

MINUTES
CITY COUNCIL MEETING
June 11, 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, Councilmember Michael Politis

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, and City Planner Stewart Cruz.

CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

The graduates of the recent citizens academy were recognized.
Mayor Miller mentioned that the new flags were installed in the Veteran's Memorial Park.
The grand opening will be held on Veteran's Day in November.

It was announced that the city had new agenda software being used and to be patient while everyone learns the new system.

She proposed giving the city staff an additional holiday this year, July 5th due to the hard work of staff with the many recent projects. The rest of the city council agreed.

The Mayor stated that she had been approached by a few residents who commented that the city councilmembers were speaking too long. She asked that the council try and keep their comments short and precise.

1. APPROVAL OF MINUTES

A. City Council Meeting May 28, 2019

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to approve the minutes of City Council Meeting May 28, 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

2. CONSENT AGENDA:

3. REPORTS OF THE CITY ATTORNEY:

The City Attorney stated that a draft city charter markup had been provided to the council following the workshop. He will not move forward until he is given direction from the council. The same for the markup of the city code amendments. A workshop could be scheduled so the document can move forward.

He has recently spoken with Attorney Michael Kahn regarding the pending opioid litigation. The judge has denied all continuance for trials and would like to move forward with a global settlement. There will be two categories, claimants who have filed and those who have not. He authorized the firm to file a claim for the city before the deadline of June 14th.

4. REPORTS OF THE CITY MANAGER:

The City Manager explained that city staff would be meeting with Rafael Montalvo to discuss the summary on the council visioning sessions. He will bring it to the City Council afterwards.

The new gateway sign at City Hall is almost finished and has utilized city staff for most of the labor.

OLD BUSINESS:

NEW BUSINESS:

- A. Ordinance 2019-05 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO PROCESSES, MEETING NOTICES, AGENDAS, OPEN GOVERNMENT AND MINUTES PERTAINING TO CITY BOARDS, COMMISSIONS OR COMMITTEES; PROVIDING FOR THE AMENDMENT OF SECTION 2-8, SECTION 14-62 THROUGH SECTION 14-64 AND SECTION 14-68 AND THE REPEAL OF SECTIONS 5-15, SECTION 8½-31 THROUGH SECTION 8½-34, SECTION 2-51 THROUGH SECTION 2-53 AND SECTION 14-70 OF THE CITY CODE OF THE CITY OF DAYTONA BEACH SHORES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR PROCESSES AND PROCEDURES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS AND RESPONSIBILITY FOR IMPLEMENTATION; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

COUNCILMEMBER MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Ordinance 2019-05 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

The City Attorney explained that the proposed Ordinance would reform the current city boards and establish uniform terms of office. All terms would expire on September 30th. This ordinance would repeal both the Beautification Board and the Culture & Entertainment Board. All board provisions would be found in one section of the City's Code for ease. It also states board members must be both a resident and a registered voter. There was some discussion by residents and the council regarding the need to be a registered voter and in the end it was left in the ordinance.

- B. Select Voting Delegate for Florida League of Cities Conference, August 15-17, 2019

The Mayor explained that a voting delegate was needed for the upcoming conference. CMBR Bryan nominated CMBR Lindauer. CMBR Lindauer nominated Mayor Miller. it was determined that CMBR Lindauer would be the voting delegate.

- C. Discussion on dog protection against tethering

CMBR Lindauer explained that he had received a copy of an ordinance from the City of Ormond Beach regarding this issue. After doing some research, it has not been a problem in our city and does not require any discussion.

D. Discussion on creating an Economic Development Group

City Attorney Groot stated that he had drafted a resolution to create the city's Economic Development Agency. CMBR Lindauer would assist with the business community, CMBR Frizalone would assist as economic development liaison and the City Manager would be the City's Economic Development Director. These three positions would make up the agency. Each position could go work independently in the community. If they met together as group, it would require public notice and adhere by the sunshine law. The council requested the resolution be placed on the next agenda.

E. Discussion of City Attorney Memo dated May 28, 2019 regarding music licensing, 50/50 raffles and city contracts.

The City Attorney advised that similar to ADA claims, trolls are looking for cities to violate copyright laws. He advised the council to purchase a music license that would protect the city. The two well known licenses are with ASCAP and BMI. He will investigate if there are anymore. The council agreed to pay the annual license fees.

Attorney Groot informed the council that the city is not eligible to conduct 50/50 raffles during events because they are not a 501-C3 corporation. it is considered a form of gambling. The only event this would impact is the End of Summer Bash. The proceeds were being donated to Longstreet Elementary. Attorney Groot stated that the school has a boosters organization who could run the raffle. It was decided to contact the school with this information.

F. Discussion regarding electronic written communications between City Councilmembers

CMBR Bryan began by asking the council if they had read his memo regarding electronic communications between councilmembers. They all responded yes. Mayor Miller felt it would be useful at times, but it goes against the Sunshine Law.

CMBRS Politis and Lindauer were not in favor of the idea. They believe all discussions should be held at public meetings. CMBR Frizalone agreed with them but stated that if the sunshine law would allow it, yes it would be helpful. CMBR Frizalone added that since it was against the law currently, he didn't want to spend anymore meeting time discussing it. CMBR Bryan advised that he would spend his own time on this. Attorney Groot cautioned him that he could not go out and lobby for this due to his status on the council. Audience member Van Alder felt it would be useful as a citizen to read a communication blog from the councilmembers. Don Large spoke and said a past councilmember went off on his own and it was disastrous. It implies that the entire council is behind you. At this point CMBR Bryan offered to provide Mr. Alder with advice on amending the sunshine law. Attorney Groot informed him that was not allowed either. He could not use a private citizen as a conduit.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to any councilmember from any activity that could affect the City Council and the City of Daytona Beach Shores.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 1).

Yes: Mayor Nancy Miller, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

No: Richard Bryan

COUNCIL COMMENTS:

CMBR Bryan would like to obtain email lists from condo managers. In this way, an email would be sent to the condominium, that the manager could forward to all the residents. This would protect against spam emails and could reach more citizens. Mayor Miller announced that the recent grand opening for the Van Alder dog park was a success. She thanked AB Taylor for all her hard work. She reminded the audience that tomorrow, June 12th is the next coffee with the Mayor. The Vice Mayor will be there in her place this month as she has another engagement. CMBR Lindauer spoke of a recent News Journal article asking for nominations for a hero from EMS personnel. He wanted to nominate the Public Safety Department and Stephan as Director. Director Dembinsky was honored to be considered but he explained that internally they were selecting an employee for the nomination. CMBR Politis acknowledged the work that CMBR Frizalone had done with the economic development incentives. CMBR Frizalone thanked city staff, Sandy Cook and Bryce Fremont for their assistance with the economic incentive package proposal.

AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments

ITEMS RECOMMENDED FOR THE NEXT AGENDA:

discussion on museum relocation and condominium email lists

ADJOURNMENT:

The meeting ended at 8:23 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB