

MINUTES
CITY COUNCIL MEETING
October 23, 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 T. Booker, City Clerk Cheri Schwab, City Attorney Lonnie Groot, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, and Public Safety Captain Michael Fowler.*

1. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES: None.

2. APPROVAL OF THE MINUTES:

City Council Meeting September 25, 2018

CMBR RICE moved, seconded by CMBR GEIGER to approve the minutes of September 25, 2018.

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
- Board Re-Appointment – Code Enforcement: Larry Saffer

CMBR GEIGER moved, seconded by CMBR LINDAUER 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: The City Attorney explained that the item with the amended agenda has now been taken off. The pending application is located on a county right of way.

5. REPORTS OF THE CITY MANAGER: City Manager Booker stated that he had recently met with the owner of Treasure Island. They hope to break ground in the spring. The proposed plans include a rooftop swimming pool and bar with ample convention facilities. Mr. Booker explained that the outside bathroom facilities by the tennis courts were closed temporarily. A subcontractor had cut through the main sewer line. He congratulated both Mayor Jennings and Vice Mayor Rice for their eight years of service on the city council.

OLD BUSINESS: None.

NEW BUSINESS:

6. Ordinance 2018-06 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, RELATING TO VOLUNTARY ANNEXATION OF REAL PROPERTY LOCATED AT 3036 S. PENINSULA DRIVE (TAX PARCEL IDENTIFICATION NUMBER 5334-02-02-0161) TOGETHER WITH ASSOCIATED RIGHT-OF-WAYS IN ACCORDANCE WITH SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; REDEFINING THE BOUNDARIES OF THE CITY; PROVIDING FOR LEGAL EFFECT AND IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY, PROVIDING FOR NON-CODIFICATION AND SETTING AN EFFECTIVE DATE. **First Reading.**

CMBR Bryan inquired which neighbor was contiguous to allow the annexation. City Planner Stewart Cruz explained it was the one to the north.

CMBR BRYAN moved, seconded by CMBR LINDAUER to approve Ordinance 2018-06 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.

6B. Resolution 2018-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA PROVIDING FOR AND RELATING TO THE APPLICATION OF THE “PENDING ORDINANCE” OR “ZONING IN PROGRESS” DOCTRINE OF LAW; PROVIDING FOR THE TEMPORARY CESSATION OF THE ACCEPTANCE OF AND ACTION ON PERMIT APPLICATIONS FOR THE PLACEMENT, CONSTRUCTION OR INSTALLATION OF WIRELESS COMMUNICATION STRUCTURES AND/OR FACILITIES LOCATED CITY RIGHTS-OF-WAY PENDING REVISIONS TO THE *CITY CODE* WHICH REGULATIONS ARE IN THE PROCESS OF ENACTMENT BY THE CITY COUNCIL; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

The item was removed from the agenda.

7. Consideration of Special Exception 12018018 Daytona Diner Mural

City Planner Stewart Cruz read from his staff report. He explained that all criteria had been met and that the Planning & Zoning Board recommended approval. The mural would be on the western facing wall with a small portion on the southern wall. The theme is 50's and 60's icons and does require the work be done by professional painters.

Both CMBRS Rice and Lindauer received a request to deny the mural from a condo owner who lived next door. It was explained that only 14% of the wall surface facing the condo would have the mural.

CMBR GEIGER moved, seconded by CMBR LINDAUER to approve the special exception 12018018 for the Daytona Diner Mural.

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. COUNCIL COMMENTS: CMBR Rice stated that she appreciated all the staff assistance for the past 8 years. It made her job on the council much easier. CMBR Geiger stated that the city was fortunate to have both the Mayor and Vice-Mayor for the last 8 years. CMBR Lindauer added his thanks and congratulated the two out-going councilmembers. Mayor Jennings thanked both staff and the residents. He felt the council had many accomplishments in the past eight years. He explained that with Christmas being on a Tuesday this year, he would like to offer an additional holiday to employees, Christmas Eve. The others unanimously agreed. The Mayor offered a summary on the constitutional amendments prepared by the Florida League of Cities. He requested copies be made available at City Hall and it will be on the city's website.

9. AUDIENCE REMARKS/PUBLIC COMMENTS: Chuck Jack encouraged the council to install electric vehicle charging stations. There are not any available on the peninsula and they could draw tourists to the area. Director Hiatt noted that the electrical conduit was in place outside the Community Center.

Clay Getz inquired if the Community Center could extend the operating hours a few nights a week to accommodate working residents.

Pat Gadbrow spoke on Amendment 10 that is on the upcoming ballot. The League of Women Voters felt it is a threat to the home rule form of government and encouraged everyone to vote no. Local government should be able to maintain their control.

10. ITEMS RECOMMENDED FOR THE NEXT AGENDA: None.

11. ADJOURNMENT: The meeting ended at 7:35 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB