

MINUTES
CITY COMMISSION MEETING
September 24, 2024
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Commissioner Stephan Dembinsky, Commissioner Mark Card, Commissioner Chris Conomos, 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. NEW BUSINESS (TRIM PROCESS ONLY):

- A. RESOLUTION NO. 2024-17: A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR VOLUSIA COUNTY FOR FISCAL YEAR 2024-24; PROVIDING AN EFFECTIVE DATE.

City Attorney Paul Waters read the Resolution by title only. Finance Director Lory Irwin explained the budget summary and the adjustments that were made since the prior hearing. There were no questions or public comments.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Adopt RESOLUTION NO. 2024-17 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. RESOLUTION 2024-18: A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES OF VOLUSIA COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2024-2025; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Waters read the Resolution in its entirety. Mayor Miller stated that she wanted to include part-time employees and reserve officers in receiving 50% of the wage increase offered to full-time employees. There were no questions or public comments.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt RESOLUTION 2024-18: as amended.

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

6. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

7. APPROVAL OF MINUTES

A. City Commission Workshop Minutes September 9, 2024

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Approve the City Commission Workshop Minutes of September 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 September 9, 2024

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the City Commission Minutes of September 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

8. CONSENT AGENDA:

A. Public Safety forfeiture purchase request

B. PS August monthly report

C. Community Services Department Monthly Report - August 2024

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by COMMISSIONER CHRIS CONOMOS 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

9. OLD BUSINESS:

10. NEW BUSINESS:

A. Ordinance 2024-21: Micro Wireless Facilities In Rights-Of-Way

The City Attorney read the ordinance by title only. Director Stewart Cruz provided a brief background. The ordinance would prohibit micro wireless facilities on utility poles in the city's right of way. The prohibition would mirror FS 337.401(7). Staff recommended approval.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve Ordinance 2024-21 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. Resolution 2024-15: Authorization To Submit A Loan Application To The Clean Water State Revolving Fund Program With 100% Principal Forgiveness For Sanitary Sewer Resiliency Upgrades

The City Attorney read the resolution by title only. Community Services Director Cruz explained that this was previously approved in June of this year. Shortly after the approval, the project number assigned to the city changed. This resolution contains the correct project number, so the loan application can proceed.

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by COMMISSIONER MARK CARD to Adopt Resolution 2024-15 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. Res. 2024-16 Dune Restoration Resolution to Volusia County

The City Attorney read the resolution by title only. The City Commission had requested this item be placed on the agenda from their last meeting. City Manager Kurt Swartzlander stated that he would email a copy to other coastal cities to encourage the county to assist the property owners.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Adopt Res. 2024-16 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. Consideration to file lawsuit against Volusia Towing for Breach of Contract

City Attorney Paul Waters provided a brief background. Volusia County Towing failed to make timely payments to the city each month as their contract required. In May, a Letter of Termination was sent to them. At the June 11, 2024, commission meeting, a public hearing was held but no one from the towing company appeared. Numerous attempts have been made to collect the funds owed the city.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to approve filing a lawsuit against Volusia Towing for Breach of Contract.

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

E. Consideration to set board application process and select a date for Interview Workshop

It has been the commission's policy to interview candidates at a workshop for the Planning & Zoning Board. There is currently one opening for alternate member. The date of October 22nd was proposed.

COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to set a workshop on October 22nd to interview candidates.

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

F. Consideration to sponsor Kids Tag Art and purchase license plates

This was presented at the last City Commission meeting and brought forward today for approval. **COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the \$1,500 sponsorship for Kids Tag Art and to purchase \$500 worth of license plates.**

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

There were no additional comments from Attorney Waters.

12. CITY MANAGER COMMENTS

Attorney Paul Waters read the resolution by title only. Due to the impending Hurricane Helene, both the state and county have declared a state of emergency.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Adopt Resolution 2024-19 on first reading to declare a temporary local State of Emergency.

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

13. COMMISSION COMMENTS:

Mayor Miller stated that the End of Summer Bash at Crabby Joe's was sold out. They are holding their ribbon cutting that afternoon as well. There is a free concert Friday night that begins at 6:30 pm. The Mayor's fitness challenge will begin October 7th through December 8th. Everyone was encouraged to sign up for fun activities.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Sandy Magner lives next to Crabby Joe's and is unhappy with their dumpster's placement. She requested a cover or higher enclosure to block the view.
Phil Vinard also lives next to Crabby Joe's. He also requested a cover over the dumpster enclosure. He also complained about the back-up alarm on the food delivery trucks in the morning. His final concern was with the building to the south of his condo. There is no seawall, and he is afraid the high tide will compromise their wall.
Sandy Cook inquired if there was still an economic development committee to assist businesses new and old.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items for the next agenda.

16. ADJOURNMENT:

The meeting ended at 7:06 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

