

MINUTES
CITY COUNCIL MEETING
January 24, 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, City Planner Stewart Cruz, Finance Director Steve Whitmer, and Public Safety Director Stephan Dembinsky.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

Advanced IEMO Certification for Lorraine Geiger

The City Manager presented CMBR Geiger with her certificate.

2. APPROVAL OF THE MINUTES: December 13, 2016 City Council Meeting

CMBR GEIGER moved, seconded by CMBR Lindauer to approve the minutes of December 13, 2016.

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:

- Monthly Departmental Reports
- Monthly Financial Report
- Board Appointments – Board of Adjustments: Regular member – Philip Smith, Code Enforcement: Alternate member – Henry Getz, Re-appointment – Beautification Board Marjorie Luciano

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: None.

5. REPORTS OF THE CITY MANAGER: Mr. Booker announced that the city had received a letter from the FL Police Chiefs Association thanking the city for allowing our chief to participate in their organization.

A beach access update was given by Community Services Director Hiatt. There were 13 damaged from the hurricane. Eight have now been repaired. The remaining five will need an

outside contractor to do the work. The city has been trying to find a marine contractor to give quotes.

The City Manager explained that he had four sign grants to add to the agenda.

CMBR LINDAUER moved, seconded by CMBR GEIGER to add the sign grants to the 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.

The City Manager explained that all four sign grants were unanimously approved by the Beautification Board.

CMBR LINDAUER moved, seconded by CMBR BRYAN to approve the four sign grants as presented.

Metz Plaza \$5,750

Metz package store \$3500

Turtle Inn \$6,500

Jet Set Tattoos & Body Piercing \$2,930

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.

OLD BUSINESS:

6. Ordinance 2017-02 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS TO INCLUDE, BUT NOT BE LIMITED TO, MEDICAL MARIJUANA TREATMENT CENTERS WITHIN THE CITY OF DAYTONA BEACH SHORES; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNABIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY LOCATED WITHIN THE CITY OF DAYTONA BEACH SHORES; PROVIDING FOR THE MORATORIUM TO EXTEND TO ALL APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS RELATING TO REAL PROPERTY LOCATED IN THE CITY LIMITS OF THE CITY OF DAYTONA BEACH SHORES IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP GOALS, OBJECTIVES AND POLICIES OF THE CITY'S COMPREHENSIVE PLAN AND AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS, AS APPROPRIATE, RELATING TO THE DEVELOPMENT OF DESIGN STANDARDS AND RELATED MATTERS PERTAINING TO DISPENSING OF MEDICAL CANNABIS AS WELL AS POLICE POWER REGULATIONS; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR GEOGRAPHIC AREA ENCOMPASSED BY THE MORATORIUM; PROVIDING FOR DEVELOPMENT WHICH IS SUBJECT TO MORATORIUM; PROVIDING FOR POSSIBLE EXTENSION OF MORATORIUM; PROVIDING FOR AN ADMINISTRATIVE REMEDY TO ASSERT VESTED RIGHTS CLAIMS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR NON-CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR

CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. Second Reading.

CMBR GEIGER moved, seconded by CMBR LINDAUER to approve Ordinance 2017-02 on second reading.

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.

NEW BUSINESS:

7. Ordinance 2017-01 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO BEACH CONCESSION PARKING ANCILLARY FACILITY SPECIAL EXCEPTION USE; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, CHAPTER 2 ENTITLED “DEFINITIONS;” AMENDING CHAPTER 14 ENTITLED “ZONING REGULATIONS,” BY AMENDING SECTION 14-58 ENTITLED “SPECIAL EXCEPTIONS AND CONDITIONAL USES” TO PERMIT THE BEACH CONCESSION PARKING ANCILLARY FACILITIES AS A CONDITIONAL USE IN THE “GC-RD” GENERAL COMMERCIAL-REDEVELOPMENT DISTRICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR DEVELOPMENT STANDARDS AND CONDITIONS; PROVIDING FOR PROHIBITIONS, ENFORCEMENT, PENALTIES AND APPEALS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading.

CMBR RICE moved, seconded by CMBR GEIGER to approve Ordinance 2017-01 on first reading.

Director Hiatt explained how this came about. Beach concessionaires were utilizing a vacant facility as a warehouse in an unpermitted area. If adopted there is a 6-year time limit. It would allow the city to perform quarterly inspections.

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.

8. DISCUSSION OF POLICY REGARDING INFORMATION REQUESTS BY INDIVIDUAL CITY COUNCILMEMBERS

The City Manager stated that with two new councilmembers he wanted to set a policy on information requests. He asked that all requests be directed to him. He would then send the request to the proper Department Head to fulfill. The entire council will receive both the question and the response to all queries.

9. CONSIDERATION OF REVISED PLANS FOR COMMUNITY CENTER

Mayor Jennings announced that he had ex-parte communication with Terry Smith regarding this item. He requested to remove item 8 (tennis court removal) from the list of value engineering costs. Mr. Smith will provide additional information to the council on the number of courts needed for the city.

The council agreed to remove item 8 from the list.

Mr. Bryan inquired how the list was generated. Both the Construction Manager and the architect suggested the items.

The following audience members spoke:

Richard Sparks asked the council to please continue to support the tennis program.

Rosana Scaccia inquired about a timeline for the new community center. She also inquired about funding the project. Finance Director Whitmer responded that the city had the money available. Future taxes may increase to replenish the money.

Honey Burget felt residents moved here for the tennis and golf lifestyle. She would like to see another full-service tennis club.

Terry Smith thanked the mayor for speaking with him earlier. He hoped to work together to provide more information on the number of tennis courts needed.

CMBR GEIGER moved, seconded by CMBR RICE to approve the remaining list of value engineering items.

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.

- 10. COUNCIL COMMENTS:** CMBR Rice stated that over \$1000 had been donated to Longstreet Elementary to assist with school uniforms and other necessities. They are extremely grateful. CMBR Geiger reminded the audience of the upcoming Chili Cook-Off and the presidential event in February. CMBR Bryan announced that both he and CMBR Lindauer recently attend IEMO training. He also would like to begin a pilot project in math with Longstreet Elementary. He reminded the audience of the upcoming visioning workshop on February 1st. He would like to see the policy changed to allow residents to speak at workshops. CMBR Lindauer thanked the new board members for joining. MAYOR Jennings explained that the city was asked by Publix to write a letter of endorsement for Jim McDede. He is being considered for a prestigious award.

11. AUDIENCE REMARKS/PUBLIC COMMENTS:

John Ersland made remarks on the News Journal article regarding pedestrian safety. He hoped the council would carry out the designs from the safety study to create more pedestrian islands.

Don Tarach commented on the new signage and lighting on the Publix crosswalk. He thought the new signs were excellent and felt this should be added to all crosswalks for consistency. He also felt pedestrians need to be educated on using the crosswalks.

Tony Rembizewski inquired if a better crosswalk could be constructed south of Dunlawton near the Eagles club. He also suggested putting up a closed sign at the beach access near Tuscany Shores. He has seen people attempting to climb down that ramp.

CMBR Lindauer inquired about relocating the crosswalk near the townhomes complex. It does not come out near a beach access and very few people utilize it. They walk across 100 yards north of that.

12. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

13. ADJOURNMENT: The meeting ended at 8:01 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB