

MINUTES
CITY COMMISSION MEETING
September 12, 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, Finance Director Lory Irwin, and Public Safety Director Michael Fowler.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. NEW BUSINESS (TRIM PROCESS ONLY):

A. Resolution 2023-11 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR VOLUSIA COUNTY FOR FISCAL YEAR 2023-24; PROVIDING AN EFFECTIVE DATE.

City Attorney Paul Waters read the resolution in its entirety with the adoption date amended to be September 26, 2023.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Resolution 2023-11R as amended 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

B. RESOLUTION 2023-12 TENTATIVE BUDGET ADOPTION FY 2023-2024

City Attorney Paul Waters read the resolution in its entirety with the adoption date amended to be September 26, 2023.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Adopt RESOLUTION 2023-12R as amended 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

6. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

7. APPROVAL OF MINUTES

A. City Commission Minutes August 22, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Minutes of August 22, 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 August 29, 2023

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to Approve the City Commission Minutes of August 29, 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

8. CONSENT AGENDA:

A. Approval of Port Orange/South Daytona Chamber of Commerce Agreement

B. Architectural Services RFQ Selection & Authorization of City Manager to Execute Standard Continuing Services Contract

C. Structural Engineering Services RFQ Selection & Authorization of City Manager to Execute Standard Continuing Services Contract

D. Updated SWAT Mutual Aid Agreement

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the consent agenda items A through D.

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

- E. Approval of Phase 1 of the Daytona Beach Shores Utility Equipment Box Artwork Program/FPL Customer Wrap Application For Extra Large Transformer Boxes)

Mayor Miller requested this item be pulled for discussion. Community Services Director Stewart Cruz explained that this was the first of three phases to wrap control panels/boxes along S. Atlantic Avenue. In this phase, the large FPL boxes would be wrapped using patterns supplied and approved by FPL. Staff has proposed three options of various greenery wraps. Phase two would include wrapping FDOT traffic signal boxes. As suggested at an earlier meeting, the city would call for artists from local schools. Mayor Miller would like to include the residents in voting on the artwork. Comm. Lindauer would like to include local adult artists, not just school children. This phase will be finalized at a later time. The third and final phase will wrap all other boxes as the budget allows. Director Cruz stated that there was \$20,000 in the budget for the first phase and requested that the City Manager be given authorization to execute and submit the FPL Customer Wrap application.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve consent agenda item E as recommended.

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

9. OLD BUSINESS:

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

Attorney Waters read the ordinance by title only. City Planner Noel Eaton indicated that no information had changed since the first reading and staff recommended approval.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2023-07 on second 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

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

Attorney Waters read the ordinance by title only. City Planner Noel Eaton indicated that no information had changed since the first reading and staff recommended approval.

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Adopt Ordinance 2023-08 on second 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

Attorney Waters read the ordinance by title only. The City Clerk swore in all witnesses for the hearings. There were no audience comments on the hearing and there was no ex-parte communication by the City Commission. City Planner Noel Eaton stated there were no changes since the first reading.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2023-09 on second 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

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

Attorney Waters read the ordinance by title only. There were no audience comments on the hearing and there was no ex-parte communication by the City Commission other than a call to the Mayor regarding the traffic speed on S. Peninsula from the homeowner. City Planner Noel Eaton stated there were no changes since the first reading.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt Ordinance 2023-10 on second 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. NEW BUSINESS:

- A. Emergency Ordinance 2023-11 Declaration of Emergency

Attorney Waters read the ordinance by title. City Manager Kurt Swartzlander explained that this item was an Emergency Ordinance that only required one reading. At the time the

agenda was being compiled, it was unsure of the track Hurricane Lee would take and it was potentially aiming at the state of FL. If adopted, this would allow the City Manager to declare a local state of emergency. When the purchasing ordinance was passed last year, the provision was deleted from the city code. Comm. Conomos questioned paragraph 7 relating to the suspension of the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles. He felt it would be illegal to do so. The remaining commission had no issue with deleting this paragraph.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Emergency Ordinance 2023-11 on first reading with the deletion of Section 2 item 7.

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 2023-12 Declaration of Emergency

Attorney Waters read the ordinance by title. The same paragraph will be deleted from this permanent ordinance.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve Ordinance 2023-12 on first reading with the deletion of Section 2 paragraph 7.

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. Consideration of Lobbying Services RFQ responses

With direction from the City Commission, staff sent out an RFQ for lobbying services. There were 7 responses and the commissioners were tasked with individually ranking them. The City Manager provided a summary of the rankings that showed the top three firms were: Metz, Husband & Daughton, Pinpoint Results, and Pittman Law Group. After a brief discussion, the commission felt the top firm was Metz, Husband & Daughton. The city's lobbyist would be Doug Bell who grew up in Volusia County and was very familiar with the area. He is well respected and is established in Tallahassee.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER RICHARD BRYAN to select the firm of Metz, Husband & Daughton and authorize the Mayor to execute a contract for Lobbying Services.

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

12. CITY ATTORNEY COMMENTS

Attorney Waters stated that he provided annual training on Sunshine Law, Public Records and Quasi-Judicial Hearings for the Planning & Zoning Board.

13. CITY MANAGER COMMENTS

City Manager Kurt Swartzlander explained to the commission that the last Christmas parade was held in 2021. Due to Covid and the hurricanes, there have been a few years the parade couldn't be held. Last year, there was a great turnout at the tree lighting and he would like to expand that celebration this year. He also advised that he took a tour of the beach yesterday with Chief Fowler and the Mayor. Many seawalls are done or close to being completed but there are still some properties who have done nothing.

14. COUNCIL COMMENTS:

Comm. Bryan encouraged any property owner who won't have permanent armoring from beach erosion, to obtain temporary armoring as soon as possible. He would assist in providing information on obtaining trap bags. Mayor Miller stated there were only 5 remaining non-conforming signs and they had received a notice from the code enforcement office. She reminded the residents that Coffee with the Mayor would resume tomorrow with guest speakers Sheriff Mike Chitwood and Emergency Mgt. Director Jim Judge. Mayor Miller noted that she was appointed to serve on the Municipal Administration committee for the FL League of Cities and Comm. Bryan was appointed to the Land and Economic Development committee. Vice Mayor Politis provided an update from a recent TPO meeting he attended.

15. AUDIENCE REMARKS/PUBLIC COMMENTS:

Kristen Johanson from the PO-SD Chamber of Commerce thanked the commission for renewing the lease on the office space. She provided an update on events happening in the next few weeks that included the leadership academy that employee Gwyn Herstein is enrolled in, a mini job fair and a member appreciation party. The board has hired a new employee who will work directly from the Shores office space.

16. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items placed on the agenda.

17. ADJOURNMENT:

The meeting ended at 7:08 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB