

MINUTES
CITY COMMISSION MEETING
January 23, 2024
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card, Commissioner Stephan Dembinsky, 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. Official Swearing in for new City Commission Members

City Attorney Becky Vose swore in the appointed commission members with their family present.

Kat Atwood showed a brief video to raise awareness of encephalitis. Mayor Miller read a proclamation proclaiming February 22nd as National Encephalitis Awareness Day.

6. APPROVAL OF MINUTES

A. City Commission Workshop Minutes January 9, 2024

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Workshop Minutes of January 9, 2024.

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

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

B. City Commission Minutes January 9, 2024

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the City Commission Minutes of January 9, 2024.

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

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

7. CONSENT AGENDA:

A. November Public Safety Report

B. December Public Safety Report

C. Community Services Department Monthly Report - November 2023

D. Community Services Department Monthly Report - December 2023

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the consent agenda.

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

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

8. OLD BUSINESS:

A. Ordinance 2024-01: Requiring The Posting Of Addresses On The East side Of Properties Adjacent To The Beach

The City Attorney read the ordinance by title. Community Services Director Stewart Cruz explained the purpose of the ordinance for the record. The four changes that were requested from the first reading were included. Staff recommended approval with the revisions.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt Ordinance 2024-01 on second reading.

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

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

B. Ordinance 2024-03: Sewer Development Impact Fee

The City Attorney read the ordinance by title. Community Services Director Stewart Cruz provided a brief explanation to the commission. If adopted, the sewer treatment development fee will automatically be revised to conform with the fee set by the City of Port Orange. Staff recommended approval.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MARK CARD to Adopt Ordinance 2024-03 on second reading.

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

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

9. QUASI-JUDICIAL HEARING

A. Regular Site Plan RSP120230538: LIV Multi-Family Residential Condominium, 3635-3637 S. Atlantic Avenue

The City Clerk swore in all witnesses for the hearing. There was no ex-parte communication by any commission member. Community Services Director Stewart Cruz provided a brief staff report. The proposed project will be a 75-unit condominium located just north of the Sunglow Pier. The plan is consistent with the City's Comprehensive Plan and does not require any variances. Due Public Notice had been met and staff recommended approval. Attorney Rob Merrill spoke for the applicant. He reiterated that the project required no special requests or variances. The project is anticipated to begin in May 2024 with 24 months to build. Resident Wayne Almond, who lives next door, was concerned about the seawall. The engineer was able to address his concerns.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Approve the Site Plan RSP120230538: LIV Multi-Family Residential Condominium, 3635-3637 S. Atlantic Avenue.

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

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

10. NEW BUSINESS:

A. Resolution 2024-03 Supporting the 2024 Florida League of Cities Legislation Agenda

The City Attorney read the resolution by title. The mayor explained this would help support the Florida League of Cities legislation platform.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MARK CARD to Adopt Resolution 2024-03 Supporting the 2024 Florida League of Cities Legislation Agenda.

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

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

B. Consideration of Request for Reduction/Rescission of Code Enforcement Lien for 2008 S. Atlantic Avenue

Code Enforcement Coordinator, Gwyn Herstein, provided a brief history of the case to the City Commission. The case was first heard by the Code Enforcement Special Magistrate on October 21, 2020. The property had 11 exterior violations and 5 interior deficiencies. The Special Magistrate granted 90 days to rectify the violations or a fine of \$250 per day would begin. After 90 days, 9 exterior violations and the 5 interior deficiencies remained. Final compliance was achieved in 533 days with a total fine of \$133,250.00. At the second Compliance Hearing in 2022, the Special Magistrate reduced the fine to \$110,000 plus \$243.26 in Administrative Fees if paid within six months. The fine was not paid and was reverted to the original amount. The property owner appealed to the Circuit Court and the Court temporarily abated the proceedings to allow the City Commission to consider a reduction. The property owner has requested a reduction of the fine to \$11,250 plus Administrative Fees. At the request of the commission, staff provided a formula to divide the fine and assign a daily equal share of \$22.72. When the violations are calculated in this manner, the fine could be reduced to \$52,187.84.

Attorney Michael Moore spoke for the property owner. He stated that the fair market value of the property was only \$235,000 and having a fine of \$133,000 could be considered a taking. He felt none of the violations were serious. The contractor believed that once a permit was applied for, that would stop the fine from accruing. During the renovation process, a car went through the front window of the building in May 2021. That required additional work. Attorney Moore stated that the owner had spent over \$73,000 on the repairs and had invested another \$34,000 on internal renovations. Comm. Conomos inquired what the owner planned to do with the building. The owner would like to lease it or sell it, but on-site parking is a challenge. Mayor Miller stated that the building had been vacant for 17 years and was unsightly for the neighbors to look at. Vice Mayor Politis was willing to wait and see if the building could be rented or sold first. It was mentioned that the case was still in Circuit Court and that the judge hoped the city could resolve the matter. City Attorney Vose explained that a joint motion for more time could be submitted, but stated that the judge may not agree. After a brief discussion, Comm. Dembinsky made a motion to accept the city's mathematical reduction.

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by VICE MAYOR MICHAEL POLITIS to reduce the fine to \$52,000 if paid within 90 days or the fine reverts back to original amount.

Vote: Motion passed by roll call vote (**summary:** Yes = 4 No = 1).

Yes: Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

No: Nancy Miller

C. Appointment of City Commission Economic Development Liaison and Local Business Relations Liaison

City Manager Kurt Swartzlander explained that with Mel Lindauer's resignation from the commission, it also removed him as the Economic Development Liaison. It was explained

that they do not meet often, but it is an important role that needs to be filled. Both Vice Mayor Politis and Commissioner Card were interested.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Appoint Mark Card as the City Commission Economic Development Liaison and Local Business Relations Liaison.

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

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Chris Conomos, Commissioner Mark Card, Commissioner Stephan Dembinsky

11. CITY ATTORNEY COMMENTS

The City Attorney had nothing additional to report.

12. CITY MANAGER COMMENTS

The City Manager had nothing additional to report.

13. COUNCIL COMMENTS:

Mayor Miller announced that the February 14th Coffee with the Mayor would begin at 9:00 am.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Mel Lindauer stated that he was pleased with the Mayor's vote regarding the code enforcement fine reduction. He felt a message needed to be sent to the property owner.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the agenda.

16. ADJOURNMENT:

The meeting ended at 7:32 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB