

MINUTES
CITY COUNCIL MEETING
August 22, 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, City Planner Stewart Cruz, Finance Director Steve Whitmer and Public Safety Director Stephan Dembinsky.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

Abby Johnson from St. John's River Water Management

Ms. Johnson introduced herself as the coordinator between cities and the district.

2. APPROVAL OF THE MINUTES: August 8, 2017 City Council Meeting

CMBR GEIGER moved, seconded by CMBR RICE to approve the minutes of August 8, 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

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: None.

5. REPORTS OF THE CITY MANAGER: None.

OLD BUSINESS:

6. Ordinance 2017-08 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO BOAT HOUSES; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 14 ENTITLED “ZONING REGULATIONS,” BY AMENDING SECTION 14-37 ENTITLED “BOAT DOCKS AND BOAT HOUSES” TO INCREASE THE MAXIMUM PERMITTED HEIGHT OF BOAT HOUSES; 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 & Public Hearing.**

CMBR LINDAUER moved, seconded by CMBR BRYAN to adopt Ordinance 2017-08 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.**

Clay Ervin Director of Growth and Resource Mgt. with Volusia County spoke. He was directed by Volusia County staff to raise concerns on this issue. The primary issue being that they own property that will be impacted by this. He also referred to the county charter, beach management plan, habitat plan, and intentional take. The county needs to provide adequate access to the beach. He raised the issue of the disbanded CRA provision that would provide 500 off-beach parking spaces.

Michael Disher, Senior Planner with Volusia County, spoke regarding the County’s data and analysis regarding the parking spaces. He referred to the county flyover on Memorial Day that showed 1900 cars on the beach.

Jim Sellon, planner with VBH in Orlando, spoke on behalf of Volusia County. He was contracted to provide an expert opinion for the county. He looked at the city’s comp plan and

the ordinance, and it is his opinion there is no documentation that requires parking lots only on the west side. He felt the proposed ordinance would conflict with the city's existing policies. CMBR Rice stated that she is not opposed to parks, just parking lots on valuable land on the east side of S. Atlantic Avenue. CMBR Bryan inquired if the proposed ordinance would prohibit a parking lot underneath a building. The City Attorney explained that a development agreement may take care of that issue. Director Hiatt explained the reason for the proposed ordinance notwithstanding the two lots in the appeal process, is to definitively state that parking is only allowed on the west side. City Manager Booker explained that the CRA was disbanded and was agreed to by the county. All the parking that the city created within the CRA was on the west side of the road. He also pointed out that the two proposed parking lots were one to one and a half miles outside the designated CRA area.

CMBR RICE moved, seconded by CMBR GEIGER to adopt Ordinance 2017-04 on second reading.

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.

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. **Second Reading & Public Hearing.**

Audience members John Ersland and Jon Zolsky thanked the staff for the building height literature. It contained unbiased information for all to have. They were in favor of eliminating the building height restriction.

CMBRS Lindauer and Bryan felt the council was making a mistake and it was against the will of the people.

CMBR GEIGER moved, seconded by CMBR RICE to adopt Ordinance 2017-05 on second 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.

NEW BUSINESS:

9. CONSIDERATION OF TENNIS PROPOSAL FROM WEIGEL CONSTRUCTION

It was explained that the Recreation Board recommended the proposal with no deviations. Mayor Jennings inquired if there were any voluntary donations from the tennis community towards the courts as the pickleball players did for their courts. The response was negative for donations.

CMBR GEIGER moved, seconded by CMBR RICE to amend the construction manager contract with A.M. Weigel to add GMP #4 not to exceed \$878,579.

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.

10. COUNCIL COMMENTS: All the councilmembers stated they enjoyed attending the recent FLC Annual Conference in Orlando. It was very educational and they made contacts with other city leaders. CMBR Rice explained that she was delivering more donations to Longstreet Elementary. CMBR Geiger reminded the audience of the concert Friday night with the band Up To It. Tickets are available for the End of Summer Bash on September 9th. CMBR Bryan read from a prepared statement that is attached to the minutes.

11. AUDIENCE REMARKS/PUBLIC COMMENTS: Frank Dart exclaimed that our Public Safety Department was doing a great job. With the recent news events, he would like to see society come together. He proposed the Mayor initiate a Hands Across the Halifax event with neighboring cities.

Sean O'Brien spoke on building height limits. He recommended to attempt to fix the blight on the north end of town, by allowing the Treasure Island property to be redeveloped at a taller height.

John Nissenzone felt he lived in the best city. He enjoyed receiving the newsletter and was especially proud of both the Mayor and the Vice Mayor.

Rosana Scaccia felt the tennis players would offer to pay to play. She asked why the tennis community was being challenged.

12. ITEMS RECOMMENDED FOR THE NEXT AGENDA: None.

13. ADJOURNMENT: The meeting ended at 8:03 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB