

MINUTES
CITY COUNCIL MEETING
June 27, 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, and Public Safety Director Stephan Dembinsky.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

Advanced IEMO certificates for CMBRS Bryan and Lindauer

The City Manager presented the certificates to the councilmembers.

2. APPROVAL OF THE MINUTES: June 13, 2017 City Council Meeting

CMBR GEIGER moved, seconded by CMBR LINDAUER to approve the minutes of June 13, 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
- Approval to authorize Monday, July 3rd as a holiday
- Board Appointments – Planning & Zoning: John Schmitz from alternate to regular member, Code Enforcement: reappoint Ike Ofer

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:

The City Attorney explained that the special legislative session had ended. Some of the issues addressed were marijuana and wireless communications. A 90-day moratorium for marijuana dispensaries will be ready for the next agenda. Attorney Groot purchased two plaques that state the pledge of civility on them. He presented them to the council for their use.

5. REPORTS OF THE CITY MANAGER:

The County of Volusia is creating a beachside redevelopment committee and would like a representative from the city. The logical choice is to appoint the Mayor as he currently sits on the beach driving committee for the Mayor's Roundtable group.

CMBR RICE moved, seconded by CMBR GEIGER to appoint the Mayor to the beachside redevelopment committee.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

Yes: Council Member Lorraine Geiger, CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Vice Mayor Peggy Rice. Mayor Jennings abstained from the vote.

OLD BUSINESS: None.

NEW BUSINESS:

6. Ordinance 2017-06 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO SEWER DEPOSITS AND AMENDING SECTION 12-4.34, APPENDIX "G" (LAND DEVELOPMENT CODE) OF *THE CODE OF ORDINANCES OF THE City* AS WELL AS ALL OTHER PROVISIONS REQUIRING THE ENACTMENT OF AN ORDINANCE TO CHANGE there is more here ; 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 AND INSTRUCTIONS TO THE CODE CODIFIER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading.

The City Manager explained this would only impact new businesses or when a business changed to new ownership.

CMBR LINDAUER moved, seconded by CMBR GEIGER to approve Ordinance 2017-06 on first 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 2017-07 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA CALLING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 6, 2018 FOR THE PURPOSE OF PROPOSING TO THE ELECTORATE OF THE CITY OF DAYTONA BEACH SHORES A REVISION TO THE *CHARTER OF THE CITY OF DAYTONA BEACH SHORES* RELATING TO TERM LIMITS AND AN AMENDMENT TO SECTION 2.01; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR THE DUTIES OF THE CITY CLERK; PROVIDING FOR INCLUSION IN THE *CHARTER OF THE CITY OF DAYTONA BEACH SHORES* AND POWERS AND AUTHORITY FOR THE CODE CODIFIER; PROVIDING FOR SEVERABILITY AND PROVIDING FOR EFFECTIVE DATE OF ORDINANCE AND EFFECTIVE DATE OF PROPOSED *CHARTER* AMENDMENT. First Reading.

CMBR RICE moved, seconded by CMBR LINDAUER to approve Ordinance 2017-07 on first reading.

CMBR Rice inquired about the November 2018 date and should that be changed to 2017. She felt the purpose of the charter amendment was to prohibit any current councilmember who had served two terms, from running for re-election. It was explained that if a petition with the correct number of valid signatures was submitted, a special election may also be required. After a brief discussion on 2017 election dates, it was determined that a primary election is scheduled for August 29, 2017.

Audience member Rosana Scaccia confirmed the dates of the elections that council were considering for the charter amendment.

CMBR RICE withdrew her motion and CMBR LINDAUER withdrew his second.

The City Attorney read the Ordinance by title with the new date of August 29, 2017.

CMBR LINDAUER moved, seconded by CMBR RICE to approve Ordinance 2017-07 on first reading with the date of election as August 29, 2017.

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

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Vice Mayor Peggy Rice.

No: Council Member Lorraine Geiger, Mayor Harry Jennings.

The following occurred after Council Comments.

City Attorney Groot informed the council that using the August 29, 2017, primary election date would not allow the Supervisor of Elections time to mail absentee ballots. The date would need to be changed to November 7, 2017.

CMBR RICE moved, seconded by CMBR LINDAUER to reconsider their previous motion.

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 withdrew his motion and CMBR RICE withdrew her second.

The City Attorney read the Ordinance by title for the third time with the election date of November 7, 2017.

CMBR LINDAUER moved, seconded by CMBR RICE to approve Ordinance 2017-07 on first reading with the date of election November 7, 2017.

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

Yes: CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Vice Mayor Peggy Rice.

No: Council Member Lorraine Geiger, Mayor Harry Jennings.

8. Resolution 2017-01 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA URGING MEMBERS OF THE STATE LEGISLATURE TO ADOPT LEGISLATION AMENDING CURRENT ANIMAL CRUELTY LAWS TO IMPOSE STRICTER, HARSHER PUNISHMENT AND PENALTIES FOR ACTS OF ANIMAL CRUELTY. First Reading and Public Hearing.

CMBR GEIGER moved, seconded by CMBR LINDAUER to adopt Resolution 2017-01 on first 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.

9. COUNCIL COMMENTS: CMBR Geiger passed out brochures on the proposed Veteran’s Memorial Plaza that will be on the Northwest corner of the former Silver Beach bridge once it reopens. She felt it was a worthwhile cause and encouraged the residents to look into donations. She announced the next concert on Friday, June 30th, HiWay 40. CMBR Lindauer spoke on the pedestrian crosswalk in front of City Hall. He felt it was not very safe for residents. Director Dembinsky explained that there is not much the city can do. Flashing lights like the crosswalk at Publix do not always save lives. Officers keep trying to enforce and educate motorists. CMBR Bryan asked for a discussion on Treasure Island at the next meeting. He wanted to learn more regarding the history of the property. Attorney Groot felt he should meet with himself and the City Manager to learn the background. Mayor Jennings attended a recent meeting on the Finance & Taxation Committee for the Florida League of Cities. He felt the state legislature is starting to encroach on cities. Examples are: the proposed additional homestead exemption, reduction of the business tax, reduction on communication service tax, limit the city’s bonding capacity, and limiting the amount of reserves a city may have. He plans to meet with State Representatives to address these issues.

10. AUDIENCE REMARKS/PUBLIC COMMENTS: Kim Hovanecz requested a few more shade trees and/or benches in and around McElroy Park. Sean O’Brien inquired on the process for the comprehensive plan amendment and its timeline. The City Manager informed him that a packet was sent to both the VGMC and the Dept. of Economic Opportunity for their review. They both have a 30-day review period.

11. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

12. ADJOURNMENT: The meeting ended at 8:02 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB