

**MINUTES
CITY COUNCIL MEETING
November 12, 2019
3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

1. CALL TO ORDER BY MAYOR

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

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

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Employee service Awards

Community Service Director Fred Hiatt presented the following service awards:
Shane Carpenter - 5 years, Adam Carter - 5 years, Alex Smith - 10 years

Lt. Michael Fowler presented the following service awards:
Sgt. Rick Rademacher - 10 years, Sgt. William Frank - 20 years

Mayor Nancy Miller presented City Manager Michael Booker with his 20 year service award.

6. APPROVAL OF MINUTES

A. Approval of City Council Minutes Oct. 22, 2019

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve the minutes of Oct. 22, 2019.

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:

- A. Creech Enterprises, Inc. Non-Exclusive Franchise
- B. Samsula Landfill, Inc. Non-Exclusive Franchise
- C. WCA of Florida, LLC Non-Exclusive Franchise

COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to approve the consent agenda.

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

8. REPORTS OF THE CITY ATTORNEY:

Attorney Branch briefly reviewed his submitted report. He mentioned that a critical deadline in the opioid litigation was coming up on November 22nd. The city had signed a retainer agreement and was considered a non-litigating member. He explained that the council needed to vote on whether to continue or opt out. The council held a short discussion on the potential fees and payouts. They decided that they would need more information before making that decision and tasked CMBR Politis in obtaining that. He will call the attorney and the council will hold a special meeting if necessary.

- A. Attorney Branch report for November 12, 2019

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report November 12, 2019

The City Manager reviewed his report. He included the activities held in the Community Center once again so they could be included in the packet for the citizens to read. The Evergreen firm who is working on the salary study had been onsite recently. They held group meetings with all the employees and began the individual employee job description surveys. He felt that the gas tax would be a new topic of discussion among the Volusia County cities. There may be a new formula recommendation to the County Council. He advised the council that the estimate for the museum was \$11,000 from WOW factor.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Ordinance Revising 2019-09

Attorney Branch explained that this ordinance would revise Ordinance 2019-09 previously written by Attorney Groot. Questions were raised regarding vacant and abandoned structures and if the ordinance would interfere with property owners rights. These revisions would limit the requirements of what is considered blight on a building and allows for inspections.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to approve Ordinance 2019-14 on first 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

B. Resolution 2019-22 City Manager Evaluation Procedure

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to adopt Resolution 2019-22 on first 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

C. Selection of TPO member for year 2020

Mayor Miller stated that she had been the city's delegate for the past year and was ready to have someone else serve. With the other councilmembers involved with the Economic Development efforts, Vice-Mayor Bryan was nominated.

D. **Consideration of Purchase and Sale Agreement for 2900 S. Atlantic Avenue**

It was explained that the document was a standard purchase agreement in the amount of \$801,000. The purchaser is still in the process of the due diligence period. CMBR Lindauer expressed his concern that the new owner could exchange the property and flip it. He felt that was not the city's intention at all. Attorney Branch explained that the document was given to him by the buyers' attorney and included standard language. Once the development agreement is proposed, it can contain language that would control any flipping or investing concerns.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve the Purchase and Sale Agreement for 2900 S. Atlantic Avenue.

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

12. COUNCIL COMMENTS:

Mayor Miller stated that she had been in office for one year and that she had learned a lot. She thanked the residents for their continued support. She briefly named a few accomplishments that had been achieved in the past year including: the economic development committee, a business alliance liaison, the dog park, an electric car charging station, and the upcoming Halifax Urgent Care. She reminded the audience of her upcoming Coffee with the Mayor. CMBR Frizalone recognized Sandy Cook in the audience. He also recognized the Geigers and Lynn Bishop who had made contributions towards the Veterans Park. Both he and CMBR Lindauer felt the dedication ceremony turned out great. Vice Mayor Bryan would like more attention on the Treasure Island property.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Audience members Russell McBride and John Lynch spoke on table tennis. They enjoy playing and there is about one dozen who play on a regular basis. They asked the council to keep the table in its current location on the first floor. They hoped maybe the future museum could be relocated.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

Vice Mayor Bryan would like the City Manager to bring recommendations on expanding the hours of the Community Center.

15. ADJOURNMENT:

The meeting ended at 7:12 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB