

**MINUTES  
CITY COUNCIL MEETING  
March 26, 2019  
3000 Bellemead Drive Daytona Beach Shores, FL 32118**

**Present:** Mayor Nancy Miller, Vice Mayor Richard Bryan, Council Member Richard Frizalone, CouncilMember Mel Lindauer and CouncilMember Michael Politis. **Staff:** *City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, City Planner Stewart Cruz, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.*

**1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**

**IEMO CERTIFICATES FOR MAYOR MILLER AND CMBR FRIZALONE**

The City Manager presented the certificates to the councilmembers.

**AUDIT PRESENTATION**

Finance Director Kurt Swartzlander introduced Yvonne Clayborne from the auditing firm Carr, Riggs & Ingram. She presented the council with a short PPT presentation. She noted that the city was fiscally responsible and had acquired no new debt this past year. One newly recorded item in the CAFR relates to GASB 75 for OPEB (other post-employment benefits).

**2. APPROVAL OF THE MINUTES:** City Council Meeting March 12, 2019

**CMBR LINDAUER moved, seconded by CMBR FRIZALONE to approve the minutes of March 12, 2019 as amended to state Captain Michael Fowler was in attendance and not Director Dembinsky.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** CouncilMember Mel Lindauer, CouncilMember Michael Politis, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

**3. CONSENT AGENDA:**

- Monthly Departmental Reports
- Monthly Financial Report
- Approval to spend \$1,000 Contraband funds

**CMBR POLITIS moved, seconded by CMBR LINDAUER to approve the consent agenda.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** CouncilMember Mel Lindauer, CouncilMember Michael Politis, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

#### **4. REPORTS OF THE CITY ATTORNEY:**

The City Attorney announced that his next training session would be held on April 5<sup>th</sup> and would cover quasi-judicial hearing. A City Council workshop to discuss city charter/city code issues will be held on May 14<sup>th</sup> beginning at 5pm. He has spoken with the city's insurance agent who is handling the ADA claim and they are aware of the claimant's letters to numerous municipalities. Lastly, he reported that he had sent the proposed changes to the opioid contract and had not heard anything back yet.

#### **5. REPORTS OF THE CITY MANAGER:**

The City Manager reported that he had been meeting with staff and others regarding west side redevelopment to brainstorm ideas. He hopes to bring forward suggestions for incentives and zoning changes in the future. The city anticipates receiving a preliminary site plan for the Treasure Island property within the next month. The Armed Forces Day celebration will be held on May 18<sup>th</sup> at 11:00 am at the Shores Pavilion. A formal dedication of the Shores Veterans Park will be on November 9<sup>th</sup>.

The second strategic visioning session will be held on April 9<sup>th</sup> since the council meeting was previously cancelled that evening.

CMBR Frizalone requested the City Manager to discuss the price quote received for a sixth tennis court. Based on the cost of the existing five courts, it was believed that a single court would be estimated at \$120,000. Fast Dry provided a quote for \$68,000 that is good for 60 days. Mr. Booker stated that he will meet with the bocce community next week to discuss relocating the courts. There is no cost estimate on the bocce relocation, but it is anticipated that most work would be done inhouse. Staff is currently working on the USTA grant application. It was noted that a grant from USTA could potentially have strings attached such as requiring a formal youth program or additional ADA requirements. If the city hopes to obtain any grant funding, there can be no construction work prior on the site. It was noted that the quote did not include lights.

**CMBR FRIZALONE moved, seconded by CMBR LINDAUER to approve spending \$68,000 for a sixth tennis court, not to be installed until the bocce courts are fully relocated in McElroy Park to the bocce community satisfaction. The funding is authorized and if needed, the procurement processes of the city are waived.**

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

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

**OLD BUSINESS:** None.

#### **NEW BUSINESS:**

**6. Resolution 2019-04 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, ESTABLISHING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN THE CORPORATE LIMITS OF THE CITY OF DAYTONA BEACH SHORES; APPROVING INTERLOCAL AGREEMENTS WITH THE FLORIDA GREEN FINANCE AUTHORITY, THE GREEN CORRIDOR PACE DISTRICT, THE FLORIDA RESILIENCY AND ENERGY DISTRICT AND THE FLORIDA PACE FUNDING AGENCY AS WELL AS ANY OTHER AGENCIES CREATED UNDER THE PACE PROGRAM; TO WHICH THE ENTITIES WILL ADMINISTER VOLUNTARY NON-AD VALOREM FINANCING OF QUALIFYING CONSERVATION AND ENERGY**

EFFICIENCY, RENEWABLE ENERGY AND WIND RESISTANCE IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENTS; PROVIDING FOR THE USE OF THE CITY'S LOGO; AND PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, SCRIVENER'S ERRORS, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. First Reading & Public Hearing.

City Manager Booker provided background on the program to the council. Essentially, it is a lower cost funding mechanism. There are two programs in Volusia County, one in New Smyrna Beach and one in Edgewater. CMBR Bryan inquired why the city could not approve this on a project basis. It was explained that the city must create the overall program. The city is not responsible for any funding or costs associated with it. Ryan Bartkus, one of the FL Program Managers spoke. He explained that it was doing very well in Florida. The assessment goes on the property tax bill and the collection process is in the FL statutes.

**CMBR POLITIS moved, seconded by CMBR LINDAUER to adopt Resolution 2019-04 on first reading.**

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** CouncilMember Mel Lindauer, CouncilMember Michael Politis, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan.

## **7. CONSIDERATION OF SHORES VETERANS PARK TO BE LOCATED BEHIND THE SHORES COMMUNITY CENTER**

City Manager Booker explained that based on the consensus of council at the last meeting, he firmed up the budget for the Veterans Park. A map was shown to display the benches, plaque and entrance sign. The total cost with an entrance sign that had coquina would be \$28,800. The entire council felt the entrance sign should be similar to others throughout the city and utilize coquina. CMBR Politis stated that he had heard from many citizens after the last meeting and they would like it at the pavilion. CMBR Lindauer read a short statement regarding military veterans and how they served the entire United States. He respectfully requested the park remain behind the Shores Community Center.

Audience member Sandy Cook stated that she felt the veterans deserved a beautiful place to show respect. She felt the community center was too busy with all the activities that now take place there. She mentioned the Tom Stated Veterans Park that will be built under the new bridge on Orange Avenue would only be 1.5 miles away. She encouraged council to move the park down by the pavilion.

Bob Robacker explained that you had to be a veteran to understand that they want a quiet place to reflect and remember their fellow veterans.

It was mentioned, that perhaps the city could build two parks, but Mayor Miller felt that was not needed. It should be built in the place it was intended.

## **8. Resolution 2019-05 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING THE CITY'S GENERAL FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 RELATING TO THE FUNDING OF A VETERAN PARK; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A**

SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. First Reading & Public Hearing.

**CMBR LINDAUER moved, seconded by CMBR FRIZALONE to adopt Resolution 2019-05 on first reading.**

**Vote:** Motion passed (summary: Yes = 4, No = 1).

**Yes:** CouncilMember Mel Lindauer, CouncilMember Richard Frizalone, Mayor Nancy Miller, Vice Mayor Richard Bryan. **No:** CouncilMember Michael Politis.

**9. COUNCIL COMMENTS:** Mayor Miller congratulated the Culture & Entertainment Board on the Arts and Crafts market that was just held. It was a huge success. CMBR Lindauer spoke on an email that he had received regarding getting too much information from the City Attorney. He explained that those were not his thoughts and was not in favor of someone trying to speak for him. He stated that everyone was an adult and you can choose which emails to read or not. He appreciated the effort by Attorney Groot and asked him to continue. CMBR Bryan stated that he had spoken with one of the attorneys handling the opioid lawsuit. He is in favor of signing an agreement but wants protection so city is not liable. There are currently two test cases beginning in Ohio. City Attorney Groot added that the three items he proposed to the contract were: 1) the case be resolved in Volusia County not Brevard, 2) the city can opt out after the test case, 3) the city be given most favored nation status which would mean that we get the best deal as anyone else. CMBR Politis explained that he will be fully committed to the Veterans Park even though he voted against the location. CMBR Frizalone thanked everyone who has been working on the westside development group with him.

**10. AUDIENCE REMARKS/PUBLIC COMMENTS:** Frank Dart felt the city council should create an ethics reform board so there could be no appearance of impropriety.

**11. ITEMS RECOMMENDED FOR THE NEXT AGENDA:**

**12. ADJOURNMENT:** The meeting ended at 8:55 pm.

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**MAYOR  
NANCY MILLER**

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**CITY MANAGER  
MICHAEL T. BOOKER**

**ATTEST:**

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**CITY CLERK, CHERI SCHWAB**