

**MINUTES**  
**CITY COUNCIL MEETING**  
**June 13, 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:** None.

**2. APPROVAL OF THE MINUTES:** May 23, 2017 City Council Meeting

**CMBR GEIGER moved, seconded by CMBR RICE to approve the minutes of May 23, 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:**

- Approval to accept CDBG for years 2018-2020 with County of Volusia

**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 will be providing the council facts on Senate Bill 8A regarding marijuana legislation.

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

**OLD BUSINESS:**

**6. Ordinance 2017-03 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO APPEALS AND SUBSTANTIALLY REVISING AND AMENDING SECTION 2-27 OF THE CODE OF ORDINANCES OF THE CITY;**

PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AN APPEAL PROCESS RELATIVE TO CITY ACTIONS AND ACTIVITIES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; 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.

County Attorney, Mike Rodriguez, requested that the pending appeal regarding the site plans for parking lots be done expeditiously. The meeting date of August 8<sup>th</sup> was chosen for council to hear the appeal.

**CMBR RICE moved, seconded by CMBR GEIGER to adopt Ordinance 2017-03 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.

**7. Ordinance 2017-04** AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO PARKING IN THE P-PUBLIC/QUASI PUBLIC ZONING DISTRICT AND PARKING AS A SPECIAL EXCEPTION USE; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 14 ENTITLED “ZONING REGULATIONS,” BY AMENDING SECTION 14-26 ENTITLED “P-PUBLIC/QUASI PUBLIC” TO PROVIDE FOR PROHIBITIONS AND SPECIAL DEVELOPMENT CONDITIONS; AND AMENDING SECTION 14-58 ENTITLED “SPECIAL EXCEPTIONS AND CONDITIONAL USES” TO AMEND SPECIAL EXCEPTION PARKING REGULATIONS AND LOCATIONS PERMITTED IN THE CITY”; PROVIDING FOR ENFORCEMENT AND PENALTIES; 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.

The City requested that this item be continued until August 22<sup>nd</sup>.

**CMBR BRYAN moved, seconded by CMBR LINDAUER to continue the agenda item until August 22<sup>nd</sup>.**

**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. Ordinance 2017-05** AN ORDINANCE OF THE CITY OF DAYTONA BEACH

SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY AMENDING POLICY 1-1.1.2(6) TO ELIMINATE BUILDING HEIGHT IN CERTAIN ZONING DISTRICTS; PROVIDING FOR A SAVINGS AND RATIFICATION PROVISION; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE. First Reading.

Attorney Groot explained the process the proposed ordinance would go through if approved. It is considered a transmittal ordinance to amend the city’s Comprehensive Plan. If approved tonight, it would be forwarded to the VGMC for review in accordance with the county charter. It is also sent to the state for review and comments. The second meeting will be the adoption hearing. If the ordinance is adopted, it will go back to the state for 30 days to challenge. Director Hiatt explained that once this is adopted, it doesn’t change the building height itself, it removes the restriction and gives the council the flexibility to make a change. A second Ordinance would go to the Planning & Zoning Board with a proposal. CMBR Bryan inquired about a timeframe and the estimation was the adoption hearing could be in September with another 45 to 60 days for the second ordinance.

CMBR Lindauer read from a prepared statement. In summary, he felt the council should listen to the residents who have attended the recent meetings. Several do not want the height limit changed. After much deliberation, if the council removed the height restriction, he felt it would cause irreparable damage with the trust of our residents. Additional revenue is not what best, happy citizens are what is best. CMBR Lindauer asked to amend the motion to include “voting on this ordinance would be postponed until after the 2018 November election”.

Neither CMBR Rice or Geiger wished to amend the motion on the floor.

CMBR Bryan also read from a prepared statement that he asked to be included in the minutes. The statement will be appended.

The following residents spoke in opposition of Ordinance 2017-05: Brian Schlaupitz, Sandy Mathis, Jack Heeney, Carol Beaver, Fred Chalmers, Mike Garvey, Deborah Searcy, Madeline Santoro, Paul Tiramani, David Robbins, John Meirose, Sean O’Brien and Frank Dart.

Resident Chuck Pula spoke in favor stating it had been 20 years and the city leaders felt it was in the best interest to grow the city by going up.

**CMBR RICE moved, seconded by CMBR GEIGER to approve Ordinance 2017-05 on first reading.**

**Vote:** Motion passed (summary: Yes = 3, No = 2).

**Yes:** Council Member Lorraine Geiger, Mayor Harry Jennings, Vice Mayor Peggy Rice.

**No:** CouncilMember Mel Lindauer, CouncilMember Richard Bryan.

**9. Appoint Voting Delegate for 91<sup>st</sup> Annual Florida League of Cities Conference**

It was decided that Vice Mayor Peggy Rice would be the voting delegate as in past years.

**10. COUNCIL COMMENTS:** CMBR Rice stated that she appreciated everyone who came to the meeting as it was not an easy decision to make. The city began with tall buildings and they will most always exist. She referenced the News Journal online height poll explaining that one person could vote many times so it was not a clear indicator. She concluded by stating she felt there was a problem with short term rentals in the existing condominiums and wished that could be addressed. CMBR Geiger thanked everyone who took the time to email her and suggested maybe a compromise could be made on the height limit. She announced the upcoming concerts on June 16<sup>th</sup> Vintage Now, June 30<sup>th</sup> HiWay 40, and July 28<sup>th</sup> Endless Summer. CMBR Lindauer thanked the City Attorney for providing an executive summary on agenda item six. He agreed with the Vice Mayor regarding short term rentals. City Attorney Groot explained that it is not something the city can regulate. Local government can't mandate what is included in condominium documents. CMBR Bryan would like to approach the county council regarding the parking lot issue. City Manager Booker explained that he and the city attorney recently met with the County Manager and county attorney. The County Manager will consider air rights for possibly building a restaurant over the proposed parking lot in the future. A joint meeting will occur between the city and county council as the county desired to go through the appeal process.

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

Carole Christopher spoke on the flashing lights in the pedestrian crosswalk. She felt no one is noticing the yellow color and inquired if they could be changed to red lights. She felt cars would be more inclined to stop. She has also observed many cars rolling through the 3-way stop signs on Oceans West Boulevard. She felt the city could increase their revenue stream if they wrote more tickets for this. Director Dembinsky explained that the crosswalk was regulated by FDOT but he didn't think they would change to red lights. As to the stop signs, the officers are aware of the problem and most of the people who run them, live here in the condominiums. He will have officers make a presence in the area.

Sandy Mathis stated she was extremely disappointed with the council and their vote tonight on Ordinance 2017-05.

John Zolsky thanked the council for their honesty and for voting with your convictions. He felt the residents who spoke earlier didn't truly represent all the citizens. He stated they were more concerned for their personal view then the city as a whole.

**12. ITEMS RECOMMENDED FOR THE NEXT AGENDA:** July 3<sup>rd</sup> as additional holiday for city employees

**13. ADJOURNMENT:** The meeting ended at 8:42 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**