



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING OCTOBER 22, 2019

**6:00 PM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

- 1. CALL TO ORDER BY MAYOR**
- 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 Council Minutes October 8, 2019
- 7. CONSENT AGENDA:**
 - A. September Public Safety monthly report

- B. Community Services September 2019 Report
- C. Building Division September 2019 Monthly Report
- D. August Monthly Financial Report
- 8. **REPORTS OF THE CITY ATTORNEY:**
- 9. **REPORTS OF THE CITY MANAGER:**
- 10. **OLD BUSINESS:**
- 11. **NEW BUSINESS:**
- A. Consideration to extend the contract with Stacy Conomos for the promotion of the economic development programs on social media platforms.
- B. Consideration to approve contract for Special Magistrate
- C. Purchase and sales agreement for 2900 S. Atlantic Avenue
- 12. **COUNCIL COMMENTS:**
- 13. **AUDIENCE REMARKS/PUBLIC COMMENTS:**
- 14. **ITEMS RECOMMENDED FOR THE NEXT AGENDA:**
- 15. **ADJOURNMENT:**

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF DAYTONA BEACH SHORES, 2990 S. ATLANTIC AVENUE, DAYTONA BEACH SHORES, FLORIDA 32118, TELEPHONE NUMBER 386-763-5364, CSCHWAB@CITYOFDBS.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

MINUTES
CITY COUNCIL MEETING
October 8, 2019
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Michael Politis, Councilmember Mel Lindauer, Councilmember Richard Frizalone

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Raymond Branch, City Planner Stewart Cruz, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

6. APPROVAL OF MINUTES

A. Approval of minutes from September 20th and 24th

COUNCILMEMBER MEL LINDAUER moved, seconded by **COUNCILMEMBER MICHAEL POLITIS** to approve the minutes from September 20th and 24th.

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

7. CONSENT AGENDA:

8. REPORTS OF THE CITY ATTORNEY:

The Mayor introduced the new City Attorney Raymond Branch. He provided a brief background of his work both in Michigan and Florida. There was no formal report provided.

9. REPORTS OF THE CITY MANAGER:

The City Manager provided the following for this report: Staff has begun work on a Development Agreement for the property at 2900 S. Atlantic Avenue. It will be included on a future agenda. He recently met with the representatives of Halifax Health. It was decided to have the City take the lead on the project except for the interior and exterior build out. They anticipate a late summer opening. This is a new prototype called Halifax

Express that will be used as a model in other areas of the county. Work has begun on the traffic light at Van Avenue. It will change from the blinking yellow, to a standard working traffic light. The City recently joined the Port Orange/South Daytona Chamber. This will help to promote the new business incentives. Finally, while he is attending the ICMA Conference in Nashville, he named Finance Director Swartzlander the Acting City Manager.

10. OLD BUSINESS:

A. Ordinance 2019-12 Shores 109,LLC Development Agreement

City Planner Stewart Cruz displayed the concept drawing for the property. There were no changes or additions to the development agreement. Property Owner Brendan Galbreath spoke about the feedback he has heard regarding the choice of restaurant. BBQ seems to be the favorite of the residents. He hopes to begin the permitting and site plan review soon.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to adopt Ordinance 2019-12 on second reading.

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

11. NEW BUSINESS:

A. Consideration to cancel the City Council Meetings on November 26 and December 24 due to the holidays.

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to approve cancelling the City Council Meetings on November 26 and December 24 due to the holidays..

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

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

No

B. Discussion on the City Manager Performance Evaluation Procedure

Mayor Miller reported the information that she learned from Lynn Tipton Director with the Florida League of Cities. The best practice is a two-part evaluation process. The first step is for each individual councilmember to score the evaluation sheet and meet with the City Manager one on

one to discuss the results. Once all the meetings were finished and the forms turned in, the City Clerk would summarize the results. The second step would be to discuss the summary at a public meeting where public comments could be made. The Mayor requested a resolution be drafted. CMBR Lindauer wanted to be sure that the process did not violate the existing charter. The end results will be made a public record. The procedure was agreed upon by consensus.

Mayor Miller announced that she had found a new form from the FCCMA. She would like to hold a workshop before the first meeting in November to finalize the form. She encouraged the other members to turn in 2-3 measurables for the City Manager to consider. Vice Mayor Bryan felt the City Manager should decide and have a voice on what he wants to be measured on. After a brief discussion on the form and what to include, it was decided that a workshop was not needed. The form will be included on the regular agenda for November 12th.

Audience member Rosana Scaccia felt the form should include measurable objectives.

CMBR Lindauer inquired about holding a workshop to finalize any charter changes. CMBR Frizalone felt that the draft Attorney Groot began could be reviewed by the Mayor and city staff and brought back to the council. He stated that the city was running fine and any minor changes could be addressed during a regular meeting.

12. COUNCIL COMMENTS:

Finance Director Kurt Swartzlander informed the council that he would be holding a workshop before the next meeting. He would like to switch the general employee pension back to Florida State Retirement.

Mayor Miller announced there were only two tickets left for the Octoberfest event. She also reminded the audience about the upcoming indoors Arts and Crafts market.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

The meeting ended at 6:42 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



CITY OF DAYTONA BEACH SHORES

DEPARTMENT OF PUBLIC SAFETY

3050 South Atlantic Avenue

Daytona Beach Shores, Florida 32118

Office of Director of Public Safety

Office 386-763-5333 Fax 386-763-5341

MONTHLY REPORT FOR SEPTEMBER 2019 *de*

	Sep-19	19/YTD	Sep-18	18/YTD
<i>Police Related Calls</i>	2,970	24,148	2,999	23,835
<i>Fire Related Calls</i>	48	311	42	312
<i>Rescue Related Calls</i>	83	759	88	973
<i>Fire Related Alarms Sounding</i>	10	97	9	124
<i>Traffic Citations</i>	375	3,509	483	3,809
<i>Written Warnings</i>	101	903	94	1,502
<i>Building Inspections</i>	43	453	149	883
<i>Arrests: Adults</i>	66	467	58	615
<i>Juveniles</i>	2	5	1	12
<i>Civil Citations</i>	0	89	13	147
<i>City Ordinance Charges</i>	1	2	1	3
<i>Florida State Statute Charges</i>	123	889	103	1,142
<i>Accidents: Total</i>	26	199	16	220
<i>Street/Highway</i>	13	105	9	125
<i>Parking Lot</i>	13	94	7	95

Stephan Dembinsky Public Safety Director

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2019-09-01 through 2019-09-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
EXTRA PATROL	EP	772	25.99 %	25.73
TRAFFIC STOP	TS	656	22.09 %	21.87
PROPERTY CHECK	PRC	358	12.05 %	11.93
MISCELLANEOUS LE CALL	MISC	354	11.92 %	11.80
SUSP PERSON	SPER	127	4.28 %	4.23
SUSP VEHICLE	SVEH	81	2.73 %	2.70
SUSPECT STOP	SS	45	1.52 %	1.50
SUSP INCIDENT	SINC	36	1.21 %	1.20
TELEPHONE HANDLE	THC	35	1.18 %	1.17
MEDICAL EMERGENCY	MED1	33	1.11 %	1.10
FLAG DOWN	FLAG	29	0.98 %	0.97
SPECIAL DETAIL	SDL	17	0.57 %	0.57
DIRECTED PATROL REQUEST	DPR	16	0.54 %	0.53
FIRE ALARM	ALARMF	14	0.47 %	0.47
WALKUP	WALKUP	14	0.47 %	0.47
FOUND PROPERTY	PROPF	13	0.44 %	0.43
MEDICAL NON-EMERG	MED2	13	0.44 %	0.43
MVA	MV	13	0.44 %	0.43
SCHOOL ZONE	SZ	13	0.44 %	0.43
TRESPASSERS	TRES	13	0.44 %	0.43
CIVIL COMPLAINT	CIVIL	12	0.40 %	0.40
NARCOTICS	NARC	12	0.40 %	0.40
RECKLESS DRIVER	RD	12	0.40 %	0.40
DRUNK DRIVER	DUI	11	0.37 %	0.37
RADAR	RADAR	11	0.37 %	0.37
WARRANT	WAR	11	0.37 %	0.37
BUSINESS ALARM	ALARMB	9	0.30 %	0.30
DISTURBANCE	DIST	9	0.30 %	0.30
INFORMATION GIVEN	INFO	9	0.30 %	0.30
INVESTIGATION	INV	9	0.30 %	0.30
WELL BEING CHECK	WBC	9	0.30 %	0.30
FALL- NON EMERGENCY	TRAU3	8	0.27 %	0.27
NOISE	NOISE	8	0.27 %	0.27
911 CK/OPEN LINE	911CK	6	0.20 %	0.20
ASSAULT/BATTERY	ABAT	6	0.20 %	0.20
DISABLED VEHICLE	DAV	6	0.20 %	0.20
FLEEING DRIVER	FLEE	6	0.20 %	0.20
THEFT	THEFT	6	0.20 %	0.20
TRAUMA EMERGENCY	TRAU1	6	0.20 %	0.20
UNCONSCIOUS	UNC	6	0.20 %	0.20
911 CK/OPN LINE/MED HAZ	911MED	5	0.17 %	0.17
DRUNK PERSON	IP	5	0.17 %	0.17
FRAUD	FRAUD	5	0.17 %	0.17
HIT&RUN MVA	MVHR	5	0.17 %	0.17
TOWED VEHICLE	TOW	5	0.17 %	0.17
ANIMAL COMPLAINT	AC	4	0.13 %	0.13

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2019-09-01 through 2019-09-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
ASSIST AGENCY	ASSIST	4	0.13 %	0.13
BURGLARY ALARM	ALARM	4	0.13 %	0.13
ELEVATOR CALL	ELEV	4	0.13 %	0.13
ESCORT	ESCORT	4	0.13 %	0.13
LOST PROPERTY	PROPL	4	0.13 %	0.13
LOST/FOUND PET INFO	PET	4	0.13 %	0.13
MEDICAL UNKNOWN	ALARMM	4	0.13 %	0.13
MENTALLY ILL PER	MIP	4	0.13 %	0.13
SUICIDAL PERSON	SP	4	0.13 %	0.13
TRAFFIC CONTROL	TC	4	0.13 %	0.13
CITY ORDINANCE VIOLATION	COV	3	0.10 %	0.10
DROWNING	DROWN	3	0.10 %	0.10
FIGHT	FIGHT	3	0.10 %	0.10
POWER LINES HAZARD	PL	3	0.10 %	0.10
REPOSSESSED VEH	REPO	3	0.10 %	0.10
ROAD OBSTRUCTION	RDOB	3	0.10 %	0.10
SHOPLIFTING	SHOP1	3	0.10 %	0.10
STEP ZONE	STP	3	0.10 %	0.10
VANDALISM	VAND1	3	0.10 %	0.10
BURGLARY	BURG	2	0.07 %	0.07
CARBREAK	CB	2	0.07 %	0.07
CARDIAC ARREST	CPR	2	0.07 %	0.07
DOMESTIC DISTURBANCE	DV	2	0.07 %	0.07
JUVENILE	JUV	2	0.07 %	0.07
MISC FIRE SERVICE CALL	MISCF	2	0.07 %	0.07
OPEN DOOR	OPD	2	0.07 %	0.07
RECOVERED SIG 10	SVR	2	0.07 %	0.07
STOLEN VEHICLE	SV	2	0.07 %	0.07
TRAFFIC LITE OUT	TLO	2	0.07 %	0.07
TRAUMA CRITICAL	TRAUE	2	0.07 %	0.07
TRAUMA NON-EMERG	TRAU2	2	0.07 %	0.07
ABANDONED VEH	AV	1	0.03 %	0.03
ALCOHOL VIOL	ALC	1	0.03 %	0.03
ARMED ROBBERY	AROB	1	0.03 %	0.03
ATT TO CONTACT	ATC	1	0.03 %	0.03
BOLO	BOLO	1	0.03 %	0.03
BURG/IN PROG	BURGIP	1	0.03 %	0.03
CIVIL SERVICE	CIVILS	1	0.03 %	0.03
DEAD PERSON	DEAD	1	0.03 %	0.03
DIABETIC	DIA	1	0.03 %	0.03
FAILURE TO PAY	FTP1	1	0.03 %	0.03
FINGERPRINTS	PRINTS	1	0.03 %	0.03
GENERAL MEDICAL NON EMER	GENMED	1	0.03 %	0.03
HIT&RUN ACC W/INJ	MVHRI	1	0.03 %	0.03
ILLEGAL PARKING	PARK	1	0.03 %	0.03
MISSING PERSON	MP	1	0.03 %	0.03

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2019-09-01 through 2019-09-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
MVA MAJOR	MVMI	1	0.03 %	0.03
MVA W/ INJURIES	MVI	1	0.03 %	0.03
PRISONER TRANS	PT	1	0.03 %	0.03
SMOKE IN STR COMM/HIRISE	SMISCH	1	0.03 %	0.03
SMOKE ODOR IN STRUCTURE	SMODIS	1	0.03 %	0.03
SOLICITORS	SOL	1	0.03 %	0.03
SUPPLEMENT	SUP	1	0.03 %	0.03
THREATENING CALL	TCALL	1	0.03 %	0.03
VEH FIRE	VF	1	0.03 %	0.03
WALK & TALK	WT	1	0.03 %	0.03
WEAPONS COMPL	WC	1	0.03 %	0.03
TOTAL CALLS:		2,970	100.00%	99.00

NOTE: CAD-generated statistical reports are compiled from a live database of calls for service; this live database requires frequent call updating to ensure real time data is correct and maintained. When compiling and comparing statistics over time, minor discrepancies are inherent and should be expected. For final report information on crime, Uniformed Crime Reporting (UCR) statistics should be utilized.



CITY OF DAYTONA BEACH SHORES
DEPARTMENT OF PUBLIC SAFETY
3050 South Atlantic Avenue
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Office of Director of Public Safety
Office 386-763-5333 Fax 386-763-5341

TRAINING SEMINARS ATTENDED

Month of September 2019

<i>Jeff Zephir</i>	<i>9/9-12</i>	<i>Aerial Operations POFD</i>
<i>Bradley Blad Matthew Sweeney</i>	<i>9/13</i>	<i>Trauma Talks Halifax</i>
<i>Jeff Zephir</i>	<i>9/15</i>	<i>EVOC Orlando</i>
<i>Peter Burick Jeff Zephir</i>	<i>9/16-20</i>	<i>Interviews & Interrogation DSC</i>
<i>Jeff Zephir</i>	<i>9/18</i>	<i>Prescription Drug Inv. DSC</i>
<i>Zachary Rooney</i>	<i>9/23-27</i>	<i>Building Construction for Fire service- POFD</i>
<i>Gary Malphurs</i>	<i>9/23-10/4</i>	<i>Advanced THI Jacksonville</i>
<i>Meegan Wilmot</i>	<i>9/23-10/4</i>	<i>Line Supervision DSC</i>
<i>Darius DeBarros</i>	<i>9/23-10/7</i>	<i>Firearms Instructor DSC</i>

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

SEPTEMBER 2019 STATISTICS

FIRE CALLS	CURRENT MONTH			YEAR TO DATE			PRIOR YEAR		
	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ENGINE RESPONSE									
STRUCTURE FIRES	0	0	0	2	0	2	1	0	2
HAZARDOUS CONDITIONS	3	2	1	23	9	3	12	2	1
VEHICLE FIRES	0	0	0	0	0	0	1	0	0
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	0	0	0	7	5	2	7	3	1
VEHICLE CRASHES W/ENGINE RESPONSE	1	1	0	11	1	0	5	0	0
SERVICE CALLS	25	5	0	165	42	3	162	15	5
FIRE ALARMS	10	0	0	106	5	3	121	2	1
CANCELLED EN ROUTE	5	3	2	58	18	15	54	14	21
TOTALS	44	11	3	372	80	28	363	36	31

CURRENT MONTH ESTIMATED FIRE DAMAGES

CITY: \$0
COUNTY: \$0
MUTUAL AID: \$0

INSPECTIONS	CURRENT MONTH		YEAR TO DATE		PRIOR YEAR	
	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP
HIGH RISE	6	9	41	65	44	93
HOTEL/MOTEL	3	6	50	43	84	163
ASSEMBLY	1	0	4	5	5	10
MERCANTILE	0	0	17	18	33	29
RESTAURANT	0	3	17	14	20	21
BUSINESS	6	0	51	21	73	62
OTHER	5	0	53	0	135	10
CONSTRUCTION	3	0	63	0	58	5
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	1	0	10	8	20	18
TOTALS	25	18	306	174	472	411

PLANS EXAMINATION HOURS: 6 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

SEPTEMBER 2019 STATISTICS

EMS CALLS CURRENT MONTH YEAR TO DATE PRIOR YEAR

	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ALS CALLS	39	8	3	417	73	14	510	85	7
BLS CALLS	30	3	0	291	58	10	327	44	4
TOTALS	69	11	3	708	131	24	837	129	11



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DEPARTMENT OF PUBLIC SAFETY
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MONTHLY REPORT FOR SEPTEMBER 2019

Vehicle Maintenance Division: 2 Positions Assigned: Conducted routine, scheduled maintenance checks and repairs on all city vehicles (includes oil changes and tire exchanges). Additional items were:

Replace battery	veh #A-77
Replace headlight	veh #143
Replace windshield moulding	veh #130
Replace front hub assembly	veh #144
Replace headlight & battery	veh #130
Replace headlight	veh #144
Replace headlight	veh #130
Replace alternator	veh E77
Replace battery	Kohler generator
Repair drive shaft	Weed Eater
Replace pull cord	Blower

COMMUNITY SERVICES DEPARTMENT

MONTHLY REPORT - SEPTEMBER 2019

FACILITIES MAINTENANCE DIVISION:

Currently three positions.

Normal monthly duties:

This division is responsible for setting up and cleaning rooms for all rentals and City activities for the Senior Center, Tile Room, Council Chambers, Community Center, City Hall, and Public Safety. Two of the employees have janitorial type duties, like emptying the trash and cleaning the bathrooms in all the buildings, vacuuming the floors, dusting and taking care of whatever else is needed regarding the city buildings' cleaning needs. One employee has the maintenance type duties. He assesses any problems reported with the buildings and handles the repair if it is within his ability. He now has an a/c certification so replacing the filters he can do a lot of the repairs inhouse. He replaces light bulbs, cleans the outside windows, paints and any other general maintenance needed with the city buildings.

Additionally, this month:

The building maintenance position spent many days preparing for and cleaning up from the hurricane threat/storm we had at the end of August beginning of September and continued replacing city hall light fixtures.

PARKS/STREETS DIVISION:

Currently eleven maintenance positions and one electrician position.

Normal monthly duties:

This division takes care of the maintenance, up keep and general appearance of all the parks, streets, sidewalks and medians daily. They mow, change out lights, restock supplies, replace plants as needed, replace or repair street signs, check and clear the storm drains, as well

as any other issues that may arise in the city. Although there are two divisions they now all share in the normal monthly duties.

Additionally, this month:

The division of course spent many hours at the beginning of the month cleaning up from the hurricane/storm. They repaired several beach walk overs damaged as well as street signs. They also replaced a water fountain at McElroy park and finished up work at the new Veterans park. The electrician started work on converting the facility building lights to LED, worked on getting the community center holiday lighting ready, replaced fans at sewer station 3 and handled 39 power line locates this month.

SEWER DIVISION:

Currently four positions.

Normal monthly duties:

This division maintains and checks all the sewer stations daily, they do all the general maintenance of the sewer stations, generators and the property the stations are located on. This includes mowing and general outside maintenance as well as cleaning the pump areas, wet wells and floats. The division also maintains the manholes in the city, delivers past due sewer bill notices for finance every month, does cooling tower readings quarterly and has two employees in the division that are animal control officers.

Additionally, this month:

The division repaired a power issue at station 6, assisted the electrician by tv'ing and pulling electrical wire through a conduit at the community center and handled sewer line issues at 2237 Atlantic and 2540 Atlantic. They also installed a couple manhole gasket on Dunlawton and Laploma, handled 4 animal control calls and did 49 sewer line locates.

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – September, 2019

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 1
 Submitted this Fiscal Year: 12
 Approved by Staff this Month: 0
 Approved by Staff this Fiscal Year: 6
 Approved by City Council this Month: 0
 Approved by City Council this Fiscal Year: 2
 Amendments Approved by Staff this Fiscal Year: 1

Building Division

Specific Large Projects (Over \$10,000) - Submitted This Month:

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Dillon-Bowman Residence	3617 Cardinal Boulevard	9/6	Remove and replace exterior wall	\$34,000.00	\$261.07
Morrissey Residence	3815 South Atlantic Avenue Unit 503	9/6	Interior renovations	\$22,663.00	\$199.11
Bowen Residence	2987 South Atlantic Avenue Unit 706	9/10	Replace 1 sliding glass door	\$11,800.00	\$129.10
Fournier Residence	2555 South Atlantic Avenue Unit 706	9/10	New kitchen base and wall cabinets	\$11,340.00	\$354.20
Arias Residence	3333 South Atlantic Avenue Unit 1802	9/16	Impact window and door replacement	\$12,400.00	\$137.65
Jankauskas Residence	3018 South Peninsula Drive	9/16	Replace 9 windows and 2 sliding glass doors	\$23,105.00	\$204.49
Avalon Capital Group	109 White Cap Avenue	9/16	New kitchen and baths, close in garage, open wall to family room	\$29,000.00	\$278.62
White Surf Condo	3555 South Atlantic Avenue	9/17	Kitchen remodel, new cabinets	\$12,500.00	\$137.65
Waffle House	3200 South Atlantic Avenue	9/18	Install 3 new sets of channel letters	\$14,670.00	\$69.25
Arnold Residence	1925 South Atlantic Avenue Unit 307	9/19	Remodel 3 ½ bathrooms and kitchen	\$48,500.00	\$346.25
Silver Sands Inn	2119 South Atlantic Avenue	9/19	Apply new silicone roof coating	\$49,680.00	\$352.00

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Ashley Condo	3757 South Atlantic Avenue	9/23	Remove and replace concrete under brick pavers at 3 elevated decks	\$94,000.00	\$602.39
Oceans West One Condo	1 Oceans West Boulevard	9/26	Move miscellaneous pipe for structural improvements	\$13,000.00	\$69.25
Sun Viking Lodge	2411 South Atlantic Avenue	9/26	Replace 9 FPE panels, retrofit 15 FPE panels	\$88,974.00	\$170.45
Ohri Residence	2721 South Atlantic Avenue	9/30	Remove and replace roof system	\$71,250.00	\$477.01
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$536,882.00	\$3788.49

Building Division Revenue by Permit Category:

PERMIT TYPE	SEPTEMBER 2019	FISCAL YEAR-TO-DATE 2018 TO 2019	SEPTEMBER 2018	LAST FISCAL YEAR-TO-DATE 2017 TO 2018
BUILDING	\$53,716.26	\$185,381.85	\$15,200.54	\$161,691.37
ROOF	\$1,685.10	\$17,450.10	\$910.25	\$22,942.46
DEMOLITION	\$0.00	\$120.00	\$0.00	\$120.00
ELECTRICAL	\$1,214.08	\$25,744.00	\$1,433.73	\$26,325.86
MECHANICAL	\$2,643.10	\$32,943.04	\$2,922.45	\$42,694.30
PLUMBING	\$1,411.01	\$34,856.77	\$1,857.23	\$27,016.98
SIGN	\$238.35	\$2,491.84	\$71.00	\$3,261.29
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$220.00	\$1,980.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$0.00	\$1,862.44	\$127.20	\$3,426.59
DEVELOPMENT FEES	\$220.00	\$5,306.92	\$480.00	\$1,585.00
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$61,127.80	\$306,156.96	\$23,222.40	\$291,043.85

Building Division Activities:

ACTIVITY	SEPTEMBER 2019	FISCAL YEAR-TO-DATE 2018 TO 2019	SEPTEMBER 2018	LAST FISCAL YEAR-TO-DATE 2017 TO 2018
INSPECTIONS	216	2,858	220	3,023
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	3
TEMPORARY	1	2	0	2

CERTIFICATES OF OCCUPANCY ISSUED				
FINAL INSPECTIONS	135	1,952	139	1,864
FAILED INSPECTIONS	24	248	9	169

Annual Totals, Large Projects (Over \$10,000):

Projects Begun Current Fiscal Year-to-Date – 2018 to Present: \$26,799,873.00

Projects Begun Last Fiscal Year – 2017 to 2018: \$39,968,375.00

Projects Begun Two Fiscal Years Ago – 2016 to 2017: \$24,944,320.00

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending August, 2019

CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$12,839,887	\$10,511,612	\$2,328,274	18%
General Obligation Debt Service	\$2,833,987	\$2,670,708	\$163,279	6%
General Obligation Construction	\$0	\$6,500	(\$6,500)	
General Fund Sub-Total	\$15,673,874	\$13,188,821	\$2,485,053	16%
Sewer Fund Operations	\$3,101,213	\$2,322,991	\$778,222	25%
Sewer Fund Restricted Impact Fee	\$57,153	\$0	\$57,153	100%
Sewer Fund Sub-Total	\$3,158,366	\$2,322,991	\$835,375	26%
TOTAL ALL FUNDS FISCAL YTD	\$18,832,240	\$15,511,811	\$3,320,428	18%

CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$17,933,655	\$17,655,278	\$278,377	2%
Sewer Fund	\$9,301,856	\$8,182,003	\$1,119,853	14%
Sub-Total Operating Funds	\$27,235,510	\$25,837,281	\$1,398,229	5%
Gen. Obligation [GO] Construction & Debt	\$2,232,194	\$1,290,786	\$941,408	73%
TOTAL ALL FUNDS	\$29,467,704	\$27,128,067	\$2,339,637	9%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	\$2,548,919	\$686,340	
Add Back for Current Year CS Construction Expense	\$0	N/A	
Historical Mean Projected Remaining Cash Flow	(\$687,234)	\$226,794	
PROJECTED FYE NORMALIZED CASH FLOW	\$1,861,685	\$913,134	\$2,774,819

Saleable Investment Properties: (Cost Basis)	
2900 S. Atlantic Ave.	\$2,796,053
2608-12 S. Atlantic Ave.*	\$917,535

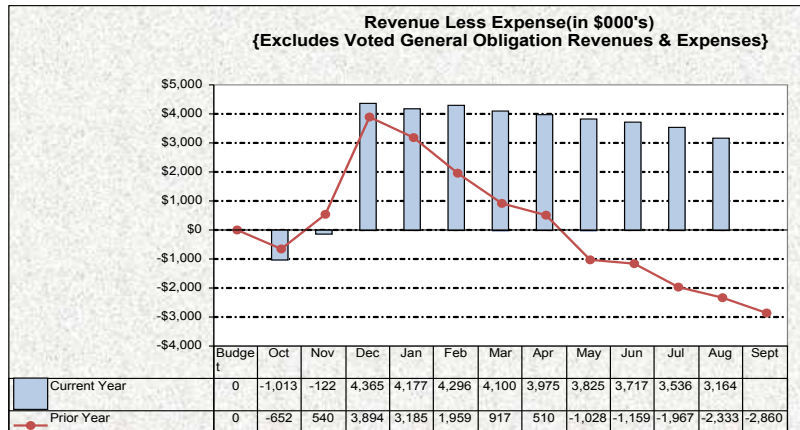
* This property is currently producing rental income.

All Funds Budget Performance Summary Report (in 000's)

15-Oct-19

NON-G.O. FUNDS	August, 2019		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues ('000s)					
General Fund	\$13,913	\$12,840	\$12,835	\$5	0%
Utility Fund	\$3,440	\$3,158	\$2,928	\$230	8%
Total Revenues & Appropriations	\$17,353	\$15,998	\$15,763	\$235	1%
Expenses ('000s)					
General Fund Less Capital	\$12,871	\$10,260	\$10,267	\$6	0%
General Fund Capital	\$1,042	\$251	\$4,901	\$4,649	95%
Utility Fund	\$3,440	\$2,323	\$2,315	(\$8)	0%
Total Expenses & Appropriations	\$17,353	\$12,835	\$17,482	\$4,648	27%
Revenue Less Expense ('000s)					
General Fund	\$0	\$2,328	(\$2,333)	\$4,661	
Utility Fund	\$0	\$835	\$613	\$222	
Revenue Less Expense	\$0	\$3,164	(\$1,720)	\$4,883	

VOTED GENERAL OBLIGATION	August, 2019		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favor / (Unfavor)	% vs. Prior Year
General Obligation Revenue	\$2,890	\$2,834	\$2,871	(\$37)	-1%
General Obligation Expense	\$2,890	\$2,677	\$2,697	\$20	1%
Voted Gen. Oblig. Rev. Less Exp.	\$0	\$157	\$174	(\$17)	



Prior Year (No G.O.)	Current Year	Prior Yr
Budget	0	0
Oct	(1,013)	(652)
Nov	(122)	540
Dec	4,365	3,894
Jan	4,177	3,185
Feb	4,296	1,959
Mar	4,100	917
Apr	3,975	510
May	3,825	(1,028)
Jun	3,717	(1,159)
Jul	3,536	(1,967)
Aug	3,164	(2,333)
Sept		(2,860)

General Fund Detail Budget Report

15-Oct-19

	August, 2019		VERSUS PRIOR YEAR TO DATE		
	Amended Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues/Sources					
Ad-Valorem Taxes	8,035,600	8,021,442	7,720,760	300,682	4%
Business Taxes	100,800	105,255	103,149	2,106	2%
Utility Taxes	1,080,100	892,484	927,498	(35,014)	-4%
Permits & Franchise Fees	918,700	695,520	745,196	(49,676)	-7%
Intergovernmental	802,100	691,107	644,772	46,335	7%
Donations	0	0	0	0	
Charges for Services	1,466,100	1,439,336	1,466,780	(27,444)	-2%
Fines & Forfeitures	84,700	162,130	158,879	3,251	2%
Non-G.O. Interest	154,700	184,633	146,787	37,846	26%
Unrealized Investment G/(L)	0	0	0	0	
Miscellaneous & Fixed Asset Sales	47,500	28,131	330,563	(302,432)	-91%
Internal Services	676,200	619,850	590,333	29,517	5%
Non G.O. Transfer In-Fund Balance	546,400	0	0	0	
Non-G.O. Gen. Fund Revenue	\$13,912,900	\$12,839,887	\$12,834,717	\$5,170	0%

Operating Expenditures

Excluding CAPITAL Expense					
Legislative	179,400	140,038	137,825	(2,213)	-2%
Executive	699,400	644,410	600,351	(44,059)	-7%
Finance	586,900	536,288	479,944	(56,344)	-12%
Legal Counsel	166,900	101,709	133,782	32,073	24%
Comp. Planning	125,500	106,395	101,229	(5,166)	-5%
Other Gov't Services	269,100	187,929	195,056	7,127	4%
Public Safety Operations	5,415,300	4,807,116	4,526,567	(280,549)	-6%
Building Dept.	535,700	476,102	449,499	(26,603)	-6%
Phy. Envir. -- Solid Waste/Recycle	1,135,300	866,396	910,131	43,735	5%
Public Works Operations	1,178,300	990,307	927,179	(63,128)	-7%
Inventory	0	0	0	0	
Benefit Termination Payout	29,400	48,130	56,970	8,840	16%
Parks & Rec	394,800	254,963	798,812	543,849	68%
Community Center	165,200	160,954	0	(160,954)	
Senior Center	172,900	130,249	168,926	38,677	23%
Contingency/Transfers	1,015,000	0	0	0	
Long-Term Debt	802,300	809,415	780,555	(28,860)	-4%
Non-G.O. Operations Expense	12,871,400	10,260,403	10,266,824	\$6,423	0%
Non-G.O. CAPITAL Expense	1,041,500	251,209	4,900,606	\$4,649,397	
Total Non-G.O. Expense	13,912,900	10,511,612	15,167,430	\$4,655,820	
Non-G.O. Revenue Less Expense	\$0	\$2,328,274	(\$2,332,713)	\$4,660,989	200%

General Obligation (G.O.) Debt Service

Debt Service Ad-Valorem Revenue	2,870,300	2,821,993	2,863,929
Debt Service Interest Revenue	13,200	11,994	7,483
UG Utils- Debt Service Expense	2,883,500	2,670,708	2,670,143
G.O. Revenue Less Expense	\$0	\$163,279	\$201,269

G.O. Construction

Streetscape Prjct.- Fund Bal Rev. Transfer	6,500	0	0
Streetscape. - Construction Expense	6,500	6,500	27,300
G.O. Construction Rev. Less Exp.	\$0	(\$6,500)	(\$27,300)

	August, 2019		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Operations Revenues					
Charges for Services	\$3,349,500	\$3,009,667	\$2,814,364	\$195,303	7%
Interest	74,000	67,046	52,884	14,162	27%
Sale of Fixed Assets / Misc.	0	24,500	(295)	24,795	8405%
Total Operating Revenues	\$3,423,500	\$3,101,213	\$2,866,953	\$234,260	8%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,423,500	\$2,578,168	\$2,527,958	(\$50,210)	-2%
- Less Debt Service Principal [a]		(255,177)	(212,987)		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,423,500	\$2,322,991	\$2,314,971	(\$50,210)	-2%
Operations Margin	\$0	\$778,222	\$551,982		
% Gain/(Loss)		34%			

Impact Fee Revenues					
Sewer Impact Fees	16,000	56,475	\$60,817	(\$4,342)	-7%
Impact Fee Interest	700	678	313	365	117%
Total IF Revenue	\$16,700	\$57,153	\$61,130	(\$3,977)	-7%
Impact Fee Expense					
Sewer Impact Fee Exp	16,700	0	\$0	\$0	
Total IF Expense	\$16,700	\$0	\$0	\$0	
Impact Fee Margin	\$0	\$57,153	\$61,130	(3,977)	-7%
% Gain/(Loss)		100%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,440,200	\$3,158,366	\$2,928,083	\$230,283	
TOTAL FUND Expense	\$3,440,200	\$2,322,991	\$2,314,971	(\$8,020)	
FUND Revenue Less Expense	\$0	\$835,375	\$613,112	\$222,263	

[a] In Enterprise Funds, debt service principal payment expenses are credited against the debt liability on the balance sheet, reducing the debt on the Balance Sheet and eliminating the expense from the Income Statement.

[b] In Enterprise Funds, the expense of Capital is allocated to depreciation, which in this report is included in the listed operating expense.

FISCAL YEAR-TO-DATE CAPITAL BUDGET ACCOUNT REPORT
August, 2019

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10/15/19

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative			0
5190 Other Gov't			
5210 Pub. Safety Admin	CID Vehicle 1	27,000	0
5211 Patrol/Fire/Rescue	Patrol Vehicle (2)	77,200	77,141
5240 Building & Codes			
5410 Pub. Works Admin	Vehicle	40,000	31,960
5412 Pub. Works Bldg. Maint	Sr. Ctr. Roof Replace	62,000	
	Sr. Ctr. Mansard Repair	35,000	
	City Hall Sign	45,000	39,818
	Lift for Community Center	12,000	
5413 Pub. Works Streets	Solar Message Board	20,000	
	Gas Tax Financed		
	Appropriated Road Improvements	60,000	17,510
	Crosswalks	120,000	
5720 Parks	Roller for Tennis Courts	10,000	0
5720 Parks	Improvements	81,800	72,814
5751 Community Center	Microphone System	12,000	11,967.00
	Machinery & Equipment	0	0.00
5752 Senior Center	Sr Center Improvements	439,500	0.00
	Machinery & Equipment	0	0.00
GENERAL FUND TOTAL		1,041,500	251,209
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,575,000	
	EQUIPMENT		
	Station 3 Generator	50,000	47,165
	Station 4 Generator	50,000	52,705
	New Vactron	210,000	
	Vehicle 118	60,000	
	Capital Offset to Depreciation Exp	(2,945,000)	(99,870)
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
Contraband (non-budgeted)			
TOTAL FROM CONTRABAND		0	0
GRAND TOTAL		1,041,500	251,209

INVESTMENT REPORT

August, 2019

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10/15/2019

Policy Restrictions

Investment	Invest Class	Must	Int.Cap	Policy Class Cap	Current	In Limits
SBA	SBA			None	0.0%	
US Gov't Securities	USGS			50%	0.0%	Yes
Cash & CDs	CASH			None	100.0%	
Money Market Funds	MMF			20%	0.0%	Yes
Fed Instrum. & Agncy	FIA			30%	0.0%	Yes
Collat. Mortg. Obligtns.	CMO			20%	0.0%	Yes
Commercial Paper	CP			10%	0.0%	Yes
FMIT	FMIT			None	0.0%	

Performance @Period Ending: August, 2019

Institution	Account	Asset	Invest Class	Restriction	Account Value	Period Int. Rate	% of Portfolio
SBA: Prime	131031	Investment	SBA	General Fund	\$531	2.31%	0%
SBA: Prime	131032	Investment	SBA	Sewer Fund Operating	\$531	2.31%	0%
TOTAL SBA					\$1,062		0.0%
Bank of America	004537065882	Cash	CASH	Working Cash	\$5,726,845	0.70%	19%
Bank of America	898013183744	Cash	CASH	UG Util Building	\$2,232,194	0.70%	8%
Bank of America	005562564319	Cash	CASH	Sewer Operating	\$4,033,582	0.70%	14%
Bank of America	005562564351	Cash	CASH	Sewer Impact Fee	\$105,846	0.70%	0%
Seacoast Bank	4810004966	Cash	CASH	Sewer Operating	\$5,161,896	1.24%	18%
Seacoast Bank	4810000706	Cash	CASH	Working Cash	\$10,438,817	1.24%	35%
Seacoast Bank	4810003566	Cash	CASH	Loan Reserve	\$1,767,462	1.24%	6%
TOTAL BANKS					\$29,466,643		100.0%

TOTAL CURRENT VALUE @ PERIOD END	\$29,467,704
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	1.02%

Portfolio Report

August, 2019

GENERAL FUND						
Agent	Security Type (Last Digits Account ID)	Cost Basis	Yield to Cost	Market Value	Gain / Loss	Annual Income @ Cur. Int%
SBA	Investment-General (031)	\$531	2.31%	\$531	\$0	\$12
BoA	Cash-Pool Cash Account (5882)	\$7,947,412	0.70%	\$7,947,412.40	\$0	\$55,632
	<i>Contraband Pool Cash in 5882</i>	\$30,206		\$30,205.76	\$0	\$0
	<i>Pool Cash Due to Sewer Fund</i>			(\$2,250,773)		\$0
	<i>Pool Cash Due to Sewer Impact Fees</i>					\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$2,232,194	0.70%	\$2,232,194	\$0	\$15,625
Seacoast	Cash-Pool Cash Account (0706)	\$10,438,817	1.24%	\$10,438,817	\$0	\$129,441
Seacoast	Cash-Loan Reserve (3566)	\$1,767,462	1.24%	\$1,767,462	\$0	\$21,917
ALL GENERAL FUND			1.10%	\$20,165,849	\$0	\$222,627
PRIOR MONTH				\$20,872,500		

SEWER OPERATING						
SBA	Investment (032)	\$531	2.31%	\$531	\$0	\$12
BoA	Cash (4319)	\$1,782,809	0.70%	\$1,782,809	\$0	\$12,480
Seacoast	Cash (4966)	\$5,161,896	1.24%	\$5,161,896	\$0	\$64,008
	<i>Cash-Pool Cash Due From Gen. Fund</i>			\$2,250,773		\$0
ALL SEWER OPERATING FUND			0.83%	\$9,196,009	\$0	\$76,499
PRIOR MONTH				\$8,964,770		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$105,846	0.70%	\$105,846	\$0	\$741
	<i>Cash-Pool Cash Due From Gen. Fund</i>			\$0		\$0
ALL SEWER IMPACT			0.70%	\$105,846	\$0	\$741
PRIOR MONTH				\$105,784		

ALL FUNDS			1.02%	\$29,467,704	\$0	\$299,867.73
PRIOR MONTH				\$29,943,054		
MONTHLY CHANGE				(\$475,350)		
MONTHLY CHANGE %				-1.6%		



**CITY COUNCIL AGENDA MEMORANDUM
OCTOBER 22, 2019 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Consideration to extend the contract with Stacy Conomos for the promotion of the economic development programs on social media platforms.

SYNOPSIS:

The City has an existing 90 day contract with Stacy Conomos that will expire on November 15, 2019.

FISCAL IMPACT STATEMENT:

Dependent upon council action.

BACKGROUND:

It is the desire of the council to extend the contract for another 90 days.

LEGAL REVIEW:

The contract was previously written by Attorney Lonnie Groot and provides for an extension.

RECOMMENDATION:

SUGGESTED MOTION:

I move to extend the contract with Stacy Conomos for another 90 days.

ATTACHMENT: None



**CITY COUNCIL AGENDA MEMORANDUM
OCTOBER 22, 2019 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Consideration to approve contract for Special Magistrate

SYNOPSIS:

The City Council selected Attorney Steven deLaroche at the October 8th City Council meeting. This contract will secure the services.

FISCAL IMPACT STATEMENT:

This is a budgeted expenditure.

BACKGROUND:

LEGAL REVIEW:

City Attorney Branch drafted the contract.

RECOMMENDATION:

It is staff's recommendation to approve the contract.

SUGGESTED MOTION:

I move to approve the contract as presented.

ATTACHMENT: 1. DBS Special Magistrate Contract 10-17-2019

CITY OF DAYTONA BEACH SHORES
PROFESSIONAL SERVICES AGREEMENT FOR
SPECIAL MAGISTRATE/HEARING OFFICER

THIS AGREEMENT is made and effective this 1st day of October, 2019, by and between the **City of Daytona Beach Shores**, a municipal corporation of the State of Florida, hereinafter called the “**City**”, whose address is 2990 South Atlantic Avenue Daytona Beach Shores, Florida 32118, acting by and through its authorized City officials pursuant to the City Charter of the City, and attorney **Steven deLaroche**, as “**Special Magistrate/Hearing Officer**”. Together, the **City** and attorney **Steven deLaroche** are hereinafter referred to as the “**Parties**”

W I T N E S S E T H:

WHEREAS, the **City** desires to engage the services of attorney **Steven deLaroche** as **Special Magistrate/Hearing Officer** for the **City**, as authorized by Chapter 162, Florida Statutes, the Charter and Code of Ordinances of the City of Daytona Beach Shores (the “**City Code**”), including but not limited to, Chapter 2, Article III, Sec. 2-26(4)(d) thereof; and

WHEREAS, attorney **Steven deLaroche** is a licensed attorney in the State of Florida and is otherwise eligible and qualified to serve in the capacity of **Special Magistrate/Hearing Officer** for the **City**; and

WHEREAS, the City Council of the **City**, at a publicly noticed and held meeting thereof, conducted interviews of prospective attorney candidates for **Special Magistrate/Hearing Officer**, including attorney **Steven deLaroche**; and

WHEREAS, the **City** has offered to hire and appoint attorney **Steven deLaroche** to the position of **Special Magistrate/Hearing Officer** as an independent contractor, pursuant to the terms and conditions as provided herein, and he has accepted same.

NOW, THEREFORE, in consideration of the premises and other mutual promises and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the **Parties** hereto agree as follows:

SECTION 1. RECITALS. The above recitals are true and correct and constitute a part of this Agreement upon which the **Parties** have relied.

SECTION 2. APPOINTMENT. The **City** hereby hires and appoints attorney **Steven deLaroche** as an independent contractor to the position of **Special Magistrate/Hearing Officer** for the **City** and he hereby accepts same.

SECTION 3. SCOPE OF SERVICES. As **Special Magistrate/Hearing Officer**, attorney **Steven deLaroche** agrees to be responsible for, and shall conduct, such quasi-judicial public meetings or hearings on behalf of the **City** with respect to charged violations of the **City Code** as may be scheduled periodically by the **City**. The conduct of **Special Magistrate/Hearing Officer** hearings shall be governed by the provisions of the Florida Constitution of 1968, as amended, including, but not necessarily limited to, Article I, Sec. 2 (Basic Rights), Sec. 9 (Due Process) and Sec. 24 (Public Records and Meetings) thereof, as well as applicable provisions of Chapter 119, Florida Statutes, commonly referred to as the “Public Records Law” and applicable provisions of Chapter 286, Florida Statutes, commonly referred to as the “Government-in-Sunshine Law”. Further, **Special Magistrate/Hearing Officer** hearings shall comply with the provisions of Chapter 162, Florida Statutes (“Local Government Code Enforcement Boards Act”). The **Special Magistrate/Hearing Officer** shall also establish and implement such procedures as are otherwise consistent with the powers and duties set forth in Chapter 2, Article III, Sec. 2-26 and/or Sec. 2-29, of the **City Code** for the hearing of such alleged violations of the **City Code** as the **City** may direct, and over which it has granted jurisdiction of, to the **Special Magistrate/Hearing Officer**.

SECTION 4. ETHICAL OBLIGATIONS. At all times during the effect of this Agreement, attorney **Steven deLaroche** shall adhere to the standards of conduct set forth in the “Code of Ethics for Public Officers and Employees”, being Chapter 112, Part III, Florida Statutes, and shall otherwise comply with all federal and Florida state, county and municipal laws, as well as the, rules, regulations, policies and procedures of such governmental authorities, including, but not limited to, any “Code of Ethics” of the **City** and the personnel rules and regulations of the **City**.

SECTION 5. DURATION OF AGREEMENT. This is an “at will” Agreement and, as such, is for an indeterminate term. Attorney **Steven DeLaroche** acknowledges and agrees that he serves at the pleasure of the **City** and that this contract can be terminated with 30 days prior notice by either party, except it may be ended immediately for cause.

SECTION 6. COMPENSATION. The **City** agrees to pay attorney **Steven deLaroche** \$170.00 per hour for services as **Special Magistrate/Hearing Officer**. Attorney deLaroche shall submit to the **City** monthly invoices containing date and time spent on Special Magistrate duties with a description of the nature of services rendered. A minimum hearing time shall be 2 hours. The Special Magistrate/Hearing Officer may bill for 2 hours of hearing time even if the hearings on a particular date take less time. Preparation time is billable. There shall be no reimbursable and/or out-of-pocket expenses, including, but not limited to, word processing, photocopying, faxing, etc. Travel time may not be billed as part of the hourly rate or included as reimbursable

costs. As an independent contractor, this position is exempt from federal and state wage and hour laws, including, but not limited to, the federal Fair Labor Standards Act. Attorney deLaroche shall provide the **City** a signed form W-9 and such other forms and information as may be required by **City** personnel policies and procedures. There are no other paid benefits or compensation except as stated above.

SECTION 7. OTHER TERMS AND CONDITIONS.

(A). If any provision, or portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

(B). By execution of this Agreement neither party shall waive any vested rights or remedies otherwise available to them.

(C). Time is of the essence to the lawful performance of the duties and obligations contained in this Agreement. The parties covenant and agree that they shall diligently and expeditiously pursue their respective obligations set forth in this Agreement.

(D). This Agreement is the result of *bona fide* arms-length negotiations between the parties and both parties have contributed substantially and materially to the preparation of the Agreement. Accordingly, this Agreement shall not be construed or interpreted more strictly against any one party than against any other party.

(E). This Agreement may not be amended, changed, or modified, and material provisions hereunder may not be waived, except by a written document of equal dignity herewith and signed by all parties to this Agreement.

(F). The headings or captions of the sections and subsections contained in this Agreement are used for convenience and reference only, and do not, in themselves, have any legal significance and shall not be afforded any.

(G). It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matters hereof.

SECTION 8. GOVERNING LAW AND VENUE.

(A). This Agreement shall be governed by and construed in accordance with the laws of the State of Florida and the City of Daytona Beach Shores.

(B). Venue for any dispute shall be in the Seventh Judicial Circuit Court in and for Volusia County, Florida.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by affixing their respective signatures thereto below

ATTEST:

Witness Signature

STEVEN deLAROCHE
Attorney at Law

Printed Name

ATTEST:

**CITY OF DAYTONA BEACH SHORES,
FLORIDA**

CHERI SCHWAB
City Clerk

HON. NANCY MILLER
Mayor, Daytona Beach Shores

MICHAEL T. BOOKER
City Manager

RAYMOND J. BRANCH
City Attorney
As to Form and Content



**CITY COUNCIL AGENDA MEMORANDUM
OCTOBER 22, 2019 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Purchase and sales agreement for 2900 S. Atlantic Avenue

SYNOPSIS:

The purchase and sale agreement confirms that the developer will be purchasing the property but is contingent upon the completion of the development agreement.

FISCAL IMPACT STATEMENT:

Proceeds will be held in escrow until the developer closes on the property then will be deposited into our development trust fund.

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None