# MINUTES
# CITY COUNCIL MEETING
# December 10, 2019
# 3000 Bellemead Drive, Daytona Beach Shores, FL 32118

## 1. CALL TO ORDER BY MAYOR

**Present:** Councilmember Mel Lindauer, Councilmember Michael Politis, Vice Mayor Richard Bryan, Mayor Nancy Miller, Ray Branch, Councilmember Richard Frizalone
**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 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. City Council Workshop and Regular Meeting Minutes for November 12, 2019; Special Council Meeting November 22, 2019

**COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to Approve both the City Council Workshop and Regular Meeting Minutes for November 12, 2019 and the Special Council Meeting November 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. October Public Safety Monthly report

**COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS 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 reported that he had previously sent his report to the Council. Included in the report were updates on the Purchase and Sale Agreement for 2900 S, Atlantic Avenue, Planning & Zoning Board workshop and the opioid litigation. There were no questions or concerns.

**9. REPORTS OF THE CITY MANAGER:**

City Manager Booker reported that the City had been approved for a total of $445,000 in damage assessments from FEMA for past storms. The upcoming business expo will be held on January 24th and the spaces are filling up fast. There will be a partial lane closure in front of Oceans 1 beginning January 5th while roof work is being completed. Funds have been placed in escrow for the property at 2900 S Atlantic Avenue. Finally, the site plan was approved for the property at 2970 S. Atlantic Avenue for Chase Bank. There is no closing date yet, but the City still plans to purchase the rear portion for the bocce and shuffleboard cour.

A. City Manager report

**10. OLD BUSINESS:**

**11. NEW BUSINESS:**

A. # Resolution to move the City's retirement plan to the Florida Retirement System

Finance Director Swartzlander began by explaining that if the Council decided to rejoin the Florida Retirement System for general employees, it would be a two-step process. They would need to adopt the attached Resolution and authorize the Mayor and the City Manager to execute the agreement. Information was presented on the employees in various ways including the amounts to purchase past service years. The annual budget increase if the city joined would be $22,000. CMBRS Lindauer and Frizalone wanted to make sure that the employees were aware that they had to give up their existing 401A pension accounts if they decided to opt in and have the city buy back their time. For most of the employees who join FRS, vesting would be at 65 years of age or 33 years of service whichever came first. It was explained that the previous amount discussed of $338,000 that would cost the city to join, will increase. That number was based on figures obtained from the pension plan as of September 30, 2019. The next pension report would not be released until after December 31, 2019 and the city was hoping to join FRS as of February 1, 2020. The estimate is $5-7,000 per month based on the stock market. A not to exceed dollar amount would be needed for the agreement.

The following employees spoke in support of the city re-joining FRS: Jose Ramos, Carlos Rodriguez and Steve Edmunds. They explained that they understood the process and that they were willing to forfeit their 401A pension plans.

City Attorney Branch had a concern that the resolution didn't provide a buyback option into FRS. Finance Director Swartzlander assured the council that the resolution came directly from FRS and it would allow the buy back of service time for current employees. It was stated that a future Ordinance would be needed to correct the Code of Ordinances as it relates to FRS.

**COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR RICHARD BRYAN to Adopt Resolution 2019-23 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

**CMBR BRYAN moved, seconded by CMBR LINDAUER to authorize the Mayor and the City Manager to execute with DMS the agreement with an amount not to exceed $380,000.**

**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 2019-25- Adopting updated and revised Fee Schedule

Community Services Director Hiatt explained that the last fee schedule update was over six years ago. The proposed schedule will include newly created fees that were adopted by the City Council and also address changes in Florida Statutes.

**COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to Adopt Resolution 2019-25 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. # Approval Request: Sewer Force Main Mapping/Inspection/Modeling Project McKim & Creed

Community Services Director Hiatt explained that this was a request to enter into a work order agreement with McKim and Creed. It was included in this year's budget. The project includes the sewer pipes that are considered force mains for the entire city that a camera can't easily be run through. This would be considered phase 1 of the project. They will evaluate how to evaluate the force main piping and make a recommendation. A GIS model would also be created.

**COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR RICHARD BRYAN to Approve Sewer Force Main Mapping/Inspection/Modeling Project McKim & Creed in the amount of $107,418.**

**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

D. # Economic Development Commercial Lease Subsidy Program Application 12019031: Foxy Lox Hair Colour and Design, LLC - 3348 S. Atlantic Avenue, Ste. C

City Planner Stewart Cruz explained this was the first applicant to apply for the Economic Development Lease Subsidy Program. The application was submitted on October 23rd and acquired approval to open on November 6th. The business was formerly located in the Pavilion in Port Orange. If approved, the total grant amount would be $4,774 over a three year term. He reported that the application had been reviewed by the Finance Department and the Economic Development Committee gave their approval.

**COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to Approve Economic Development Commercial Lease Subsidy Program Application 12019031 as presented which also includes the grant agreement.**

**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:

CMBR Frizalone provided an update on the Treasure Island property. Ackers Financial foreclosed on the property last Friday. There is a forbearance agreement with a receiver in place. There is a Special Magistrate Hearing scheduled for December 18 to discuss the concrete issues and cracks. He stated that the forbearance would end on April 20, 2020. Mayor Miller congratulated everyone who made the parade and tree lighting a great success. CMBR Lindauer requested a resolution in support of keeping the minor baseball team, the Daytona Tortugas be placed on the next agenda.

## 13. AUDIENCE REMARKS/PUBLIC COMMENTS:

The following audience members: Cassandra Stewart, Brian Anderson, Gary Spence, Louise Spence, Cassie Miller and Marie Anderson all spoke regarding an upcoming zoning change to property located at 3838 S. Atlantic Avenue. The item had recently been heard at the Planning & Zoning Meeting on December 9, 2019. They were not in favor of the density change that would allow apartments to be built on the property. They cited an increase in traffic and noise. They also felt their family's safety would be in jeopardy as the apartments would overlook some of the back yards. Other concerns were beach access and taking valuable green space away.

## 14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

**15. ADJOURNMENT:**

The meeting ended at 7:44 pm.

**MAYOR**
**NANCY MILLER**

**CITY MANAGER**
**MICHAEL T. BOOKER**

**ATTEST:**

**CITY CLERK, CHERI SCHWAB**