

**MINUTES**  
**CITY COUNCIL MEETING**  
**September 26, 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, City Planner Stewart Cruz, and Public Safety Director Stephan Dembinsky.*

**1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**  
**Employee Service Award**

Director Dembinsky presented Officer Jacob Smith with his 5-year service award.

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

**CMBR LINDAUER moved, seconded by CMBR RICE to approve the minutes of September 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.**

CMBR Lindauer noted the increase in parking lot accidents and encouraged citizens to pay better attention.

**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 related the events from the hearing earlier in the day in front of Judge Orfinger. The Judge will be issuing an order for the Conflict Resolution process in *Florida Statutes* Chapter 164 to commence between the City and the County of Volusia. There are currently three suits, but the County has yet to serve the third one and can wait up to 120 days to do so. While in the Conflict Resolution process, the suits won't move forward. He will draft a letter from the City Manager to the County Manager to initiate the process. Attorney Groot also mentioned that he had spoken with Attorney Mark

Watts in regards to the RAIT property. They are still moving towards closing on the property in the future.

**5. REPORTS OF THE CITY MANAGER:** City Manager Booker thanked all the staff who worked during Hurricane Irma. Luckily, there was very little debris from this storm as compared to Hurricane Matthew last October. The City will not be seeking FEMA reimbursement for debris removal. The City's private hauler, Waste Pro picked up all the debris in the city over the weekend. He noted that FP&L worked quickly to restore the few areas that lost power. CMBR Lindauer also commended the City Manager and staff on both their preparation before the storm and the cleanup afterwards.

#### **OLD BUSINESS:**

**6. Resolution 2017-03** A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SETTING THE FINAL MILLAGE RATES FOR THE CITY FOR FISCAL YEAR 2017-2018; PROVIDING AN EFFECTIVE DATE. Public Hearing.

Mayor Jennings announced the millage rate would be \$5.23 per \$1000 of taxable value for the general fund budget. That amount is 5.56% above the rolled back rate. When the general obligation debt service is included, the final millage rate is 7.17 mills.

**CMBR RICE moved, seconded by CMBR GEIGER to adopt Resolution 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. Resolution 2017-04** A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ADOPTING THE GENERAL FUND, AND THE SEWER FUND BUDGETS FOR THE FISCAL YEAR 2017-2018; PROVIDING FOR APPROPRIATIONS; PROVIDING AN EFFECTIVE DATE. Public Hearing.

Mayor Jennings announced the general fund budget of \$21,245,900 and a sewer budget of \$3,394,100 for fiscal year 2017/2018.

**CMBR GEIGER moved, seconded by CMBR LINDAUER to adopt Resolution 2017-04 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.

**8. Ordinance 2017-11** AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA REPEALING ARTICLE II, CHAPTER 8 OF APPENDIX "G" (*LAND DEVELOPMENT CODE*) OF THE *MUNICIPAL CODE OF ORDINANCES* ENTITLED "MANDATORY EXTERIOR COLOR STANDARDS"; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION ACTIONS; PROVIDING FOR CONFLICTING ORDINANCES;

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.  
Second Reading and Public Hearing.

**CMBR LINDAUER moved, seconded by CMBR RICE to adopt Ordinance 2017-11 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.

## **NEW BUSINESS:**

### **9. APPROVAL FOR MEETING DATES IN NOVEMBER AND DECEMBER**

The City Manager noted that the second meetings for both months are normally cancelled due to the holidays. CMBR Rice advised she may not be able to attend the meeting on November 7<sup>th</sup>.

**CMBR LINDAUER moved, seconded by CMBR RICE to approve the meeting dates of November 7<sup>th</sup> and December 12<sup>th</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.

**10. COUNCIL COMMENTS:** The entire council expressed their gratitude towards the city staff and the residents for their work after Hurricane Irma. There is a collection drive for items to be brought to Puerto Rico to assist them. CMBR Geiger reminded the audience of the concert on Friday night with Mark Monteson. The End of Summer Bash has been rescheduled to September 30<sup>th</sup>, and finally, Octoberfest tickets are now. CMBR Bryan thanked the City Attorney for his work on the lawsuits with the County.

**11. AUDIENCE REMARKS/PUBLIC COMMENTS:** John Ersland thanked former Mayor Northrup and the City Council at the time for their foresight in burying the power lines. He also thanked the Public Safety Department for keeping the residents safe during and after the storm.

Marilyn wheeler inquired if the city could fine residents who don't remove their furniture off their balconies before a storm. It is a potential hazard. There was a brief discussion on whether the city could enforce this issue. It appears it is up to the individual condo association to have it in their rules.

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

13. **ADJOURNMENT:** The meeting ended at 7:32pm.

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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**