

MINUTES
CITY COUNCIL MEETING
July 27, 2018
3000 Bellemead Drive 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, and Public Safety Captain Michael Fowler.*

CALL TO ORDER BY MAYOR: The Mayor called the meeting to order at 2:00 pm.

1. Potential Resolution of Investigation

The City Attorney explained that at the June 26th council meeting, the council initiated the process relative to Section 2.04 of the City Charter regarding CMBR Bryan. On July 10th, the Council adopted Res. 2018-07 to appoint Attorney Clay Simmons to start the investigation. After the initial interviews were done, he met with Attorney Doug Daniels. He stated that CMBR Bryan would accept censure on the four allegations. Attorney Groot read Resolution 2018-09 by title only.

RESOLUTION 2018-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA PROVIDING FOR THE CENSURE OF COUNCIL MEMBER RICHARD BRYAN AND CONCLUDING THE PROCESS INITIATED UNDER THE PROVISIONS OF SECTION 2.04 OF THE CITY CHARTER; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Jennings inquired why CMBR Bryan had a change of heart. Attorney Groot asked Attorney Daniels if he had characterized their conversation correctly. Attorney Daniels replied yes but that CMBR Bryan still didn't believe that he had done anything wrong. He would like the city to move forward and end the investigation. CMBR Lindauer was not pleased to hear this. He felt CMBR Bryan would continue with these types of actions. CMBR Geiger inquired if this was passed, would it deal with any future actions and the City Attorney responded that they would stand on their own. Attorney Groot addressed Attorney Daniels saying that he thought CMBR Bryan would accept censure. Attorney Daniels apologized for the misunderstanding, adding that it would put him on notice. Once you are censured, it works against you in the future. CMBR Rice felt CMBR Bryan overstepped his bounds and put council in a peculiar situation to proceed.

Mayor Jennings asked CMBR Bryan to speak on his own behalf. CMBR Bryan responded that he still believed that he had the right to attend a county council meeting. Mayor Jennings questioned him on reaching out to Attorney Glenn Storch. CMBR Bryan responded that he wanted to explore options. Mayor Jennings explained that he doesn't think CMBR Bryan understands the reasons of a shade meeting and that his actions eroded any trust. He referenced past behavior by him as a candidate that showed a pattern of misconduct and not following the rules. CMBR Bryan agreed to not speak at future county council meetings. He also agreed to refrain from writing falsehood with emails. He said he made a mistake. It was wrong for him to state he was a council member. Mayor Jennings asked the City Attorney what would happen if the council didn't approve the resolution. Attorney Groot explained that Judge Simmons would issue his report and the process would continue.

CMBR LINDAUER moved, seconded by CMBR RICE to approve Resolution 2018-09 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.

Attorney Groot handed out a Resolution from the City of Sanford that related to decorum during public meetings. He reminded the council that at the last meeting, he reluctantly had to stop two public speakers using political speech. The current code implies what can be said at a public meeting, but it is not specific. He would like council to have more precise rules. After a brief discussion, the consensus was to have a similar resolution brought to the next meeting for adoption.

ADJOURNMENT: The meeting ended at 2:42 pm.

**MAYOR
HARRY H. JENNINGS**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB