

MINUTES
CITY COUNCIL MEETING
September 9, 2019
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

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

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.

CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

- A. A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Swartzlander explained that the budget was created using the tentative millage rate of 5.23 mils. It is a tax increase of 4.5% over the rolled back rate of 5.0043 mils. This is an increase from the amount presented at the budget workshop of \$206,000. The two main factors are moving the bocce courts to install a sixth tennis court and the additional cost for the new fire truck over the budgeted amount.
The Resolution was read by the City Attorney in its entirety.

VICE MAYOR RICHARD BRYAN moved, seconded by COUNCILMEMBER MEL LINDAUER to Approve RESOLUTION 2019- 16 on first reading.

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

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

- B. A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES OF VOLUSIA COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney read Resolution 2019-17 in its entirety. The total budget for year 2019/2020 is \$18,201,100.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to approve RESOLUTION 2019- 17 on first reading.

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

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

C. Employee Service Award - Kelley Register 25 years

Director Dembinsky presented a 25-year service award to Kelley Register.

1. APPROVAL OF MINUTES

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to approve the minutes from August 13, 2019.

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

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

2. CONSENT AGENDA:

A. Volusia County- Interlocal Agreement for Municipal Services-3yr Renewal

B. Purchase of drug awareness/crime prevention materials

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to approve the consent agenda.

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

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

3. REPORTS OF THE CITY ATTORNEY:

Attorney Groot explained that he had emailed his report to the City Council and he would

answer any questions they had. Mayor Miller asked about the emergency management code. Attorney Groot stated that some cities and counties have a very detailed plan in place. Our plan is more broad. CMBR Lindauer remarked about the new legislation in regards to the selection of a city auditor. He felt the council should be involved in the process. It was decided to prepare a Request For Proposal for next fiscal year.

4. REPORTS OF THE CITY MANAGER:

A. City Manager Sept. 9 report

City Manager Booker reported the following: Property Appraiser Larry Bartlett will be testing new 3D imaging software in our city. Economic development signs have been ordered and applications for the incentives have been developed. Stacy Conomos has been working hard with CMBRS Lindauer and Frizalone. Preliminary designs for the museum have been developed and he will set up a meeting with Don Large and Marilyn Wheeler to discuss. Several examples of City Manager evaluations from neighboring cities were provided to the councilmembers for the upcoming workshop. There was only one response to the RFP for the 2900 S. Atlantic property. The respondent would like to build approximately 24 town homes. Staff is working on a Development Agreement for a future agenda.

OLD BUSINESS:

- A. Ordinance 2019-08 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA ESTABLISHING THE CITY OF DAYTONA BEACH SHORES SUPPLEMENTAL ECONOMIC OR TOURISM DEVELOPMENT PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR A SAVINGS PROVISION AND THE EFFECT OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Groot explained that the proposed Ordinance would be a supplemental tool for the city's economic development program. The incentives are developed to be revenue neutral and will be evaluated on a case by case basis.

COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to adopt Ordinance 2019-08 on second reading.

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

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

- B. Ordinance 2019-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO A PROGRAM OF ENHANCED CODE ENFORCEMENT; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE CONDEMNATION AND DEMOLITION OF DILAPIDATED, UNSANITARY, UNSAFE OR UNINHABITABLE BUILDINGS; PROVIDING FOR A CERTIFICATE OF HABITABILITY; PROVIDING FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (AS MODIFIED); PROVIDING FOR AN ARRAY OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR REQUIREMENTS AND PROHIBITIONS; AMENDING SECTIONS 14- 61.1 AND 19-1.2. OF THE CITY CODE; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

It was explained that the proposed ordinance will enhance code enforcement in regards to vacant and abandoned buildings. Vice Mayor Bryan inquired if it would apply to the vacant Treasure Island building. Director Hiatt explained that there were still a few years remaining on the Development Agreement for that property. He had recently walked the property and reported that it was structurally sound. Mayor Miller stated that she keeps in touch with the developers.

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to adopt Ordinance 2019-09 on second reading.

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

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

NEW BUSINESS:

- A. AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA IMPLEMENTING SECTION 3.05 (4) OF THE *CITY OF DAYTONA BEACH SHORES CITY CHARTER* RELATING DUTIES OF THE CITY MANAGER AND THE ADOPTION OF CITY BUDGETS BY ORDINANCE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR A SAVINGS PROVISION AND THE EFFECT OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

It was explained that this proposed ordinance is the implementation to adopt the budget. It sets procedure and guidelines only.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to approve Ordinance 2019-11 on first reading.

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

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

- B. Resolution 2019-14 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA PROVIDING FOR THE REGULAR MEETING TIMES OF CITY COUNCIL MEETINGS AND WORK SESSIONS; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE

ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

This proposed resolution will allow the meeting time to be changed to 6:00 pm.

COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to adopt Resolution 2019-14 on first reading.

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

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

- C. Resolution 2019-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA ESTABLISHING THE COMMITMENT OF THE CITY TO ADHERE TO AND IMPLEMENT THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

This proposed resolution ensures the City's commitment to be ADA compliant.

COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to adopt Resolution 2019-15 on first reading.

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

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

- D. Consideration to approve the lease with Halifax Health regarding an Urgent Care Facility.

Halifax Health would like to lease a portion of the building located at 3048 S. Atlantic Avenue to use as an Urgent Care facility. The building was used for the former council chambers and senior center. The City Council thanked County Councilmember Billie Wheeler for being instrumental in introducing the idea to the Halifax Health Representatives.

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to approve the lease with Halifax Health regarding an Urgent Care Facility..

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

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

- E. Consideration of City Council policy regarding actions of individual City Council Members

Mayor Miller requested the item be tabled until the next council meeting so CMBR Politis could be in attendance.

5. COUNCIL COMMENTS:

Mayor Miller reminded the councilmembers to complete the City Manager's evaluation using the form provided by the City Clerk for this year. The workshop on September 20th will be to discuss the criteria for the new evaluation. September 20th will also include Special Magistrate Interviews and new board appointees. Coffee with the Mayor will now begin at 10:00 am. CMBR Lindauer and Former Mayor Don Large will be in attendance to provide a history of the city. Once a quarter, the Mayor will visit a local business for her coffee hour. She will begin with Flapjack Johnny's for the October date. There will be a workshop on October 8th beginning at 4:00 pm to discuss the city charter revisions. Mayor Miller requested the City Attorney provide details on his scope of work as it relates to city staff. The 2020 census is rapidly approaching. Everyone is strongly encouraged to respond.

CMBR Frizalone thanked Stacy Conomos for her work on the economic development program. He also thanked CMBR Lindauer for his work with the business community. He felt progress was being made.

CMBR Lindauer stated that he had an upcoming meeting with two business leaders. He is preparing a letter and survey that will be mailed to all existing business owners asking for their feedback. He mentioned that with the upcoming charter revisions, the council consider changing their title to commissioner which is gender neutral.

Vice Mayor Bryan explained that he would like measurable objectives included in the City Manager's evaluation. He read from a prepared statement that he wanted included in the minutes.

6. AUDIENCE REMARKS/PUBLIC COMMENTS:

Vijay Sheth explained that he and a few other residents recently met with the Finance Director to discuss the city's budget. They were interested to learn how the budget was formed. They compared the proposed budget to the current one and still have a few questions. They were advised to set up another meeting with Director Swartzlander. Rick Brown would like to see the city install a Tesla super charger station. H felt it would benefit the city to have another electric vehicle station.

Harry Jennings encouraged the councilmembers to self evaluate themselves to ensure they are a productive team.

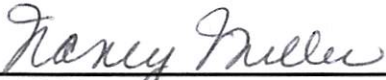
Tony Rembrizewski was not encouraged to hear that the Treasure Island building still had a few years remaining with their agreement.

7. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

8.

ADJOURNMENT:

The meeting ended at 8:49 pm.



MAYOR
NANCY MILLER



CITY MANAGER
MICHAEL T. BOOKER

ATTEST:



CITY CLERK, CHERI SCHWAB

STATEMENT BY RICHARD BRYAN TO BE ADDED VERBATIM TO THE MINUTES

9 September 2019 - **Measurable Objectives – revised per changes at the meeting**

I think the book entitled “*Municipal Benchmarks: Assessing Local Performance and Establishing Community Standards*” will be very useful in establishing measurable objectives for the City Manager and other staff members. I would suggest that it be read by members of the City Council and the City Manager. The direct reports to the City Manager could likely benefit from the sections that are relevant to their duties.

Rather than trying to summarize this 500-page book, I will include 2 quotes by Mike Bloomberg that appear in the Introduction:

“In God we trust; everyone else, bring data”

“If you cannot measure it, you cannot manage it”

“Measurable” means “objectively measurable”. “Is he/she a good communicator?” calls for a subjective judgement and would not be part of a list of measurable objectives. “Obtain X dollars in grants” is a measurable objective.

Some may say that cities x, y, and z don’t have measurable objectives and they may be right. But that is no reason for DBS to not have them. After we implement them, we can add “The City Council is better here” to “Life is better here”. Who knows, after an appropriate period of implementation, we may even have data to be able to say “City Government is better here”.

At the last meeting we asked that the City Manager provide a preliminary list of measurable objectives that he thinks would be a good way to evaluate him. The list is to be provided by **17 September before the next meeting on 20 September**. I would suggest that we also ask the City Attorney to come up with a preliminary list of measurable objectives for evaluating him.