

MINUTES
CITY COUNCIL MEETING
March 27, 2018
3048 S. Atlantic Ave. Daytona Beach Shores, FL 32118

Present: CouncilMember Mel Lindauer, CouncilMember Richard Bryan, Mayor Harry Jennings, Vice Mayor Peggy Rice, and Council Member Lorraine Geiger. *Staff: City Manager Michael Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander and Public Safety Director Stephan Dembinsky.*

- 1. ORDINANCE 2018-03** AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO THE SALE OF CITY REAL ESTATE LOCATED AT 1906 South ATLANTIC AVENUE; ADOPTING EXHIBITS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS AND PROVIDING FOR AN EFFECTIVE DATE. **First Reading.**

The City Attorney explained that the buyers would like to close by June 1st. The price is the agreed upon \$300,000. CMBR Lindauer referred to an email from citizen John Schmitz, who inquired if the contract could be tied to the beginning of construction so the land would not remain vacant so long. The other councilmembers were not overly concerned. CMBR Bryan requested his comments be attached verbatim to the minutes. He felt that Section Three should be deleted from the ordinance. Attorney Groot explained that the section ratifies the actions taken by the city. He gave examples as to when the provision is helpful such as a number transposition. The remaining councilmembers did not wish to remove the section from the ordinance.

CMBR GEIGER moved, seconded by CMBR RICE to approve Ordinance 2018-03 on first 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.

- 2. Approval of Board Appointment – Civil Service Board: Regular member Jennie Celona**

CMBR GEIGER moved, seconded by CMBR RICE to approve the board appointment to the Civil Service Board

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. Discussion of City Manager Policies for Senior Center, Parks, Recreation and Shores Community Center

The Councilmembers reviewed the policies presented by the City Attorney. A few terms were added, deleted and changed. It was discussed that the city is attempting to acquire an insurance policy for alcoholic beverages that would be purchased for a nominal fee by the renter. It was determined that the entire facility would be considered non-smoking. The City Manager announced that the fee structure was still being worked on and will be brought forward at a later date

Audience member Tony Rembiszewski inquired why the community center was going to be rented out when it is in a residential neighborhood. He feared hearing loud music late at night.

4. Discussion of interior decorating options for Shores Community Center

The council discussed appointing a committee to assist in decorating the interior of the new community center. Ideas would be brought back to the council for approval.

5. AUDIENCE REMARKS/PUBLIC COMMENTS:

Marilyn Wheeler was pleased that the council will allow 90 minutes for a tennis match instead of 60. She also felt with the courts being free, that a sign be posted requiring proper attire and shoes for the clay courts.

Council Comments - The council commended Roni Jackson for the recent pickleball tournament. CMBR Geiger reminded the audience of the upcoming free concert with 5 O'clock Charley. CMBR Bryan commended the new Finance Director on getting more "Return On Investment" for the city's funds. He asked if a report could be presented at an upcoming meeting. MAYOR Jennings congratulated Director Hiatt and his staff for their work on the recent sewer issue with Port Orange. He also announced that the property next to Towers Ten had been sold. It is a time share business but there are no plans submitted yet.

6. **ADJOURNMENT:** The meeting ended at 3:27 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB

Statement by Richard Bryan to be incorporated verbatim into the minutes – 27 March 2018

The following clause appears in the proposed ordinance 2018-03:

SECTION THREE: SAVINGS; EFFECT OF ORDINANCE.

The prior actions of the City of Daytona Beach Shores in terms of the matters relating to the management and disposition of City real property are hereby ratified and affirmed.

My position is that the clause should be deleted. If the clause provides legal protection for a person or persons who may have acted inappropriately in the management and/or disposition of DBS real property, I could not in good conscience vote for it. Even if it does not provide legal protection, I cannot ratify or affirm any such actions if such actions exist.

If the majority of council members wish to leave it in, although against my preference, I can express my unwillingness to ratify or affirm such actions by voting “no” on the ordinance.