

MINUTES
CITY COUNCIL MEETING
April 23, 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, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

Employee Service Awards
Proclamation for Water Conservation Month

Public Safety Director Dembinsky presented heroism awards to the two employees of Perry's Ocean Edge Resort who had recently saved a young boy from drowning.

Community Services Director Fred Hiatt presented Alex Schwab with a ten-year service award.

Public Safety Director Stephan Dembinsky presented Joanne Sweeney with a twenty-year service award; Terry Griffiths with a fifteen-year service award and Jordan Duffy with a ten-year service award.

2. APPROVAL OF THE MINUTES: City Council Meeting March 26, 2019

CMBR LINDAUER moved, seconded by CMBR FRIZALONE to approve the minutes of March 26, 2019

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

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:

Attorney Groot reported that the recent quasi-judicial training went well. There is a workshop scheduled for May 14th at 5:00 pm on potential charter/code changes. The City should be receiving a revised agreement for the opioid litigation.

5. REPORTS OF THE CITY MANAGER: City Manager Michael Booker spoke with Bill Griffin from Halifax Health. They are looking at interior layout design and currently reviewing the contract changes that were submitted. They will have an architect and engineer with whom staff will coordinate. He reported that he has been speaking with several new developers regarding economic development on the westside of S. Atlantic Avenue. There are just a handful of tickets available for the 10th Annual Taste of the Shores on Thursday. The Community Services Department is doing outstanding work on many projects. They include: prep work for the new City Hall sign, and the new dog park. Work will begin soon on the Veterans Memorial Park and relocating bocce/shuffleboard. The first report from Chargepoint was received and it stated that 14 gallons of gas was saved by utilizing the electronic station.

OLD BUSINESS: None.

NEW BUSINESS:

6. Resolution 2019-06 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA SUPPORTING AND APPROVING THE ONE YEAR EXTENSION TO THE INTERLOCAL AGREEMENT FOR DISTRIBUTION OF PROCEEDS OF LOCAL OPTION FUEL TAX FOR THE PERIOD SEPTEMBER 1, 2019 THROUGH AUGUST 31, 2020 AND PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT, IMPLEMENTING ADMINISTRATIVE ACTIONS, SCRIVENER'S ERRORS, CONFLICTS, SEVERABILITY, A SAVING PROVISION AND AN EFFECTIVE DATE. First Reading & Public Hearing. CMBR LINDAUER moved, seconded by CMBR BRYAN to adopt Resolution 2019-06 on first reading.

Finance Director Kurt Swartzlander explained what the local option gas tax entailed and how the revenues could be utilized.

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. Resolution 2019-07 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES CONSENTING TO THE OPERATION OF A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN THE LEGAL BOUNDARIES OF THE CITY OF DAYTONA BEACH SHORES; MAKING CERTAIN FINDINGS AND AGREEING TO PROVIDE CERTAIN NOTICES IN

CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading & Public Hearing.

Ryan Bartkus and Devesh Nirmul spoke on the PACE program. This is the second step in the process of creating the program. The program helps to create buildings that will be more resilient and provide energy sustainability. The next step in the process will be to sign the membership agreements. There is no cost to the city to participate in the program.

CMBR LINDAUER moved, seconded by CMBR POLITIS to adopt Resolution 2019-07 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.

- 8. Resolution 2019-08** 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 AN ADDITIONAL TENNIS COURT AND RELOCATION OF THE BOCCE COURTS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. First Reading and Public Hearing.

Both Rosana Scaccia and Julien Moussalli encouraged the City Council to approve the resolution and add the sixth tennis court. They felt there was high demand and the court would be utilized.

Wyc Woodfin felt the intended location for the bocce courts was not the best choice. He stated it would intrude on the children's playground and the small pavilion.

A scrivener's error in the heading for Section 1 was noted.

CMBR FRIZALONE moved, seconded by CMBR POLITIS to adopt Resolution 2019-08 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.

9. Presentation by Blue Duck Scooters

Casey Whittington presented his Blue Duck electric scooter program to the City Council. He would like one-month pilot program with just a few scooters to begin. His company would handle the rental and assume all liability and risk. He currently has 100 scooters in the city of Daytona Beach. Both the council and residents had concerns about the scooters

operating on S. Atlantic Avenue or on the sidewalks. Community Services Director Fred Hiatt explained that someone could rent the scooter in Daytona Beach and drive south into our city at any point in time. He suggested a proactive approach to try the program.

10. Consideration of dog park signage

Mayor Miller explained that resident, Van Alder, had been instrumental in developing the dog park. The suggested signage was reviewed by the council. It was stated that the rules were best practices from surrounding dog parks. City Manager Booker suggested naming the dog park after Mr. Alder and there were no objections. The dog park will be named the Van Alder Dog Park. There is a dedication tentatively scheduled for June 5th.

CMBR BRYAN moved, seconded by CMBR LINDAUER to accept the signage subject to any legal change.

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.

11. Discussion on Resolution 2018-10 as amended

Mayor Miller explained that the past council had adopted the resolution, but she wanted to revisit it. She noted items such as audience participation once a form had been filled out and being respective when others are speaking. She asked the other members to review the document and submit any changes to the City Attorney.

12. COUNCIL COMMENTS: CMBRS Lindauer, Frizalone and Politis all complimented the staff for their hard work on the many projects and reports that are provided. Mayor Miller complimented the Public Safety staff on the Citizen's Academy that is currently ongoing. Vice Mayor Bryan brought up two items that he mentioned at the last visioning session and felt council could implement them now. The first was a public forum on the internet where the councilmembers could provide written comments in the "sunshine". The public would be allowed to see them, and the forum could go on for days or weeks. The second item was to create a way to poll the citizens by developing an email list. Surveys or polls could then be sent out to the residents for their feedback on any number of issues the council may be considering. He felt that only a small sample of views were shared at the council meetings. Attorney Groot explained that you can't have a meeting in a written format. He advised getting an Attorney General Opinion.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Linda Toffolon, owner of the Daytona Diner wanted to make other businesses aware of the ADA lawsuits targeting small businesses. She had no idea she was non-compliant and doesn't have the funds to become compliant quickly. She ended up paying a settlement fee.

Honey Burget wanted to see unity between the tennis players and the pickleball players.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA: None.

15. ADJOURNMENT: The meeting ended at 8:51pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB