, 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

7. CONSENT AGENDA:

- A. Community Services Department Monthly Report - April 2023
- B. Executive Summary Report April 2023
- C. Public Safety April Monthly report
- D. Approval for Mayor to travel for Accreditation Award
- E. Approval of the City of Port Orange - Universal Engineering Sciences, Inc. Piggyback Contract for Building Inspector and Plans Examiner Services
- F. Approval of the Volusia County - LaTour Enerprizes, Inc. d/b/a Economy Electric Company, Inc. Piggyback Contract For Electrical Services
- G. Access Agreement & Construction License For Seawall Construction: Opus Condominium, 2071 S. Atlantic Avenue
- H. Florida Local Government Cybersecurity Grant

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. OLD BUSINESS:

9. NEW BUSINESS:

A. Ordinance 2023-03: Tour Service Conditional Use and Live/Work Facilities.

The City Attorney read the ordinance by title only. City Planner, Noel Eaton, explained that the proposed ordinance was requested by the commission to amend the Land Development Code to establish a use for tour service and to amend the live-work requirement. All due public notice had been met. The Planning & Zoning Board recommended approval of the ordinance with the condition that a restaurant needed to be open within 9 months of the tour service starting. City staff recommended approval as presented. Mayor Miller was not in favor of allowing 9 months for a restaurant to open, as she wanted both to open at the same time. VM Politis explained that it was not easy to open or attract a restaurant, especially with the city's low traffic count. He felt it would still be a benefit to the city with just the tour guide business opening. It would be an attraction for tourists. After a brief discussion, the Mayor felt if the front of the building was staged as a restaurant, she could allow 6 months for the business to open. Devon Eskra spoke to the commission. He explained their original thought was a burger/sandwich restaurant but then they were made aware one was opening close by. The contractor who would renovate the space felt it would take 9 months to do so. The question was asked, what would happen if the restaurant were to leave after a few months. Community Services Director Stewart Cruz stated that it would become a Code Enforcement action and given a reasonable time period to comply. Mr. Eskra also stated for the record that he thought he had a verbal contract that was binding on the property when he spoke to the commission a few weeks ago. He did not intend to mislead anyone.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER RICHARD BRYAN to Approve Ordinance 2023-03 on first reading with the following conditions: there must be staging on the property ie, the space looks like it is occupied by a restaurant with window treatment, tables, lighting and landscaping; a restaurant must open within 6 months, in the event that restaurant tenant were to leave, the owner has three months to find a replacement tenant or they can operate an eatery themselves .

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. Non-conforming Sign Removal Incentive Grant Application 12023014: 3060 S. Atlantic Avenue - Christina's Plaza

City Planner Noel Eaton explained that the sign grant was submitted back in December 2022, and should have been placed on the January agenda. All the criteria has been met and the sign is now installed and inspected. There are no current code enforcement violations and the property is eligible for \$2000 in grant funds. Staff recommended approval.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the Non-conforming Sign Removal Incentive Grant for Christina's Plaza in the amount of \$2000.

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. Economic Development Lease Subsidy Grant Application - Bank Heist Experience, LLC

Nancy Maddox, Economic Development Director, explained the details of the lease subsidy grant application. The business would be a new venture for the city and it would fill a building that is currently vacant. The Economic Development Committee met earlier this month and recommended approval of the grant in the amount of \$20,000 over two years. The grant would begin in June 2023 and end in July 2025. The business owner, Michael Babic, gave a brief explanation of the bank heist concept. It will be more than just an escape room. It will have challenges and puzzles to solve with the aid of an employee.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER MEL LINDAUER to approve the Economic Development Lease Subsidy Grant in the amount of \$20,000 for the Bank Heist Experience, LLC.

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. Economic Development Lease Subsidy Grant Application - Riley's Coney House

Nancy Maddox, Economic Development Director, explained the details of the lease subsidy grant application. The Economic Development Committee met earlier this month and recommended approval of the grant in the amount of \$20,000 over the next two years. The grant would begin in June 2023 and end in June 2025. Business owner, Dave Lloyd spoke to the commission. He is moving his restaurant, Riley Coney House, from Port Orange and hopes to open the first week of June. The menu will be expanded to include more seafood choices.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the Economic Development Lease Subsidy Grant in the amount of \$20,000 for Riley's Coney House.

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. Sea Wall presentation by Commissioner Bryan

Commissioner Richard Bryan gave a brief presentation detailing the seawall research that he had been compiling. He presented two designs that are being utilized for sea walls, sheet pile and gravity using redi-rock. It is his hope that all properties on the oceanfront have temporary armoring to help with the upcoming hurricane season. The county is providing 2 trap bags for oceanfront properties that have signed an easement for them. It is his opinion that a 3 trap bag configuration would work better. If the county has extra sand leftover, he felt they should add the extra bag to the properties. After a brief discussion, the Mayor

requested that the City Manager reach out to the County Manager regarding the possibility of placing a third trap bag in front of the properties with an easement.

10. REPORTS OF THE CITY ATTORNEY:

Attorney Paul Waters had nothing new to report for the agenda.

11. REPORTS OF THE CITY MANAGER:

City Manager Kurt Swartzlander stated that an unofficial event, Orlando invades Daytona, could occur over the Memorial Day weekend. The public safety officers are ready to respond if large crowds do congregate. He thanked the Public Works Department for the renovations of Veterans Park before the recent Armed Forces Day event.

12. COUNCIL COMMENTS:

Vice Mayor Politis reported on a recent TPO meeting. The main focus of that meeting was to support the governor's initiative to fund road projects. The entire commission felt the recent Armed Forces Day was a great event. Mayor Miller reminded the audience of the free concert on Friday evening. She also reminded the commission that the City Manager evaluations were due by June 1. Coffee with the Mayor in June will be an evening event beginning at 5:00 pm.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

The new President and CEO of the Port Orange/South Daytona Chamber of Commerce, Barbara Ann Heegan was introduced.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Mayor Miller requested a workshop before the next meeting to interview a potential Planning & Zoning Board alternate member. Followup report from the CM regarding trapbags.

15. ADJOURNMENT:

The meeting ended at 8:02 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB