

**MINUTES  
CITY COUNCIL MEETING**

**April 11, 2017**

**3048 S. Atlantic Ave. Daytona Beach Shores, FL 32118**

**Present:** Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice. *Staff: City Manager Michael Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, Community Services Director Fred Hiatt, Finance Director Steve Whitmer, and Public Safety Director Stephan Dembinsky.*

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

Public Safety Assessors – Director Dembinsky explained the assessors were not able to attend the meeting. He briefly explained the Accreditation process that occurs every three years.

Ron Durham from First Step Shelter Inc. - Rev. Durham showed a presentation on the proposed First Step Shelter.

Finance Educational presentation - Director Whitmer reviewed the city's investment policy and where the city's money is allocated.

**2. APPROVAL OF THE MINUTES:** March 28, 2017 City Council Meeting

**CMBR GEIGER moved, seconded by CMBR LINDAUER to approve the minutes of March 28, 2017.**

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

**Yes:** Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

**3. CONSENT AGENDA:**

- Board Application: Planning & Zoning John Schmitz for alternate member
- Approval to transfer \$37,000 from contingency for PS in car cameras

**CMBR RICE moved, seconded by CMBR GEIGER to approve the consent agenda.**

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

**Yes:** Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

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

Attorney Groot informed the council that he had received the AGO on referendums for building height or development orders. It affirms what he has previously told the council.

CMBR Bryan had sent him a series of questions recently and he proceeded to answer them. *Who is the client for the city attorney?* Attorney Groot's answer - the city and its constituent parts.

*Is it likely a violation if a council member (call him/her the speaker) expresses an opinion to most of the people present including at least one other council member on a matter that is likely to come before council?* Answer – If the meeting is not noticed, it is a violation. If the meeting is noticed, it depends on the intent of the second council member to circumvent the meeting laws.

*Of course a council member that hears the speaker is not in violation.* Answer – Not necessarily. If the council member attended the meeting strictly to circumvent the Sunshine Law to hear the speakers remarks

*Does it matter if the speaker had previously expressed the opinion in a council meeting or other such public meeting?* Answer – Probably not.

*What are the elements that constitute notice of a public meeting?* Answer – Adequate time before a meeting posted in the normal way that the City posts items. We use the bulletin board at City Hall and our website. Certain items also require legal advertisements.

**5. REPORTS OF THE CITY MANAGER:** The City Manager announced that two staff members would not be available for the April 25<sup>th</sup> meeting. The council agreed to cancel that meeting. The next scheduled meeting would be on May 9<sup>th</sup>.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**6. Discussion of proposed changes to the Charter term limit language**

CMBR Lindauer began the discussion stating he felt that term limits meant a person could serve two terms or a total of eight years. He felt the City Attorney's draft ordinance with proposed ballot language was confusing but he would rather have a council initiative that could be placed on the November 2018 ballot. He submitted proposed language for the City Attorney to use. CMBR Bryan also submitted language that closely mirrored the 22<sup>nd</sup> Amendment to the U.S. Constitution. CMBRS Rice and Geiger didn't submit any changes but instead questioned the need for a change. They felt the current language had not been abused in the past. CMBR Geiger provided stats showing that 71% of cities in Florida do not have term limits. She inquired if there could be stricter guidelines for qualifying to run for office. The following audience members spoke: Rosana Scaccia read from a prepared statement that presented the PAC's point of view. She was in agreement with CMBR Bryan in mirroring the 22<sup>nd</sup> Amendment language.

Honey Burget felt the current language of term limits was not being adhered to.

Frank Dart stated that he had been a county legislator for 18 years in New York. He favored having term limits.

At the end of the discussion, Mayor Jennings asked the City Attorney to re-craft the proposed ordinance incorporating the items submitted.

**7. COUNCIL COMMENTS:** CMBR Geiger reminded the audience that only a few Taste of the Shores tickets remained. CMBR Lindauer inquired if the pedestrian crosswalk near the townhomes could be moved to the entrance. Currently, it goes nowhere. He also felt there could be better signage at some of the crosswalks. CMBR Bryan read from a prepared statement on building height that will be appended to the minutes. MAYOR Jennings questioned some of CMBR Bryan's remarks that were directed towards him and his Mayoral campaigns.

**8. AUDIENCE REMARKS/PUBLIC COMMENTS:**

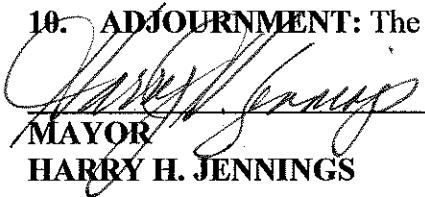
Sean O'Brien read from a prepared statement on building heights that presented the PAC's point of view. He had concerns/questions regarding a recent meeting at the Cloverleaf with the Mayor and City Manager.

Frank Dart stated he was against increasing the building height. He did not want to lose his view from Oceans 1. He also spoke on the increased traffic on Dunlawton Avenue. Lastly, he asked if the city could waive permit fees to repair damage from Hurricane Matthew.

Honey Burget began to speak about her Homeowner's Association board, but was told that was not appropriate for the meeting.

**9. ITEMS RECOMMENDED FOR THE NEXT AGENDA:** None.

**10. ADJOURNMENT:** The meeting ended at 9:30 pm.

  
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**MAYOR**  
**HARRY H. JENNINGS**

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

**ATTEST:**

  
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**CITY CLERK, CHERI SCHWAB**



This is, in reality, a jail diversion program under the guise of a homeless shelter. "Come as you are" admittedly includes drunks, drug users and combative persons.

Reading the online reviews of a similar program in the Tampa/St. Pete area, residents and/or former residents report drug and alcohol use on the property. They also report being beaten and robbed at the shelter which supposedly has security provided by the Sheriff's office.

This has been described as a Countywide problem. Your organization is asking the County for property and money. That's all well and good, but we all need to remember that we have a County government body to take care of countywide things. Money and property your organization receives from the County is coming from OUR tax dollars, so I don't understand why we're being asked to contribute a second time. IMO, that's double dipping and we'd be paying twice. This Council's primary mission is to be responsible stewards of our residents' tax dollars, while providing goods and services to OUR residents. County government is tasked with taking care of Countywide problems, not us.

While you have lofty goals, I don't see any proven path in your proposal to accomplish them. For example, you state that you plan to move the homeless into permanent residences, but provide no proven path to accomplish that.

One of the things most diligent donors check before donating to any public charity is how much of the donation is going to staff. I find the 76% figure in your budget to be way above the level that most donors would determine to be acceptable.

Another thing that concerns me is that you state you'd need \$1 million dollars annually to run the facility. That means that you'd be expecting annual contributions which one of the country leaders has publicly stated will not be forthcoming. That obviously means you'll be asking us for more and more on a regular basis. Sorry, but I'm not willing to fund a ongoing long-term project where over 76% of the money is going to staff.

I'm not sure why you're stating that Daytona Beach Shores has committed \$40,000 to your organization when the City Manager assured me that we have not committed any money to your organization. I would also point out to my fellow Council Members that the stated donations from Ormond Beach represents \$2.65 per resident, the stated Daytona Beach donation represents \$6.56 per resident and the claimed DBS donation represents \$9.76 per resident. So you're asking us to contribute nearly 150% of the stated Daytona Beach contribution per resident and 368% of the stated Ormond Beach contribution per resident.

I'm sure you're aware that there's another homeless organization that will soon be asking us for contributions, and it includes families with children, which our residents may feel is a more worthy cause.

I don't mean to sound insensitive, and I wish you well, but I'm not willing to put our Daytona Beach Shores residents' hard-earned tax money to work in a Countywide jail diversion program when we'd already be contributing to the program through our county taxes.

Statement by Richard Bryan to be incorporated verbatim into the minutes – 11  
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I want to elaborate on my position on building height limits. Most people do not want 5 members of city council to vote to eliminate the height limit. They want the council to abide by the will of the people if there is to be a vote by council.

The people expressed their will on the issue by electing me in November 2016. I am the only council member that has run on the issue. Therefore, none of the other council members have a mandate from the people to even vote on the issue.

The best way to determine the will of the people is coming up in November 2018. There will be 3 seats open. Let candidates clearly state their position on building height limits and then the people will elect the candidates who best represent their views.

My position on this issue stands in stark contrast to that of the mayor who said at the 28 March council meeting that he did not care if all of the permanent residents wanted to not eliminate the height limit, the council could ignore the will of the people and vote. Since there is no reason to vote to keep the limit, the only reason to vote would be to change the limit. Other actions, like his presentation at the Cloverleaf shows that he favors elimination of the limits. I will give Harry credit for being honest about how he feels, but he should have been honest about how he feels when he was asking the voters to vote for him. I hope there are at least 2 other council members who are interested in abiding by the will of the people.

If the council insists on voting before the 2018 election, which I believe is a big mistake for reasons that I will state at another time, there should be a straw vote to determine the will of the people and council should abide by the will of the people as indicated by the straw vote.