

MINUTES
CITY COMMISSION MEETING
August 22, 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, 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. Sgt. Ricky Rademacher Retirement

Mayor Miller read a proclamation declaring August 22, 2023, as SGT. Ricky Rademacher day for his retirement.

6. APPROVAL OF MINUTES

A. City Commission Budget Workshop Minutes July 25, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Budget Workshop Minutes of July 25, 2023.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

B. City Commission Minutes July 25, 2023

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the City Commission Minutes of July 25, 2023.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

7. CONSENT AGENDA:

A. Public Safety July report

B. June 2023 Monthly Executive Report

C. July 2023 Monthly Executive Report

D. Community Services Department Monthly Report - July 2023

E. Zev Cohen & Associates, Inc. Engineering Services Contract: Design - Bid Documents For Beach Dune Walkovers & New St. Kitts Seawall

F. Revised Access Agreement & Construction License For Seawall Construction: St. Kitts Condominium, 2853 S. Atlantic Avenue

G. Approval of Flock Safety Contract

Comm. Bryan asked for clarification on the Zev Cohen contract. Director Cruz explained that the contract was for phase 2 for the dune walkovers. It will consist of design-to-bid documents and a survey. A portion of the cost will be reimbursed from various sources.

COMMISSIONER RICHARD BRYAN 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: Commissioner Richard Bryan, Vice Mayor Michael Politis, Commissioner Mel Lindauer, Commissioner Chris Conomos, Mayor Nancy Miller

8. **OLD BUSINESS:**

9. **NEW BUSINESS:**

A. Consideration to approve Amended Contract for Legal Services as City Attorney

It was stated that since the beginning of their contract, the monthly retainer had not changed. Beginning with October 1, 2023, the amount will increase to \$9,500 and remain through September 2024. On October 1, 2024, the monthly retainer would increase to \$10,200. Beginning on October 1, 2025, and every year thereafter, the monthly rate shall be increased based on the Consumer Price Index. There are no other amendments to the contract other than the retainer. Mayor Miller stated that she was very happy with their services.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the Amended Contract for Legal Services with Vose Law firm.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

B. Ordinance 2023-07: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3038 South Peninsula Drive

Attorney Vose read the ordinance by title. City Planner Noel Eaton explained that this was a recently annexed property and state law requires that the city assign a future land classification use. The property is a single-family residence. The current county designation is county urban low intensity. The proposed city designation is residential low intensity. All due public notice had been met and both the Planning & Zoning Board and staff recommended approval.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve Ordinance 2023-07 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

C. Ordinance 2023-08: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3040 South Peninsula Drive

Attorney Vose read the ordinance by title. City Planner Noel Eaton explained that this was a recently annexed property and state law requires that the city assign a future land classification use. The property is a single-family residence. The current county designation is county urban low intensity. The proposed city designation is residential low intensity. All due public notice had been met and both the Planning & Zoning Board and staff

recommended approval.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER MEL LINDAUER to Approve Ordinance 2023-08 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

10. QUASI-JUDICIAL HEARING

- A. Ordinance 2023-09: Rezoning application for recently annexed property located at 3038 South Peninsula Drive

The City Clerk swore in all witnesses for the hearings. Attorney Vose read the ordinance by title. City Planner Noel Eaton informed the City Commission that this property was recently annexed and now required to be rezoned from the county to the city. It was determined that there was no ex-parte communication by the commission. The property would receive the RSF-2, Urban Single-Family Residential Detached District. All due public notice had been met and both the Planning & Zoning Board and staff recommended approval.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2023-09

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

- B. Ordinance 2023-10: Rezoning application for recently annexed property located at 3040 South Peninsula Drive

Attorney Vose read the ordinance by title. City Planner Noel Eaton informed the City Commission that this property was recently annexed and now required to be rezoned from the county to the city. It was determined that there was no ex-parte communication by the commission. The property would receive the RSF-2, Urban Single-Family Residential Detached District. All due public notice had been met and both the Planning & Zoning Board and staff recommended approval.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve Ordinance 2023-10 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

11. CITY ATTORNEY COMMENTS

Attorney Vose had no additional comments.

12. CITY MANAGER COMMENTS

City Manager Kurt Swartzlander presented certificates to both Mayor Miller and Commissioner Lindauer for receiving the Gold Certificate of Excellence from the Florida League of Cities. Mayor Miller was also selected as President-Elect of the Florida League of Mayors. She was the first one to be chosen from Volusia County. It was announced that retiree Lt. Doug Stewart had recently passed. The memorial service will be held at the Community Center. He requested that the rental fee be waived.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to waive the rental fee for the memorial service for Lt. Doug Stewart.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

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

The City Manager provided an update on the remaining non-conforming signs. There are four left who have not applied for a permit. The work on the Peck Park cross walk has halted while FDOT waits for the equipment to arrive. The County does not have a date to re-open the park as of yet. Updates on the remaining crosswalks were provided. FDOT plans to have the designs to light the remaining crosswalks finished within the next year. Construction would begin the following year (2025).

13. COUNCIL COMMENTS:

Mayor Miller reminded the audience that the "Coffee With the Mayor" will begin again on September 13th with the guest speaker, Sheriff Mike Chitwood. There is a concert this Friday that includes food trucks. She encouraged everyone to participate in the upcoming beach cleanup on September 16th. Vice Mayor Politis stated that he would attend the TPO meeting the next day and would report back to the commission in September.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the agenda.

16. ADJOURNMENT:

The meeting ended at 6:50 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB