

**MINUTES**  
**CITY COUNCIL MEETING**  
**March 28, 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 LT Michael Fowler.*

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

**Employee Service Awards -**

Director Hiatt presented Ed Kastner his 15-year service award.  
Director Whitmer presented Bill Rotella his 5-year service award.

**IEMO certificates for council**

The City Manager presented both CMBR Lindauer and Bryan with their IEMO attendance certificate.

**Proclamation for April as Water Conservation Month**

Mayor Jennings read the Proclamation for Water Conservation Month.

**2. APPROVAL OF THE MINUTES:** February 14, 2017 City Council Meeting

**CMBR GEIGER moved, seconded CMBR BRYAN to approve the minutes of February 14, 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:**

- Monthly Departmental Reports
- Monthly Financial Report
- Board Re-appointment – Culture & Entertainment: Hedy Weiss
- Board Appointment – Culture & Entertainment: Cindy Schmitz
- Approval of Contraband expense \$500 for donation to 2017 FBI retrainer conference
- Approval of Contraband expense \$2,811 to upgrade AR-15 weapons
- Approval of Contraband expense \$4,250 to purchase drug terminator
- Approval to spend \$23,000 from Contingency for police vehicle

**CMBR LINDAUER moved, seconded by CMBR BRYAN 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: Proposed Term Limits**

The City Attorney stated that various petitions to amend the charter had been circulating. One of them is related to term limits and attempts to address a gap in service. Council had previously asked him to draft an ordinance that would help clarify the issue. The proposed ordinance could be placed on a future agenda for consideration. CMBR Lindauer felt that term limits should be two terms or eight years' total, similar to the U.S. president. He is not in favor of career politicians. It was his opinion that by removing the word "consecutive" from the current wording in the charter, would solve the issue. CMBR Bryan would like the wording to mirror the 22<sup>nd</sup> Amendment. Other members of council felt there had been no abuse with the current language and any further restrictive language could prohibit future candidates. Mayor Jennings asked CMBR Bryan if he would stop the petitions circulating on term limits, if an ordinance could be agreed upon by council and he answered affirmatively. Attorney Groot will work on revising the proposed ordinance.

**5. REPORTS OF THE CITY MANAGER: None.**

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**6. Approval for Nonconforming Sign Removal Incentive Grant Application, 2250 S. Atlantic Avenue, Purple Haze**

CMBR Bryan inquired if any grant applicant received FEMA money for their sign. Director Hiatt explained that was not part of the criteria for the city's grant program.

**CMBR BRYAN moved, seconded by CMBR RICE to approve the sign grant for Purple Haze in the amount of \$3,500.**

**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. Approval for Nonconforming Sign Removal Incentive Grant Application, 1909 S. Atlantic Avenue, Oceanside Inn**

**CMBR GEIGER moved, seconded by CMBR RICE to approve the sign grant for Oceanside Inn in the amount of \$6,500.**

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. Approval for Nonconforming Sign Removal Incentive Grant Application, 2043 S. Atlantic Avenue, Castaway Beach Resort**

**CMBR LINDAUER moved, seconded by CMBR RICE to approve the sign grant for Castaway Beach Resort in the amount of \$6,091.68.**

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.

**9. Approval for Nonconforming Sign Removal Incentive Grant Application, 2518 S. Atlantic Avenue, Pappas Plaza**

**CMBR RICE moved, seconded by CMBR GEIGER to approve the sign grant for Pappas Plaza in the amount of \$6,500.**

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.

Director Whitmer stated there was approximately \$48,600 left in the sign grant fund.

**10. Determination of surface type and number of tennis courts at new Community Center**

CMBR Lindauer felt a new approach was needed to justify the number of tennis courts available for play.

Audience members Honey Burget, Richard Sparks, Juan Pombo, Joyce Cutts, Wyc Woodfin and Terry Smith spoke in favor of keeping six clay courts. They also wanted to be sure that courts 1 and 2 remained as part of the six. Most felt having that many courts would allow the social activities and league play as in the past.

**CMBR BRYAN moved to approve six clay courts and have a contingency plan for more. The motion failed due to lack of a second.**

**CMBR RICE moved, seconded by CMBR GEIGER to use the recreation model presented in the fact sheet and have four clay courts (# 4,5,7,8) and one hard court.**

There was a brief discussion on planting grass where courts 1 & 2 currently are located. Council felt if the future demand required more courts, it would be discussed later. The discussion led

into the cost of converting a hard court to clay. Director Whitmer stated it does cost more to convert a court than to just refurbish one. CMBR Lindauer felt it was a good compromise to have five clay courts.

**CMBR RICE amended her motion to five clay courts the remaining verbiage the same. CMBR GEIGER seconded the amendment.**

**Vote:** Motion passed (summary: **Yes = 4, No = 1**).

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

### **11. Consideration to distribute Building height informational monograph**

CMBR LINDAUER would like to hold town hall meetings to see if the residents would support an increase in building height. He doesn't agree with the council having the sole ability to change what residents had voted for in the past. He felt developers would continue to build a structure that is 12 stories tall. MAYOR JENNINGS explained that council members would be attending workshops and education meeting to answer questions. CMBR RICE would like to see the informational monograph mailed to all registered voters. CMBR BRYAN stated he would like to honor the will of the people and keep the building height to 12 stories. There was discussion regarding if another straw ballot was held, whether it would be a binding vote. City Attorney Groot explained that a vote could be held, but council would not have to abide by its outcome.

**12. COUNCIL COMMENTS:** CMBR RICE announced an upcoming orchestra performance at Spruce Creek High School on April 5<sup>th</sup>. CMBR GEIGER reminded the audience of the free concert on Friday with the Endless Summer Beach Band. She recently attended her first TPO (Transportation Planning Organization) meeting. Finally, she had a conversation with County Councilman Wheeler regarding the new bridge and the Veterans' Park that will be at one end. She hoped the city residents would help contribute. CMBR LINDAUER had a request from a resident to open the bocce court again. He was informed the court area is still a construction zone and therefore off-limits. He announced the groundbreaking ceremony for the new Community Center would be held tomorrow (Wednesday) morning. CMBR BRYAN inquired if the city could avoid a lawsuit with the County of Volusia regarding the proposed parking lots. The City Manager explained that the county will be given an extension to submit their plans and were moving forward with the process. He stated his desire to work with the City Attorney on revising the draft ordinance regarding term limits. MAYOR JENNINGS gave a brief update on the legislative activity in Tallahassee. He also announced the upcoming Pickleball tournament later in the week.

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

Sean O'Brien read a letter to the council that he asked to be added to the minutes. He is Chairman of the People's Voice, PAC, and they are against repealing building heights.

Robert Robacker asked to have the bocce court open for play.

Carol Christopher also asked to have the bocce court open for play.

Rosana Scaccia spoke as Treasurer of the People's Voice. She felt that term limits should mirror those in the 22<sup>nd</sup> Amendment to the U.S. Constitution.

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

**15. ADJOURNMENT:** The meeting ended at 9:03 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**