

MINUTES
CITY COMMISSION MEETING
February 27, 2024
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Commissioner Chris Conomos, Commissioner Mark Card, Mayor Nancy Miller, Commissioner Stephan Dembinsky, 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:

6. APPROVAL OF MINUTES

A. City Commission Minutes February 13, 2024

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission Minutes of February 13, 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. Public Safety January report

- B. Community Services Department Monthly Report - January 2024
- C. Monthly Executive Financial Reports for Oct., Nov., Dec. 2023 & Jan. 2024
- D. Right-of-Way License Agreement For Monument Sign Installation: Pinchas Mamane, 3348 S. Atlantic Avenue
- E. Renewal of Non-Exclusive Construction & Demolition Debris And Recyclables Removal Franchise - GEL Recycling, LLC
- F. Settlement Agreement and Release Bailey V Miralev

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by COMMISSIONER MARK CARD to Approve the consent agenda.

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

8. OLD BUSINESS:

- A. Ordinance 2024-05: Voluntary Annexation, 3215 La Paloma Avenue

Attorney Waters read the ordinance by title only. There were no additional questions or concerns.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Adopt Ordinance 2024-05 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. NEW BUSINESS:

- A. Ordinance 2024-02: A Request by B&Y, Inc. To Vacate And Abandon A Portion of Fraile Street (Alley) Right-of-Way

Attorney Waters read the ordinance by title only. Community Services Director Stewart Cruz presented a brief staff report. In order to accommodate the development of the two parcels, the property owner is requesting to vacate and abandon a portion of Fraile Street. In return, the owner would grant the city a perpetual 20-foot public access easement; grant a utility easement; and provide 5 paved off-beach parking spaces along Botefuhr Avenue. Nothing would go into effect until all conditions were satisfied, and a CO was issued. If this is approved, it would remove the beach concession parking now occurring behind the building. The easement would be properly landscaped and maintained by the property owner. Staff recommended approval.

The mayor felt the owner currently didn't keep the property in very good condition and questioned the need for another gift shop in the city. Matthew Dowst spoke for the applicant. The property owner felt the existing building was not large enough to maintain a gift shop with the current trend. His firm has been working with the owner for a few years on the project.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve Ordinance 2024-02 on first 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 2024-04: Daytona Beach Shores, LLC Development Agreement - 3411 S. Atlantic Avenue, Serena by the Shores.

Attorney Waters read the ordinance by title. Community Services Director Stewart Cruz explained this was a Development Agreement for property at 3411 South Atlantic Avenue. The developer is Valor Capital, and they propose an 18-story 86-unit condominium. It also includes restaurant, retail and beach club accessory use. The DA would allow three years for building permit issuance and payment of permit fees and seven years to receive a final Certificate of Occupancy. There are 10 deviations from the city's Land Development Code that were briefly explained. The Planning & Zoning Board recommended approval at their December meeting. Both the Economic Development Committee and staff recommended approval. All due public notice had been met. Mayor Miller was concerned about how the neighboring residents felt. She was glad to hear that there were meetings with Towers 10 and the building design had been modified accordingly. Vice Mayor Politis felt this would be the highest and best use of the site as it had been vacant for many years. The deviations requested were not to create more living units but for aesthetic purposes. The remaining commission were also in agreement.

Various representatives working on the project spoke to the board members. Existing buildings that were designed by the architect and developer were shown. Attorney Rob Merrill of Cobb & Cole spoke as well. He explained that he had been working with staff for more than a year on this concept plan and reiterated that it met all the requirements for a DA.

The following members of the audience spoke:

Tricia Townsell, co-owner of Days Inn Tropical Seas, stated that no one had been to speak with her regarding the project. She is very concerned about the height of the wall that will border her property. She believes it will make the southern-facing rooms too dark.

Ed Offerman stated that he had not been approached personally. His three concerns were:

serving times for the restaurant/bakery. beach access and price point of the units. Jim Draheim, President of Towers 10 COA, stated that the representatives made an initial presentation of a square building. After listening to the owners suggestions, the design was changed and they are very pleased. Jerome Galba, who is also a Towers 10 board member, said he was very impressed with Valor and fully supported the project.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2024-04 on first 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

C. Resolution 2024-04: Hurricane Damaged Permanent Seawall Reconstruction Building Permit Fee Waiver Extension

Attorney Waters read the resolution by title. Director Cruz explained that the city waived permit fees right after Hurricanes Ian and Nicole. Staff estimated there are between 25 and 30 remaining seawall permits to be submitted. If approved, this would waive permit fees associated with permanent seawall construction for an additional one year.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Adopt Resolution 2024-04 on first 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

D. Resolution 2024-05: Budget Amendment #2: FPL Box Covers

Attorney Waters read the resolution by title. The budget amendment would cover the additional expenses for wrapping the FPL boxes.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Adopt Resolution 2024-05 on first 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

10. CITY ATTORNEY COMMENTS

The City Attorney had no additional comments.

11. CITY MANAGER COMMENTS

City Manager Kurt Swartzlander explained that he had approved Waste Pro to begin collecting at 6:00 am during bike week. The city has been notified that it will receive \$14.55 million in grant funds from the DEP for the sewer lift station project.

12. COUNCIL COMMENTS:

Mayor Miller reminded the audience that the first meeting in March was canceled along with Coffee with the Mayor. She announced tickets were available for Casino Night on March 16th and proceeds will go to benefit SMA Health Care. Commissioner Dembinsky stated that he would not be attending the March 26th meeting due to a prior commitment.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the agenda.

15. ADJOURNMENT:

The meeting ended at 7:36 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB