

MINUTES
CITY COUNCIL MEETING
May 9, 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:

Presentation on Hope Place Shelter - Forough Hosseini showed a presentation on Hope Place that recently began construction. She requested a contribution from the council.

Mayor Jennings announced that the city had prepared proclamations for: Municipal Clerk Week, Police Week and Public Works Week.

2. APPROVAL OF THE MINUTES: April 11, 2017 City Council Meeting

The City Manager stated that only items distributed by council during the meeting would be appended to the minutes.

CMBR Lindauer moved, seconded by CMBR Rice to approve the minutes of April 11, 2017.

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.

CMBR Lindauer inquired why his statements during last meeting's presentation on First Step Shelter were not included. The City Manager explained that the remarks came during a presentation as opposed to a discussion or action item and that it had not been requested to be included by him during the meeting. CMBR Lindauer requested his statement still be included in the minutes.

CMBR Rice moved, seconded by CMBR Bryan to reconsider the approved minutes for April 11, 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.

CMBR Lindauer moved, seconded by CMBR Bryan to approve as amended the minutes from April 11, 2017, with the statement attached by CMBR Lindauer.

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

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

3. CONSENT AGENDA:

- Approval to spend \$500 from Contraband for fishing tournament

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: Charter Amendment update

Attorney Groot stated that he had sent by email 4 draft amendments to the charter regarding term limits. The discussion draft was created by him to provoke discussion. The three remaining drafts were submitted by council as the attorney understood them. He met with CMBR's Bryan and Lindauer individually to review the drafts. After these meetings, the proposed draft by CMBR Bryan will be condensed to one ballot question and revised. The draft from CMBR Lindauer is now withdrawn as it was very similar to the Mayor's draft. These proposals will be revised and presented on the next agenda for consideration.

Attorney Groot had received an email from CMBR Bryan regarding the sunshine law and noticing public meetings. The attorney instructed the council that if an event has more than one member attend, it can be considered a meeting and would need to be noticed as such. He once again explained that he discourages members from attending these extra events. Both CMBR Lindauer and Bryan felt that attending a condominium meeting was a good to get citizens opinions. The attorney stressed the need for a proper notice and if the event could become a meeting he added that the law requires minutes be taken. Council inquired if the City Clerk could attend these after-hour events to take the minutes. The City Manager explained it had not been a practice as this had not been in issue in the past.

5. REPORTS OF THE CITY MANAGER: None.

OLD BUSINESS: None.

NEW BUSINESS:

6. CONSIDERATION TO SPEND BUDGETED FUNDS ON HOMELESS SHELTER(S)

Mayor Jennings stated that there was approximately \$35,000 left in the budget to allocate towards the shelters.

CMBR Geiger moved, seconded by CMBR Rice to allocate \$15,000 to Hope Place and \$20,000 to First Step.

The council discussed the merits of both shelters and concluded they were worthy causes and deserving of some funding. They were not in favor of allocating taxpayer money for charities. They felt that should be handled on an individual basis. It has not been the practice of the city to donate to charities. CMBR Lindauer was in favor of Hope Place but not in favor First Step. They also discussed allocating funds on a yearly basis so as not to commit future councils to any set funding.

CMBR Lindauer requested the motion be done separately. The motion was rescinded.

CMBR Bryan moved, seconded by CMBR Geiger to allocate \$15,000 for Hope Place from the budgeted funds.

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.

CMBR Geiger moved, seconded by CMBR Rice to allocate \$20,000 for First Step from the budgeted funds.

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

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

7. COUNCIL COMMENTS: CMBR Geiger stated she had recently attended the concert at Westminster Church on April 23rd. She announced the upcoming concert on May 21st with Baritone Don Kruger. The free concert in the pavilion on May 26th will be Debby and Tony. The city will be celebrating Armed Forces Day on May 20th with a guest speaker, music and food. CMBR Lindauer requested the construction fence near the new parking lot for golf be moved due to a blind spot. The City Manager advised that the fence could not be moved at this time but there was a mirror directly across from the parking lot entrance to view oncoming traffic. CMBR Bryan encouraged the council to look at the 22nd Amendment as guide for term limits. Mayor Jennings stated that he and the City Manager attended a pre-opening ceremony for the new assisted living facility. He felt it was going to be a great addition to the city.

8. AUDIENCE REMARKS/PUBLIC COMMENTS:

Ron Chiasson stated that he preferred that council not increase the building height limit.

John Ersland encouraged the council to do away with the building height limit. He felt it had been devastating to the city. He also was in favor of eliminating beach driving, as he believed the beach was a very large playground. Mr. Ersland believed that Waste Pro should utilize back end loaders to service the city for its sanitation needs. This helps especially during high winds. His final thought was on annexing the “pocket” areas of the county within the city limits. He encouraged the city to speak with the county on that issue.

Frank Dart questioned the Mayor's integrity and his ethics. He felt the perceived notion of a developer contributing to a campaign fund should excuse that member from voting on an issue that would benefit them. He felt an ethics commission should be formed and threatened to contact Tallahassee if the council didn't recuse themselves from voting on a height issue. He insinuated that the Mayor had a quid pro quo arrangement with the deceased developer Doug Cook.

Evender Spradlin stated he was very disappointed with the current council. He felt the mayor represented developers and not the citizens of Daytona Beach Shores.

Kathy Caballero asked the council to maintain the current height limit as she escaped the concrete canyon in south Florida.

Sean O'Brien once again requested the council maintain the current building height. He felt any increase in height would increase traffic and road capacity. He asked council to delay the vote until November 2018 where it could be put on a ballot.

City Attorney Groot commented on the recent audience comments explaining that in Florida, campaign contributions are not considered a gift. Florida law states that council members must vote on all issues that come before them unless it is a personal conflict of interest. He explained that quid pro quo was an allegation of a crime and in some jurisdictions, this was not allowed to be implied. The Sunshine Law discussion was due to another council member having questions, not the Mayor.

Rosana Scacia spoke on censorship of the minutes and why audience comments won't be added. She felt the People's Voice PAC had done a great job revising the section of the charter as it relates to term limits. They utilize the 22nd Amendment of the Constitution.

Tony Rembiszewski inquired about an update on the beach access ramp near Tuscan Shores. Director Fred Hiatt explained that a structural engineer had to be brought in due to FEMA's rigid requirements. Work is on-going but it will be a few more months.

City Attorney Groot informed the council that they can have a policy regarding what is appended to their minutes. Most jurisdictions do not allow others to request documents be included.

9. ITEMS RECOMMENDED FOR THE NEXT AGENDA: draft term limit ordinances, investment policy

10. ADJOURNMENT: The meeting ended at 8:36 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB