

**MINUTES**  
**CITY COUNCIL MEETING**  
**July 11, 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 Lieutenant Michael Fowler.*

**1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:** None.

**2. APPROVAL OF THE MINUTES:** June 27, 2017 City Council Meeting

**CMBR LINDAUER moved, seconded by CMBR RICE to approve the minutes of June 27, 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:**

- Board Appointments – Culture & Entertainment Board: reappoint Mona Goodman

**CMBR GEIGER moved, seconded by CMBR LINDAUER 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:**

City Attorney Groot gave the council an update on the RAIT property (Treasure Island). He had spoken with Attorney Mark Watts who stated there was one more inspection to be completed before closing. The City Attorney took a few minutes to speak to the council. He explained that when he answered a question, it must be answered thoroughly, not with just a simple yes or no. Council should not find this controversial. His role is to fulfill the will of the council. He further explained that he does not slip things into documents because he does not have a hidden agenda. He stated that when council requests records, they do not have to phrase it as a public records request. They are entitled to the information and it will be provided to them in a timely manner. All true public records request should go to the City Clerk. A work session will be scheduled for the entire council to discuss the RAIT property. He added that when council has made a decision as a body, no councilmember should undermine that decision and go against the vote of the council, even if they disagree. Finally, he shared a letter

addressed to Sean O'Brien who is the President of the People's Voice PAC. They have a website and information on it alleges him to have committed a crime. The letter declares libel and slander and requests the information be removed immediately.

**5. REPORTS OF THE CITY MANAGER:** The City Manager stated his support for the City Attorney. He remarked that he is very tired of people with no integrity stomping on those with integrity.

**OLD 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 FEES, CHARGES, RATES OR OTHER SIMILAR MATTERS; 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. Second Reading & Public Hearing.

**CMBR LINDAUER moved, seconded by CMBR GEIGER to adopt Ordinance 2017-06 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 2017-07** AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA CALLING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 7, 2017 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. Second Reading & Public Hearing.

**CMBR LINDAUER moved, to adopt Ordinance 2017-07 on second reading.**

The motion died for lack of a second.

**CMBR BRYAN moved, seconded by CMBR LINDAUER to use the same Ordinance 2017-07 as first reading, holding a regular election with a further stipulation to save money with no early voting and a minor change to the wording - strike the phrase “by virtue of being elected” on page 3.**

There was a brief discussion regarding the total number of years a member could serve. The maximum would be ten years with a minimum of six.

Audience member Frank Dart remarked that he didn't see the need for terms limits, it is handled with the election itself. The people voting determine how long you are in office.

CMBR BRYAN explained his reason for term limits was that he felt incumbents had an advantage.

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

**Yes: Council Member Mel Lindauer, CouncilMember Richard Bryan.**

**No: CouncilMember Lorraine Geiger, Mayor Harry Jennings, Vice Mayor Peggy Rice.**

#### **NEW BUSINESS:**

**8. Resolution 2017-02** A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA EXTENDING THE TEMPORARY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS ENACTED BY ORDINANCE NUMBER 2017-02; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. First Reading & Public Hearing.

**CMBR GEIGER moved, seconded by CMBR LINDAUER to adopt Resolution 2017-02 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 thanked the Mayor and his wife for all their hard work with the Shriners Intl. convention this week. The other council joined in with their thanks. CMBR LINDAUER felt the article in the Pelican newsletter on crosswalks was very timely. CMBR BRYAN requested two alternatives for increasing ROI before the budget hearing on July 19<sup>th</sup>. He also requested one alternative to pay off some of the city's significant debt. MAYOR JENNINGS reminded the audience of the upcoming Movie Mania on July 23<sup>rd</sup>, 25<sup>th</sup>, and 27<sup>th</sup> at the Drive-In Christian Church.

**10. AUDIENCE REMARKS/PUBLIC COMMENTS:** Frank Dart thanked the council for serving. He explained that he was not very fond of the City Manager early on, but now understands that he is paid to look at the City's best interest.

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

12. **ADJOURNMENT:** The meeting ended at 7:40 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**