

MINUTES
CITY COUNCIL MEETING
December 12, 2017
3048 S. Atlantic Ave. Daytona Beach Shores, FL 32118

Present: CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice. **Excused:** Council Member Lorraine Geiger. **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 Tom Moore with his 15-year service award.

2. APPROVAL OF THE MINUTES: November 7, 2017 City Council Meeting,

CMBR LINDAUER moved, seconded by CMBR RICE to approve the minutes of November 7, 2017.

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

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

3. CONSENT AGENDA:

- Monthly Departmental Reports
- Approval of Board Re-Appointments- Civil Service: Michael Politis, Code Enforcement: Donald Bauknecht, Culture & Entertainment: Gloria Groot
- Approval for contraband expenditure: \$7,723 drone equipment
- Approval for contraband expenditure: \$8,700 crime prevention materials
- Approval for contraband expenditure: \$30,000 building updates
- Approval for Non-Exclusive Franchise to Samsula Waste Inc.
- Approval for Non-Exclusive Franchise to Sunshine Recycling
- Approval for Non-Exclusive Franchise to Creech Enterprises Inc.
- Approval for contract with Ajanta, LLC for dry cleaning services

CMBR RICE moved, seconded by CMBR LINDAUER to approve the consent agenda.

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

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

4. REPORTS OF THE CITY ATTORNEY:

The City Attorney advised the councilmembers on a recent change by the County Supervisor of Elections that dealt with campaign reports. Beginning January 1, all reports must be filed electronically on the County's website.

CMBR RICE moved, seconded by CMBR BRYAN to approve the proposed Administrative Rule.

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

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

Attorney Groot was questioned by a citizen regarding the recent ordinance on building height. They felt it included a potential "bomb" in that the city could have to pay a settlement in the future to developers. He explained that if a future council were to take action that would take away building rights, that would be their responsibility due to prevailing state law.

The City Attorney stated that he had been in communication with the County Attorney regarding the four lawsuits and their resolution. The County provided a draft development agreement with which he is discordant. Together, he and the City Manager will draft a response. They will meet with the county staff to attempt to come to a resolution on January 3rd. This would push back the joint meeting of the two councils to a later date.

5. REPORTS OF THE CITY MANAGER: None.

OLD BUSINESS: None.

NEW BUSINESS:

6. Ordinance 2017-14 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA RELATING TO COMPREHENSIVE PLANNING; ENACTING AMENDMENTS TO THE CITY'S *COMPREHENSIVE PLAN UPDATE 2020* TO, AMONG OTHER THINGS, ENSURE CONSISTENCY WITH THE COMMUNITY PLANNING ACT AS SET FORTH IN THE FLORIDA STATUTES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS SUCH AS TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER AGENCIES OF GOVERNMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS/RATIFICATION OF PRIOR ACTIONS; PROVIDING FOR INSTRUCTIONS RELATIVE TO CODIFICATION AND PROVIDING AN EFFECTIVE DATE. First Reading.

City Planner Stewart Cruz explained that this is required every seven years by state statute. It is strictly housekeeping issues that update the City's Comprehensive Plan. It will update the capital improvement element and the school district plan. The City Attorney explained that this update had no land use elements included.

CMBR RICE moved, seconded by CMBR LINDAUER to approve Ordinance 2017-14 on first reading.

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

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

7. Approval of non-conforming sign grant program

CMBR RICE moved, seconded by CMBR LINDAUER to approve the revised non-conforming sign grant program as presented.

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

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

8. Consideration on date change for first meeting in January

Due to a scheduling conflict, it was decided to move the meeting to Wednesday, January 10, 2018.

9. COUNCIL COMMENTS:

The entire council felt the Christmas parade was a great success. CMBR Bryan inquired about the charitable donation associated with the parade. It was explained that the \$100 entry fee went to Operation Changing Lives. CMBR Rice commented on the support fellow employees give each other for service awards.

10. AUDIENCE REMARKS/PUBLIC COMMENTS:

John Ersland gave the council two New Year's resolutions. The first is to implement more recommendations by the Pedestrian Safety Committee. The second is to work with the County to annex pocket homes.

Henry Getz inquired about a memorial on S. Atlantic Avenue that included bottles of beer and alcohol. City staff will look into this matter.

Jim Cameron from the Daytona Beach Chamber informed the council on the upcoming Volusia Days in January. He invited them to participate.

11. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

12. ADJOURNMENT: The meeting ended at 7:37 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB