

**MINUTES
CITY COUNCIL MEETING**

February 14, 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:

Finance Director to present FY 2015-16 CAFR

The auditors stated that the city was financially sound with no material weaknesses or control deficiencies found during the audit this year. They reviewed the major revenue sources and expenses.

CMBR LINDAUER moved, seconded by CMBR BRYAN to accept the 2015-16 CAFR as presented by the auditors.

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.

Finance Director Whitmer reviewed the city's financial status over a period of the last 12 years. The city's cash position has grown strong in all funds due to sound management practices.

2. APPROVAL OF THE MINUTES: January 24, 2017 City Council Meeting

CMBR LINDAUER moved, seconded by CMBR RICE to approve the minutes of January 24, 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: None.

4. REPORTS OF THE CITY ATTORNEY: The City Attorney explained that three petitions were currently being circulated. Two were on term limits and one on building height. He has rendered an opinion to the PAC stating the city can't amend the Comprehensive Plan by referendum. Therefore that petition would be invalid. He would like to request the Florida

Attorney General to issue an opinion on this matter. He requested the consent of the City Council to move forward.

CMBR GEIGER moved, seconded by CMBR LINDAUER to allow the City Attorney to request an Attorney General’s opinion regarding the petition for a referendum on building height.

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.

5. REPORTS OF THE CITY MANAGER: The City Manager explained that he was given information on the First Step homeless shelter that he is reviewing. The cost to the city has not been provided yet. This shelter would support the east side cities only. Currently, both Daytona Beach Shores and the City of Port Orange aren’t supporting the shelter. The City of Port Orange currently works with the Salvation Army. Mr. Booker added that Hope House has also asked us for support but he had no further information on that.

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. Third Reading and Public Hearing.

CMBR RICE moved, seconded by CMBR GEIGER to adopt Ordinance 2017-02 on third 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.

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. Second Reading and Public Hearing.

CMBR LINDAUER moved, seconded by CMBR RICE to adopt Ordinance 2017-01 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:

8. CONSIDERATION OF POTENTIAL JOINT PLANNING AGREEMENT (JPA) WITH COUNTY OF VOLUSIA REGARDING PARKING LOTS.

City Manager Booker stated that city staff had met with the county staff on this issue. The County of Volusia intends to purchase more land for parking lots and plans to do so throughout the beachside cities in the county. County staff has continually called it a parking lot (not a park) which does not coincide with the city’s comprehensive plan. Having the two parking lots on the eastside is an estimated annual loss of \$200,000 in tax revenue. They have submitted an application to the Building Department for review. He requested direction from the council regarding the proposed JPA. If the JPA was agreed upon, the county could not purchase any more land for parking or parks on the eastside of S. Atlantic Avenue. The City Attorney explained that if the council were to deny the application, the case could go to court. He and the staff felt the city had a very strong defense if this were to happen.

CMBR RICE moved, seconded by CMBR GEIGER to direct the City Manager to pursue the Joint Planning Agreement with the County of Volusia regarding parking.

Vote: Motion failed (summary: Yes = 0, No = 5).

No: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice.

9. COUNCIL COMMENTS: CMBR Geiger reminded the audience of the presidential event on Wednesday, February 15th. She also noted the next concert would be on February 24th with the band Traces of Gold.

10. AUDIENCE REMARKS/PUBLIC COMMENTS:

Kasey Welch inquired why the city was changing out the street lights to LED bulbs. She felt the lighting is now extremely stark and the blinding glare was a safety concern. She also felt it would make the city non-compliant with the turtle lighting requirements.

Robert Nolph also spoke on the street lights reiterating Ms. Welch's concerns.

11. ITEMS RECOMMENDED FOR THE NEXT AGENDA: homeless shelter discussion

12. ADJOURNMENT: The meeting ended at 8:25 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB