

MINUTES
CITY COMMISSION MEETING
October 22, 2024
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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:

A. Longstreet Elementary Student Artwork

Mayor Miller presented awards to the students who had displayed their art in the City Hall lobby.

6. APPROVAL OF MINUTES

A. City Commission Minutes September 24, 2024

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to approve the City Commission Minutes of September 24, 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. Executive Summary: August 2024 Fiscal YTD Financial Report

B. Public Safety September monthly report

C. Community Services Department Monthly Report - September 2024

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MARK CARD to Approve the consent agenda items A - C.

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. Agreement with State Attorney to Prosecute Ordinance Violations

This item was pulled from the consent agenda so Comm. Conomos and Comm. Dembinsky could abstain from the vote.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MARK CARD to approve consent agenda item D.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Mark Card

8. **OLD BUSINESS:**

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

Attorney Waters read the ordinance by title only. Community Services Director Stewart Cruz noted that there were no changes to the ordinance between first and second reading. The ordinance would prohibit micro wireless facilities on utility poles in the city's right of way.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to adopt Ordinance 2024-21 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. Special Exception SPEX12024017: Off-Site Construction Parking for LIV Condominium, two adjacent vacant lots on Dahlia Avenue (Volusia County Parcel ID #s: 6302 0509 0010 and 6302 0509 0020)

Attorney Waters swore in all the witnesses for the hearing. City Planner Gwyn Herstein provided a brief staff report. If approved, the site would be used for temporary construction parking for the LIV Condominium project. The LIV Condominium will be located on S. Atlantic Avenue and this temporary parking will be across the street and head west down a side street. The project met all 20 required criteria for the special exception. Two of the criteria are met with conditions, but there are actually four conditions that staff requested with the recommended approval: 1) sand fencing shall be required to conform with LDC; 2) all components added to the site shall be removed upon completion of the use of the site; 3) all signage shall require a sign permit; 4) no staging, storage or stockpiling of construction material shall be allowed on the site. It was noted that the site plan for the project had been previously approved but no applications to begin the work have been received. It is anticipated that the project would take no more than three years. Attorney Rob Merrell spoke for the applicant. Per the city's code, the special exception is something that once you meet the required criteria, it should be presumed approved. He stated that the workers would arrive in the morning, park their trucks and return at the end of the day. There should not be trucks coming and going all day from this area.

Two audience members were not in favor of the project. Gary Lupinsky stated that the owner was not keeping the lot maintained now. How can they expect him to do so in the future? He is concerned about increased traffic in the area. Chris Evans has flooding concerns with the parking lot.

COMMISSIONER STEPHAN DEMBINSKY moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the Special Exception SPEX12024017.

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

Mayor Miller asked to add an item to the agenda. At their workshop, the commission interviewed an applicant for the Planning & Zoning Board. This item would allow the commission to consider his application to the board.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to add the additional agenda item.

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. Consideration to appoint Joe Monaco to alternate member to Planning & Zoning

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER MARK CARD, to Appoint Joe Monaco to alternate member for the Planning & Zoning Board.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 0).

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

B. Resolution 2024-20: Hurricane Milton Local Building Permit Fee Waiver

Attorney Waters read the resolution by title. Director Cruz explained this was similar to what the County of Volusia recently enacted. The waiver would expire on December 31, 2024, but it could be extended if the commission desired. The property owner or contractor would need to show proof of the damage.

COMMISSIONER CHRIS CONOMOS moved, seconded by COMMISSIONER MARK CARD to Approve Resolution 2024-20 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. Discussion On Land Development Code Amendment Request For Non-conforming Land Use Impacted By Hurricane Nicole: Jetset Tattoos & Piercings, 2560 S. Atlantic Avenue

Director Cruz explained that after Hurricanes Ian and Nicole, the Jetset Tattoo business had to relocate. The commission approved a temporary relocation for the business. The move came with a two-year sunset clause that will expire on January 9, 2025. The original location has since been purchased by a new owner and refurbished. If the commission desires, staff could amend the LDC to allow the business to remain at the new location. Attorney Jessica Gow spoke on behalf of her client. The original location is now asking for a shorter-term lease with the tenant paying for all improvements to the unit. The financial demands are prohibitive for him to return. Mayor Miller stated that he had been in the city for over 20 years and was a good business partner. She did ask if the

lights could be turned down or off overnight. The commission decided to allow the business to stay at the current location and directed staff to write an ordinance to amend the LDC.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER STEPHAN DEMBINSKY to Approve the Request For Non-conforming Land Use Impacted By Hurricane Nicole for Jetset Tattoos & Piercings.

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. Regular Site Plan RSP12024020: LUX Condominium, 3159 S. Atlantic Ave.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to Continue Regular Site Plan RSP12024020 until the November 12th meeting.

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

Attorney Waters stated there was nothing additional to report.

12. CITY MANAGER COMMENTS

City Manager Kurt Swartzlander provided a Hurricane Milton debris pickup update. He stated that a resiliency study workshop on flooding was set for tomorrow (Oct. 23) evening and again on October 30th.

13. COMMISSION COMMENTS:

Mayor Miller stated that she had attended the recent County Council meeting with the City Manager to advocate for the residents regarding their dune renourishment ordinance. Upcoming events include: food trucks and concert Friday night, community appreciation cookout Nov. 7th, Veteran's lunch Nov. 12th, and Coffee with the Mayor Nov 13th. Comm. Dembinsky inquired about hardening transformers against future storms. Comm. Card explained that 34 properties/businesses were impacted during Hurricane Milton. He encouraged them to investigate the SBA loan through the state. Comm. Conomos thanked the staff that stayed to work during the hurricane. Vice Mayor Politis provided an update from last month's TPO meeting. The organization is changing their name to Volusia/Flagler TPO. He encouraged everyone to attend the upcoming Breast Cancer walk he sponsors this Saturday.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

Scott Hubbard who lives on S. Peninsula asked what could be done about the recent problems with flooding and drainage at his home. He has lived there for 28 years and has never had 7 feet of water in his backyard. Chris Chibaro of Esperanza also had a problem with flooding after the storm. Greg White, who resides in the Twin Towers, asked what could be done to repair the beach? He stated that during a high tide, there is no beach or sand left anymore as the water is up to the seawall. Rick Brown, who resides in Oceans Ten, inquired when the St. Kitt's Park will be completed and open again. He felt it was taking a very long time for the construction of the house next to the park and that it was destroying the vegetation.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the agenda.

16. ADJOURNMENT:

The meeting ended at 7:40 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB