

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

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Commissioner Chris Conomos **Excused:** 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 LJ Kuzmovich

Mayor Miller presented a Proclamation declaring July 11, 2023, LJ Kuzmovich Day for his life-saving efforts.

6. APPROVAL OF MINUTES

A. City Commission Minutes June 27, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Minutes of June 27, 2023.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Commissioner Chris Conomos

7. CONSENT AGENDA:

A. Mutual aid agreement for Coastal Crisis Negotiations Team

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Commissioner Chris Conomos

8. OLD BUSINESS:

9. NEW BUSINESS:

A. Ordinance 2023-06 Gas Franchise Agreement

Attorney Waters read the ordinance by title. Finance Director Lory Irwin explained this would renew the existing franchise for another ten years. The City Charter states that franchise renewals are done by ordinance.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2023-06 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Commissioner Chris Conomos

B. Consideration to cancel the August 8, 2023 City Commission Meeting

Mayor Miller explained that some of the commissioners would be attending the Florida League of Cities Annual Conference that week and requested the meeting be canceled.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve Consideration to cancel the August 8, 2023 City Commission Meeting.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan, Commissioner Chris Conomos

10. REPORTS OF THE CITY ATTORNEY:

Attorney Waters stated that the firm would be attending a hearing next week regarding a temporary injunction order which prohibits the release of certain information related to two cases. The upcoming hearing may address whether the expunction request is granted and

whether the temporary injunction will become permanent. The firm is requesting guidance from the Commission. It is the firm's recommendation that the City remain neutral to the expunction request. The local State Attorney, FDLE and Volusia County Sheriff's Office are also parties to the case. In a related matter, there was a seriously threatening post made on the DBS PS Facebook page. It is the firm's recommendation that the City reconsider its social media policy and authorize staff to draft a new policy for the next City Commission meeting. Commissioner Conomos recused himself from the discussion and vote as he is now an employee of the State Attorney's office.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN, to accept the recommendations of the City Attorney and that they be directed to proceed in accordance with their recommendations.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3 No = 0).

Yes: Mayor Nancy Miller, Commissioner Mel Lindauer, Commissioner Richard Bryan

11. REPORTS OF THE CITY MANAGER:

The City Manager had no additional comments.

12. COUNCIL COMMENTS:

Commissioner Conomos announced that Riley's Coney House had opened earlier that day. Mayor Miller reminded the residents that "Coffee with the Mayor" was suspended until September. Sheriff Chitwood will be the guest speaker at that time.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Carol Christopher spoke of the recent tragedy involving a resident of the Oceans Grand. She would like to see the crosswalk in front of City Hall have lights added to it.

Jeremy Piland who lives on Libery Street explained that parking along the road has become an issue lately due to off-beach parking overflow. He requested city staff to look into this.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items placed on the next agenda.

15. ADJOURNMENT:

The meeting ended at 6:23 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB