



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING JANUARY 28, 2020

**6:00 PM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

- 1. CALL TO ORDER BY MAYOR**
- 2. ROLL CALL BY CITY CLERK**
- 3. PRAYER**
- 4. PLEDGE OF ALLEGIANCE**
- 5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:**
- 6. APPROVAL OF MINUTES**
 - A. City Council Minutes January 14, 2020
- 7. CONSENT AGENDA:**
 - A. Public Safety monthly report

- B. Community Services December, 2019 report
- C. Building Division December, 2019 report
- D. October - Financial Report

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report January 28, 2020

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report for January 28, 2020

10. OLD BUSINESS:

- A. Ordinance 2020-01: City of Daytona Beach Shores and Oceans 25, LLC Development Agreement to permit the development of townhomes on the City owned property located at 2900 S. Atlantic Avenue.

11. NEW BUSINESS:

- A. Consideration to extend contract with Stacy Conomos for Economic Development until September 30, 2020.
- B. Ordinance 2020-03: Comprehensive Plan Amendment to create a new Future Land Use Goal, Objective and Policy that would allow the limited expansion of nonconforming single-family residential uses and structures on properties with the High Intensity Future Land Use.

12. COUNCIL COMMENTS:

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF DAYTONA BEACH SHORES, 2990 S. ATLANTIC AVENUE, DAYTONA BEACH SHORES, FLORIDA 32118, TELEPHONE NUMBER 386-763-5364, CSCHWAB@CITYOFDBS.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 72121 or 1 800 955 8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

MINUTES
CITY COUNCIL MEETING
January 14, 2020
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Councilmember Mel Lindauer, Councilmember Richard Frizalone, Vice Mayor Richard Bryan, Councilmember Michael Politis
Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney Raymond Branch, Community Services Director Fred Hiatt, City Planner Stewart Cruz, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

6. APPROVAL OF MINUTES

A. **December 10 Workshop and Council Meeting Minutes**

Council member Lindauer moved, seconded by Council member Frizalone to approve the December 10th Workshop Minutes.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

Council member Frizalone moved, seconded by Council member Lindauer to approve the December 10th Council Meeting Minutes.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

7. CONSENT AGENDA:

A. **Forfeiture funds for the purchase of guardian vest carriers**

- B. Community Services Dept November, 2019 Report
- C. Building Division November, 2019 Report
- D. December Attorney Bill
- E. Utilize forfeiture funds for training

COUNCIL MEMBER FRIZALONE moved, seconded by COUNCIL MEMBER LINDAUER to approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

8. REPORTS OF THE CITY ATTORNEY:

Attorney Branch noted that his staff report would be included with the next agenda. He has been learning the new software. There were no questions or concerns regarding his current report. CMBR Lindauer inquired about what the \$2,500 retainer covered on the monthly attorney bill. It was explained that prep work for the council meetings, agenda work, and travel were included. It was noted that questions by council members were itemized on the bill. The attorney was asked if follow-up questions after a council meeting were part of the retainer. Attorney Branch was unsure but would report back.

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report for Jan 14, 2020

City Attorney Michael Booker reported on the following: Chase Bank has closed on the property adjacent to City Hall. At this time it seems corporate does not want to sell a portion of the property to the city. He will arrange a meeting with the bocce and shuffleboard players to review other locations for moving the courts; the USTA grant is moving forward; City Council pictures will be taken before the next meeting; an Administrative Site Plan has been submitted for Halifax Health; plans are in the works to increase the hours that the Community Center is open. Saturday hours will be added. ; the lights on Oceans West Blvd are being retro-fitted with LED bulbs. Speed weeks are approaching and more people will be in town, so be extra careful while walking or driving on S. Atlantic Avenue; the Mayor and City Manager will be holding several census meetings at various condos to explain the process and the importance of being counted this year; The business expo will be held next Friday from 6-8 pm and admission is free. Director Dembinsky announced that there would be another Citizens Academy beginning the end of January. It will be 14 weeks long and there are still some openings.

10. OLD BUSINESS:

A. Ordinance 2019-14 revising Ord. 2019-09 Code Enforcement Enhancements

There was no additional discussion or questions regarding Ordinance 2019-14.

CMBR Lindauer moved, seconded by CMBR Frizalone to adopt Ordinance 2019-14 on second reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

11. NEW BUSINESS:

A. Resolution 2020-01 in support of keeping the Daytona Tortugas Baseball team

Mayor Miller explained that the franchise is in jeopardy of leaving Daytona Beach. Major League Baseball is considering cutting 42 teams from their roster once the contract expires. County Councilmember Billie Wheeler is in support of keeping the team and requested the resolution of support. Many other surrounding cities are also adopting resolutions in support of keeping the local franchise team.

CMBR Lindauer moved, seconded by CMBR Bryan to adopt Resolution 2020-01 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

B. Discussion on crosswalks

It was explained that the main crosswalk being discussed at this time is located near Oceans West Blvd. and S. Atlantic Avenue. If and when the crosswalk is moved, there are three options to be considered. The first is just to simply relocate the crosswalk at a more northerly location. The design would be the same. The second option would be to add lights similar to the crosswalk at Publix. The third option is to install a stoplight. The most cost effective way is to just relocate the crosswalk keeping the design the way it is currently. Vice Mayor Bryan recently sent an article regarding crosswalks giving pedestrians a false sense of security. The City Manager explained that we have a consultant, TEDS, that could do the work. The estimated cost is \$30,000 to relocate the existing design. One important consideration is that the new location can not block a

driveway or beach access. There is a possibility that FDOT would help with the cost and it will be explored.

- C. Ordinance 2020-01: City of Daytona Beach Shores and Oceans 25, LLC Development Agreement to permit the development of townhomes on the City owned property located at 2900 S. Atlantic Avenue.

Attorney Branch read the ordinance by title. Mayor Miller than opened up the agenda item to those who wished to speak.

Mary Lightfine who stated she would be a direct neighbor felt the drawing portrayed ugly affordable housing. She felt it lacked green space, noise buffers and had dangerous entrances and exits.

Dena Burkhardt supported the development but didn't care for the unsightly buildings. She also had safety concerns regarding the entrances and exits.

Jean Marie Martinac stated that she was not against new development on the property, but felt having a smaller number of units would be a better fit. It would allow more green space and possibly include backyards for the units.

Robert Clements felt that only having 15 feet of clearance from the streets provided a negative visual impact of the development. He felt a buffer needed to be in place to mask the buildings.

Sandy Cook explained that the drawings are just conceptual drawings. The development will most likely have many changes as it moves through the site plan and permitting process. She encouraged the residents to give the development a chance.

City Planner Stewart Cruz informed the council that the property was under contract contingent upon a development agreement. The proposed ordinance must be adopted in order for the developer to move forward. The property is currently zoned for mixed use to include a five-story residential building with two commercial out parcels. Under the direction of the City Council, an RFP was sent out on the property. There was only one respondent, now known as Oceans 25 LLC. If this ordinance is approved, it will change the entitlement to the property to include 25 town homes with no commercial use. Once the DA is adopted, then a site plan would be submitted. Pictures of the property were shown that included a preliminary site plan. He stated that the Fire Marshall had approved the plans and it allowed for accommodations for various vehicles to enter and exit the property. CMBR Politis inquired if the DA allowed the city to recommend aesthetics and such. Mr. Cruz replied that it currently did not speak to those items, but they could be included.

Joe Hopkins, engineer for the developer spoke to the council. He stated that the property has many existing challenges regarding utilities on or near it. He felt the residents concerns would be addressed during site plan development. CMBR Frizalone inquired if a different concept drawing could be shown at the second reading. Mayor Miller stated that she liked beachy coastal design that was shown at one point.

CMBR Frizalone moved, seconded by CMBR Lindauer to approve Ordinance 2020-01 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4 No = 1).

Yes: Mayor Nancy Miller, Councilmember Richard Frizalone, Councilmember Mel Lindauer,

Councilmember Michael Politis
No: Richard Bryan

- D. Ordinance 2020-02: Future Land Use Amendment CPA12019029, Atlantic Avenue Estates, LLC-Parcel ID 6302-05-07-0150/3828 S. Atlantic Avenue

Attorney Branch read the ordinance by title for the record. City Planner Cruz announced that the applicant had requested a continuance until the February 25th meeting.

CMBR BRYAN moved, seconded by CMBR LINDAUER to continue Ordinance 2020-02 until the meeting of February 25, 2020.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

12. COUNCIL COMMENTS:

CMBR Frizalone stated that it was his 19th wedding anniversary. Vice Mayor Bryan explained that he was traveling to Tallahassee for Volusia Days. There were several issues that are important to cities being addressed this year. CMBR Lindauer began by speaking about the First Step Homeless Shelter and the safe zone that is in jeopardy right now. He asked for a consensus to withhold any future payments until the safe zone is created as promised in the design. The others agreed with him. He requested discussion on whether to change their title from council member to commissioner. He also requested revisiting the potential charter changes that Attorney Groot had started. Lastly, he reminded everyone of the free business expo coming up next Friday. Mayor Miller announced that tickets were available for the upcoming Chili Night Out.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

The meeting ended at 7:21 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



CITY OF DAYTONA BEACH SHORES

DEPARTMENT OF PUBLIC SAFETY

3050 South Atlantic Avenue

Daytona Beach Shores, Florida 32118

Office of Director of Public Safety

Office 386-763-5333 Fax 386-763-5341

MONTHLY REPORT FOR DECEMBER 2019

	<i>Dec-19</i>	<i>19/YTD</i>	<i>Dec-18</i>	<i>18/YTD</i>
<i>Police Related Calls</i>	2,697	32,510	2,976	32,275
<i>Fire Related Calls</i>	80	454	37	403
<i>Rescue Related Calls</i>	28	951	183	1,320
<i>Fire Related Alarms Sounding</i>	10	137	21	169
<i>Traffic Citations</i>	182	4,327	351	4,929
<i>Written Warnings</i>	82	601	126	1,820
<i>Building Inspections</i>	35	604	42	1,194
<i>Arrests: Adults</i>	21	575	72	838
<i>Juveniles</i>	0	5	1	20
<i>Civil Citations</i>	0	89	18	194
<i>City Ordinance Charges</i>	0	2	0	3
<i>Florida State Statute Charges</i>	28	1,096	140	1,528
<i>Accidents: Total</i>	19	247	8	252
<i>Street/Highway</i>	7	124	5	144
<i>Parking Lot</i>	12	123	3	110

Stephan Dembinsky Public Safety Director *1-8-2020*

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2019-12-01 through 2019-12-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
EXTRA PATROL	EP	948	35.15 %	30.58
TRAFFIC STOP	TS	434	16.09 %	14.00
MISCELLANEOUS LE CALL	MISC	384	14.24 %	12.39
PROPERTY CHECK	PRC	369	13.68 %	11.90
SUSP VEHICLE	SVEH	46	1.71 %	1.48
SUSP PERSON	SPER	39	1.45 %	1.26
SUSPECT STOP	SS	28	1.04 %	0.90
MEDICAL EMERGENCY	MED1	26	0.96 %	0.84
TELEPHONE HANDLE	THC	26	0.96 %	0.84
SUSP INCIDENT	SINC	24	0.89 %	0.77
FLAG DOWN	FLAG	23	0.85 %	0.74
911 CK/OPEN LINE	911CK	16	0.59 %	0.52
DISTURBANCE	DIST	15	0.56 %	0.48
ANIMAL COMPLAINT	AC	13	0.48 %	0.42
RADAR	RADAR	13	0.48 %	0.42
TRESPASSERS	TRES	12	0.44 %	0.39
WARRANT	WAR	12	0.44 %	0.39
FIRE ALARM	ALARMF	11	0.41 %	0.35
MVA	MV	11	0.41 %	0.35
SPECIAL DETAIL	SDL	11	0.41 %	0.35
DISABLED VEHICLE	DAV	9	0.33 %	0.29
FALL- NON EMERGENCY	TRAU3	9	0.33 %	0.29
WALKUP	WALKUP	9	0.33 %	0.29
BUSINESS ALARM	ALARMB	8	0.30 %	0.26
FOUND PROPERTY	PROPF	8	0.30 %	0.26
INVESTIGATION	INV	8	0.30 %	0.26
MEDICAL UNKNOWN	ALARMM	8	0.30 %	0.26
TOWED VEHICLE	TOW	8	0.30 %	0.26
MEDICAL NON-EMERG	MED	7	0.26 %	0.23
RECKLESS DRIVER	RD	7	0.26 %	0.23
THEFT	THEFT	7	0.26 %	0.23
DRUNK PERSON	IP	6	0.22 %	0.19
FIGHT	FIGHT	6	0.22 %	0.19
HIT&RUN MVA	MVHR	6	0.22 %	0.19
STROKE / CVA	CVA	6	0.22 %	0.19
ASSIST AGENCY	ASSIST	5	0.19 %	0.16
CIVIL COMPLAINT	CIVIL	5	0.19 %	0.16
DRUNK DRIVER	DUI	5	0.19 %	0.16
WALK & TALK	WT	5	0.19 %	0.16
BURGLARY ALARM	ALARM	4	0.15 %	0.13
FRAUD	FRAUD	4	0.15 %	0.13
NARCOTICS	NARC	4	0.15 %	0.13
TRAUMA CRITICAL	TRAUE	4	0.15 %	0.13
ASSAULT/BATTERY	ABAT	3	0.11 %	0.10
DEPOSITS	DEP	3	0.11 %	0.10
DIRECTED PATROL REQUEST	DPR	3	0.11 %	0.10

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2019-12-01 through 2019-12-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
DOMESTIC DISTURBANCE	DV	3	0.11 %	0.10
FAILURE TO PAY	FTP1	3	0.11 %	0.10
FINGERPRINTS	PRINTS	3	0.11 %	0.10
ILLEGAL PARKING	PARK	3	0.11 %	0.10
LOST/FOUND PET INFO	PET	3	0.11 %	0.10
NOISE	NOISE	3	0.11 %	0.10
SUICIDAL PERSON	SP	3	0.11 %	0.10
VANDALISM	VAND	3	0.11 %	0.10
WELL BEING CHECK	WBC	3	0.11 %	0.10
ASSIST	ASST	2	0.07 %	0.06
BOLO	BOLO	2	0.07 %	0.06
CARDIAC ARREST	CPR	2	0.07 %	0.06
DEAD PERSON	DEAD	2	0.07 %	0.06
ELEVATOR CALL	ELEV	2	0.07 %	0.06
ESCORT	ESCORT	2	0.07 %	0.06
FIRST AID CALL	FAID	2	0.07 %	0.06
FLEEING DRIVER	FLEE	2	0.07 %	0.06
MISC FIRE SERVICE CALL	MISCF	2	0.07 %	0.06
REPOSSESSED VEH	REPO	2	0.07 %	0.06
ROAD OBSTRUCTION	RDOB	2	0.07 %	0.06
SHOPLIFTING	SHOP	2	0.07 %	0.06
TRAUMA EMERGENCY	TRAU1	2	0.07 %	0.06
WEAPONS COMPL	WC	2	0.07 %	0.06
911 CK/OPN LINE/MED HAZ	911MED	1	0.04 %	0.03
ALCOHOL VIOL	ALC	1	0.04 %	0.03
ALZHEIMERS	ALZ	1	0.04 %	0.03
ATTEMPTED SUICIDE	ASUI	1	0.04 %	0.03
CARBREAK	CB	1	0.04 %	0.03
DANGEROUS COND FD	DCFD	1	0.04 %	0.03
EMERG ASST- FIRE REQ	LEO1	1	0.04 %	0.03
FIREWORKS	FIREWK	1	0.04 %	0.03
HARRASSING CALLS	HCALL	1	0.04 %	0.03
HAZARDOUS COND	HZM	1	0.04 %	0.03
JUVENILE	JUV	1	0.04 %	0.03
LASER	LASER	1	0.04 %	0.03
MENTALLY ILL PER	MIP	1	0.04 %	0.03
MISSING PERSON	MP	1	0.04 %	0.03
MVA MAJOR	MVMI	1	0.04 %	0.03
MVA W/ HAZARD	MVH	1	0.04 %	0.03
OPEN DOOR	OPD	1	0.04 %	0.03
SEX OFFENSE	SO	1	0.04 %	0.03
SOLICITORS	SOL	1	0.04 %	0.03
TRAFFIC CONTROL	TC	1	0.04 %	0.03
TRAFFIC LITE OUT	TLO	1	0.04 %	0.03
TRAUMA NON-EMERG	TRAU2	1	0.04 %	0.03
UNCONSCIOUS	UNC	1	0.04 %	0.03

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2019-12-01 through 2019-12-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
WELL BEING CHECK MEDICAL	WBCF	1	0.04 %	0.03
TOTAL CALLS:		2,697	100.00%	87.00

NOTE: CAD-generated statistical reports are compiled from a live database of calls for service; this live database requires frequent call updating to ensure real time data is correct and maintained. When compiling and comparing statistics over time, minor discrepancies are inherent and should be expected. For final report information on crime, Uniformed Crime Reporting (UCR) statistics should be utilized.

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

DECEMBER 2019 STATISTICS

FIRE CALLS	CURRENT MONTH			YEAR TO DATE			PRIOR YEAR		
ENGINE RESPONSE	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
STRUCTURE FIRES	0	0	0	2	0	2	1	1	2
HAZARDOUS CONDITIONS	2	1	0	29	13	3	13	6	1
VEHICLE FIRES	0	0	0	0	0	0	5	0	1
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	0	0	0	7	5	2	9	3	1
VEHICLE CRASHES W/ENGINE RESPONSE	0	0	0	11	1	1	5	1	1
SERVICE CALLS	16	2	1	212	49	5	221	20	9
FIRE ALARMS	9	1	0	155	6	3	165	5	2
CANCELLED EN ROUTE	4	1	1	72	20	20	64	17	21
TOTALS	31	5	2	488	94	36	483	53	38

CURRENT MONTH ESTIMATED FIRE DAMAGES

CITY: \$0
COUNTY: \$0
MUTUAL AID: \$0

INSPECTIONS	CURRENT MONTH		YEAR TO DATE		PRIOR YEAR	
	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP	INITIAL	FOLLOW-UP
HIGH RISE	7	6	59	84	84	107
HOTEL/MOTEL	5	4	66	65	186	182
ASSEMBLY	0	0	5	5	11	13
MERCANTILE	1	0	18	18	54	31
RESTAURANT	0	2	17	17	29	24
BUSINESS	2	2	60	25	106	80
OTHER	5	0	73	3	157	10
CONSTRUCTION	0	0	74	10	65	5
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	0	1	12	10	26	24
TOTALS	20	15	384	237	718	476

PLANS EXAMINATION HOURS: 8 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

DECEMBER 2019 STATISTICS

EMS CALLS CURRENT MONTH YEAR TO DATE PRIOR YEAR

	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ALS CALLS	47	6	1	546	88	17	629	111	12
BLS CALLS	31	5	0	377	75	11	411	57	9
TOTALS	78	11	1	923	163	28	1040	168	21



CITY OF DAYTONA BEACH SHORES
DEPARTMENT OF PUBLIC SAFETY
3050 South Atlantic Avenue
Daytona Beach Shores, Florida 32118
Office of Director of Public Safety
Office 386-763-5333 Fax 386-763-5341

MONTHLY REPORT FOR DECEMBER 2019

Vehicle Maintenance Division: 2 Positions Assigned: Conducted routine, scheduled maintenance checks and repairs on all city vehicles (includes oil changes and tire exchanges). Additional items were:

Repair boom swivel	veh #107
Replace headlight	veh #164
Replace fuel pump module	veh #128
Replace headlight	veh #143
Replace battery	veh #144
Replace window switch	veh #130
Replace alternator belt	veh #lift
Replace washer & clutch assy.	Weed eater
Repair lift cylinder	veh #142



CITY OF DAYTONA BEACH SHORES
DEPARTMENT OF PUBLIC SAFETY
3050 South Atlantic Avenue
Daytona Beach Shores, Florida 32118
Office of Director of Public Safety
Office 386-763-5333 Fax 386-763-5341

TRAINING SEMINARS ATTENDED

Month of December 2019

<i>Ed Hickox</i>	<i>12/4</i>	<i>SAO Legal Update</i>
<i>Meegan Wilmot</i>		<i>DSC</i>
<i>Daniel Carrazana</i>		
<i>Norman Medders</i>		
<i>Alton Ogden</i>	<i>12/16</i>	<i>Chemical Drug Exposure</i>
<i>Terry Griffiths</i>		<i>Orange City</i>
<i>Norman Medders</i>	<i>12/12</i>	<i>Opiate Homicide Training</i>
<i>Meegan Wilmot</i>		<i>Flagler County SO</i>
<i>Darius DeBarros</i>	<i>12/16-20</i>	<i>Gracie Survival Tactics</i>
<i>Trevor Wyman</i>		<i>Valencia College</i>

COMMUNITY SERVICES DEPARTMENT

MONTHLY REPORT - DECEMBER 2019

FACILITIES MAINTENANCE DIVISION:

Currently three positions.

Normal monthly duties:

This division is responsible for setting up and cleaning rooms for all rentals and City activities for the Senior Center, Tile Room, Council Chambers, Community Center, City Hall, and Public Safety. Two of the employees have janitorial type duties, like emptying the trash and cleaning the bathrooms in all the buildings, vacuuming the floors, dusting and taking care of whatever else is needed regarding the city buildings' cleaning needs. One employee has the maintenance type duties. He assesses any problems reported with the buildings and handles the repair if it is within his ability. He now has an a/c certification so replacing the filters he can do a lot of the repairs inhouse. He replaces light bulbs, cleans the outside windows, paints and any other general maintenance needed with the city buildings.

Additionally, this month:

The building maintenance technician prepared two projects for public bidding this month. One for a new chiller/ahu and one for a new roof, both for the public safety building. He replaced some of the exterior shades on the first floor of city hall, repaired the door access pad reader at public safety, and repaired a defrost control board at both city hall and public safety.

PARKS/STREETS DIVISION:

Currently eleven maintenance positions and one electrician position.

Normal monthly duties:

This division takes care of the maintenance, up keep and general appearance of all the parks, streets, sidewalks and medians daily. They mow, change out lights, restock supplies, replace plants as needed, replace or repair street signs, check and clear the storm drains, as well as any other issues that may arise in the city. Although there are two divisions they now all share in the normal monthly duties.

[Additionally, this month:](#)

The division installed/replaced ADA sidewalk pads through the city, had numerous irrigation issues that were handled at the parks, painted the racquet club drains, pressure washed bathrooms and the basketball court and handled 4 animal control calls. The electrician repaired Christmas decorations throughout the city as needed during the month, assisted in unhooking a pump at the Riverpoint sewer station and handled 33 power line locates this month.

[SEWER DIVISION:](#)

Currently four positions.

[Normal monthly duties:](#)

This division maintains and checks all the sewer stations daily, they do all the general maintenance of the sewer stations, generators and the property the stations are located on. This includes mowing and general outside maintenance as well as cleaning the pump areas, wet wells and floats. The division also maintains the manholes in the city, delivers past due sewer bill notices for finance every month, does cooling tower readings quarterly and has two employees in the division that are animal control officers.

[Additionally, this month:](#)

The division replaced a solenoid valve at station 4, installed new belts on the odor control system, handled three sewer problem calls, 10 animal control calls, 6 pool readings and did 30 sewer line locates.

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – December, 2019

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 0
 Submitted this Fiscal Year: 1
 Approved by Staff this Month: 0
 Approved by Staff this Fiscal Year: 1
 Approved by City Council this Month: 0
 Approved by City Council this Fiscal Year: 0
 Amendments Approved by Staff this Fiscal Year: 0

Building Division

Specific Large Projects (Over \$10,000) - Submitted This Month:

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Daytona Beach Shores Hotel	2323 South Atlantic Avenue	12/4	Install impact windows and doors	\$568,567.00	\$2,408.43
Claudy Residence	3647 South Atlantic Avenue, Unit 4C	12/4	Remodel kitchen and master bathroom	\$20,100.00	\$188.34
Coyne Residence	2987 South Atlantic Avenue, Unit 204	12/4	Remodel condo, cabinets, tops, tub and shower	\$81,150.00	\$533.87
Avery Residence	3003 South Atlantic Avenue, Unit 8C5	12/6	Replace 1 window and 2 sliding glass doors	\$25,175.00	\$215.31
Behnke Residence	2947 South Atlantic Avenue, Unit 701	12/6	Replace 2 sliding glass doors	\$10,580.00	\$120.55
Freile Residence	2937 South Atlantic Avenue, Unit 207	12/6	Remodel master and hall bathrooms	\$13,000.00	\$137.65
Oceans Four Condo	3003 South Atlantic Avenue	12/6	Remodel two pool bathrooms	\$56,600.00	\$391.79
Stobbs Residence	2987 South Atlantic Avenue, Unit 1603	12/9	Replace living room window and sliding glass door	\$28,988.00	\$232.62
Seychelles Condo	3855 South Atlantic Avenue	12/10	Resurface pool and replace tile	\$22,000.00	\$193.73
Harrington Residence	3757 South Atlantic Avenue, Unit 301	12/12	Replace 5 sliding glass doors	\$23,734.00	\$204.49
Hellthaler Residence	3757 South Atlantic Avenue, Unit 1207	12/12	Replace 5 sliding glass doors	\$24,598.00	\$209.87
Casa Holdings Inc	3757 South Atlantic Avenue, Unit 1507	12/12	Replace 5 sliding glass doors	\$24,241.00	\$209.87

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Tomei Residence	2 Oceans West Boulevard, Unit 1908	12/12	Install 3 motorized roll down hurricane shutters	\$13,563.00	\$142.20
Lewandowski Residence	3425 South Atlantic Avenue, Unit 1004	12/12	Install 3 motorized roll down hurricane shutters	\$10,585.00	\$120.55
Burnsed Residence	3333 South Atlantic Avenue, Unit 701	12/13	Remodel kitchen, new cabinets and counter tops	\$21,000.00	\$187.65
Perry's Ocean Edge Resort	2209 South Atlantic Avenue	12/13	Replace existing windows facing the ocean	\$100,196.00	\$640.28
Palm River House	3753 Cardinal Boulevard	12/13	Re-roof shingle roof	\$14,000.00	\$146.20
Machuga Residence	3118 Brookfair Crescent	12/13	Re-roof modified bitumen	\$13,900.00	\$146.20
Cueva Residence	3641 South Atlantic Avenue, Unit 201	12/16	Replace impact window and sliding glass door	\$15,000.00	\$154.75
Gzym Residence	3047 South Atlantic Avenue, Unit 2006	12/17	Replace kitchen cabinets and 2 bath vanities	\$22,232.00	\$199.11
Perry's Ocean Edge Resort	2209 South Atlantic Avenue	12/19	Electrical remodel of guest rooms	\$12,000.00	\$609.36
Northrup Residence	2625 South Atlantic Avenue, Unit 5SW	12/27	Install drywall, reconstruct shower, new vanities and tile	\$18,300.00	\$177.58
Ferrer Residence	3051 South Atlantic Avenue, Unit 1605	12/31	Remodel kitchen and bathrooms	\$57,960.00	\$397.59
Seychelles Condo	3855 South Atlantic Avenue	12/31	Replace fire sprinkler system in penthouse	\$42,642.00	\$238.53
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$1,240,111.00	\$8,210.52

Building Division Revenue by Permit Category:

PERMIT TYPE	DECEMBER 2019	FISCAL YEAR-TO-DATE 2019 TO 2020	DECEMBER 2018	LAST FISCAL YEAR-TO-DATE 2018 TO 2019
BUILDING	\$8,895.48	\$40,898.69	\$10,413.81	\$33,507.76
ROOF	\$395.85	\$1,956.16	\$1,319.05	\$7,779.95
DEMOLITION	\$0.00	\$120.00	\$0.00	\$0.00
ELECTRICAL	\$1,981.11	\$6,321.21	\$1,027.88	\$4,074.19
MECHANICAL	\$1,169.70	\$6,031.38	\$2,033.70	\$7,510.49
PLUMBING	\$2,086.23	\$7,350.63	\$1,830.43	\$8,298.93
SIGN	\$47.50	\$1,011.94	\$156.38	\$625.78
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$0.00	\$0.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$165.25	\$479.50	\$154.50	\$387.72
DEVELOPMENT FEES	\$1,147.50	\$2,012.90	\$465.00	\$1,375.00

PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$15,888.62	\$66,182.41	\$17,400.75	\$63,559.82

Building Division Activities:

ACTIVITY	JUNE 2019	FISCAL YEAR-TO-DATE 2018 TO 2019	JUNE 2018	LAST FISCAL YEAR-TO-DATE 2017 TO 2018
INSPECTIONS	248	770,	224	790
FINAL CERTIFICATES OF OCCUPANCY ISSUED	2	2	0	0
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
FINAL INSPECTIONS	126	478	127	450
FAILED INSPECTIONS	20	56	21	77

Annual Totals, Large Projects (Over \$10,000):

Projects Begun Current Fiscal Year-to-Date – 2019 to Present: \$8,009,899.00

Projects Begun Last Fiscal Year – 2018 to 2019: \$26,799,873.00

Projects Begun Two Fiscal Years Ago – 2017 to 2018: \$39,968,375.00

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending October, 2019

CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$311,798	\$2,019,743	(\$1,707,945)	-548%
General Obligation Debt Service	\$1,178	\$1,620,832	(\$1,619,653)	-137435%
General Obligation Construction	\$0	\$0	\$0	
General Fund Sub-Total	\$312,977	\$3,640,575	(\$3,327,598)	-1063%
Sewer Fund Operations	(\$970)	\$2,371,687	(\$2,372,657)	244604%
Sewer Fund Restricted Impact Fee	(\$851)	\$0	(\$851)	100%
Sewer Fund Sub-Total	(\$1,821)	\$2,371,687	(\$2,373,507)	130375%
TOTAL ALL FUNDS FISCAL YTD	\$311,156	\$6,012,261	(\$5,701,105)	-1832%

CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$15,469,175	\$14,247,846	\$1,221,329	9%
Sewer Fund	\$9,635,768	\$8,704,845	\$930,922	11%
Sub-Total Operating Funds	\$25,104,943	\$22,952,691	\$2,152,252	9%
Gen. Obligation [GO] Construction & Debt	\$637,213	\$501,989	\$135,224	27%
TOTAL ALL FUNDS	\$25,742,156	\$23,454,681	\$2,287,475	10%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	(\$3,719,427)	\$1,020,252	
Add Back for Current Year CS Construction Expense	\$0	N/A	
Historical Mean Projected Remaining Cash Flow	\$2,980,247	\$659,670	
PROJECTED FYE NORMALIZED CASH FLOW	(\$739,181)	\$1,679,922	\$940,741

Saleable Investment Propertie(s): (Cost Basis)	
2608-12 S. Atlantic Ave.*	\$917,535

* This property is currently producing rental income.

All Funds Budget Performance Summary Report (in 000's)

22-Jan-20

NON-G.O. FUNDS	October, 2019		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues ('000s)					
General Fund	\$15,309	\$312	\$467	(\$155)	-33%
Utility Fund	\$3,500	(\$2)	\$2,928	(\$2,930)	-100%
Total Revenues & Appropriations	\$18,808	\$310	\$3,395	(\$3,085)	-91%
Expenses ('000s)					
General Fund Less Capital	\$13,530	\$1,515	\$1,541	\$26	2%
General Fund Capital	\$1,783	\$505	\$0	(\$505)	
Utility Fund	\$3,440	\$2,372	\$2,315	(\$57)	-2%
Total Expenses & Appropriations	\$18,752	\$4,391	\$3,856	(\$535)	-14%
Revenue Less Expense ('000s)					
General Fund	(\$3)	(\$1,708)	(\$1,074)	(\$634)	
Utility Fund	\$60	(\$2,374)	\$613	(\$2,987)	
Revenue Less Expense	\$56	(\$4,081)	(\$461)	(\$3,620)	

VOTED GENERAL OBLIGATION	October, 2019		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favor / (Unfavor)	% vs. Prior Year
General Obligation Revenue	\$2,892	\$1	\$2	(\$1)	-47%
General Obligation Expense	\$2,889	\$1,621	\$1,550	(\$71)	-5%
Voted Gen. Oblig. Rev. Less Exp.	\$3	(\$1,620)	(\$1,548)	(\$72)	



General Fund Detail Budget Report

22-Jan-20

	October, 2019		VERSUS PRIOR YEAR TO DATE			
	Amended	Current YTD Actual	Prior YTD	Actual	Vs. Prior Yr.	% vs. Prior Year
	Current Budget				Favorable / (Unfavorable)	
Revenues/Sources						
Ad-Valorem Taxes	8,374,700	3,350		168	3,182	1896%
Business Taxes	101,900	83,811		1,972	81,839	4149%
Utility Taxes	1,089,100	(9,162)		99,892	(109,054)	-109%
Permits & Franchise Fees	950,400	(69,148)		92,923	(162,071)	-174%
Intergovernmental	816,500	(42,226)		54,253	(96,480)	-178%
Donations	0	0		0	0	
Charges for Services	1,493,600	252,793		138,408	114,385	83%
Fines & Forfeitures	103,200	15,012		6,273	8,739	139%
Non-G.O. Interest	154,700	15,736		13,452	2,284	17%
Unrealized Investment G/(L)	0	0		0	0	
Miscellaneous & Fixed Asset Sales	47,500	2,124		3,169	(1,045)	-33%
Internal Services	715,000	59,508		56,350	3,158	6%
Non G.O. Transfer In-Fund Balance	1,462,100	0		0	0	
Non-G.O. Gen. Fund Revenue	\$15,308,700	\$311,798		\$466,860	(\$155,061)	-33%

Operating Expenditures						
Excluding CAPITAL Expense						
Legislative	331,900	12,890		12,366	(524)	-4%
Executive	567,500	45,838		61,381	15,543	25%
Finance	583,700	48,012		38,921	(9,091)	-23%
Legal Counsel	168,600	950		297	(653)	-220%
Comp. Planning	134,600	8,500		8,110	(390)	-5%
Other Gov't Services	268,700	73,799		15,413	(58,387)	-379%
Public Safety-Admin/CID	1,774,700	191,847		177,183		0
Public Safety-Patrol/Rescue	3,874,400	264,122		270,183		0
Public Safety-Auto Maint.	141,600	10,741		10,394		0
Public Safety Operations	5,790,700	466,710		457,760	(8,950)	-2%
Building Dept.	550,100	41,026		44,146	3,120	7%
Phy. Envir. - Solid Waste/Recycle	1,131,300	1,250		94,326	93,076	99%
Public Works-Admin	262,100	30,533		23,102		
Public Works-Bldg. Maint.	281,600	14,857		14,883		
Public Works-Streets	694,500	31,846		33,059		
Public Works Operations	1,238,200	77,236		71,044	(6,192)	-9%
Inventory	0	0		0	0	
Benefit Termination Payout	29,400	0		0	0	
Parks & Rec	439,900	35,972		23,522	(12,450)	-53%
Community Center	175,500	7,758		15,432	7,674	50%
Senior Center	161,700	9,760		11,996	2,236	19%
Contingency/Transfers	1,141,800	0		0	0	
Long-Term Debt	816,000	684,991		686,335	1,344	0%
Non-G.O. Operations Expense	13,529,600	1,514,692		1,541,049	\$26,358	2%
Non-G.O. CAPITAL Expense	1,782,500	505,051		0	(\$505,051)	
Total Non-G.O. Expense	15,312,100	2,019,743		1,541,049	(\$478,694)	
Non-G.O. Revenue Less Expense	(\$3,400)	(\$1,707,945)		(\$1,074,190)	(\$633,755)	-59%

General Obligation (G.O.) Debt Service			
Debt Service Ad-Valorem Revenue	2,879,200	1,178	62
Debt Service Interest Revenue	13,200	0	2,145
UG Utils- Debt Service Expense	2,889,000	1,620,832	1,549,746
G.O. Revenue Less Expense	\$3,400	(\$1,619,653)	(\$1,547,538)

G.O. Construction			
Streetscape Prjct.- Fund Bal Rev. Transfer	0	0	0
Streetscape.- Construction Expense	0	0	0
G.O. Construction Rev. Less Exp.	\$0	\$0	\$0

	October, 2019		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Operations Revenues					
Charges for Services	\$3,409,000	(\$7,188)	\$2,814,364	(\$2,821,552)	-100%
Interest	74,000	6,217	52,884	(46,667)	-88%
Sale of Fixed Assets / Misc.	0	1	(295)	296	100%
Total Operating Revenues	\$3,483,000	(\$970)	\$2,866,953	(\$2,867,923)	-100%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,423,500	\$2,626,864	\$2,527,958	(\$98,906)	-4%
- Less Debt Service Principal [a]		(255,177)	(212,987)		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,423,500	\$2,371,687	\$2,314,971	(\$98,906)	-4%
Operations Margin	\$59,500	(\$2,372,657)	\$551,982		
% Gain/(Loss)		-100%			

Impact Fee Revenues					
Sewer Impact Fees	16,000	(900)	\$60,817	(\$61,717)	-101%
Impact Fee Interest	700	49	313	(264)	-84%
Total IF Revenue	\$16,700	(\$851)	\$61,130	(\$61,981)	-101%
Impact Fee Expense					
Sewer Impact Fee Exp	16,700	0	\$0	\$0	
Total IF Expense	\$16,700	\$0	\$0	\$0	
Impact Fee Margin	\$0	(\$851)	\$61,130	(61,981)	-101%
% Gain/(Loss)		100%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,499,700	(\$1,821)	\$2,928,083	(\$2,929,904)	
TOTAL FUND Expense	\$3,440,200	\$2,371,687	\$2,314,971	(\$56,716)	
FUND Revenue Less Expense	\$59,500	(\$2,373,507)	\$613,112	(\$2,986,619)	

[a] In Enterprise Funds, debt service principal payment expenses are credited against the debt liability on the balance sheet, reducing the debt on the Balance Sheet and eliminating the expense from the Income Statement.

[b] In Enterprise Funds, the expense of Capital is allocated to depreciation, which in this report is included in the listed operating expense.

FISCAL YEAR-TO-DATE CAPITAL BUDGET ACCOUNT REPORT
October, 2019

H:\Monthly Budget Rpts\MBR 19-20 Pd1 Agenda.xlsx\CapitalRpt

01/22/20

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative		0	0
5130 Finance	Munis Financial Software	91,000	
5210 Pub. Safety Admin	CID Vehicle 1	34,500	0
5211 Patrol/Fire/Rescue	Patrol Vehicle (2)	82,500	0
	Motorcycles (2)	52,400	0
	Firetruck	570,000	503,401
5240 Building & Codes			
5410 Pub. Works Admin			
5412 Pub. Works Bldg. Maint	PS AC Repairs	23,000	0
	PS Transfer Switch Replacement	11,900	0
	PS Replacement Gutters	15,000	0
	PS Roof Replacement	275,000	0
	Chiller Replacement	50,000	0
	CH Generator Replacement	55,000	0
5413 Pub. Works Streets	PS Traffic Signal	25,000	0
	Vehicle	28,000	0
	Gas Tax Financed		
	Appropriated Road Improvements	60,000	0
	Crosswalks	73,200	0
5720 Parks	Bocce/Tennis Court Improvements	136,000	0
5751 Community Center	Microphone System		
5752 Senior Center	Demolition Old Building	200,000	1,650
GENERAL FUND TOTAL		1,782,500	505,051
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,575,000	0
	EQUIPMENT		
	Generator Station 5	66,000	0
	Transfer Switch Station 5	35,000	0
	New Vactron	210,000	0
	Generator Master Station	107,000	0
	Sewer Locator	17,000	0
	Capital Offset to Depreciation Exp	(3,010,000)	0
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
Contraband (non-budgeted)			
TOTAL FROM CONTRABAND		0	0
GRAND TOTAL		1,782,500	505,051

INVESTMENT REPORT
October, 2019

1/22/2020

Policy Restrictions

Investment	Invest Class	Must	Int.Cap	Policy Class Cap	Current	In Limits
SBA	SBA			None	0.0%	
US Gov't Securities	USGS			50%	0.0%	Yes
Cash & CDs	CASH			None	100.0%	
Money Market Funds	MMF			20%	0.0%	Yes
Fed Instrum. & Agncy	FIA			30%	0.0%	Yes
Collat. Mortg. Obligtns.	CMO			20%	0.0%	Yes
Commercial Paper	CP			10%	0.0%	Yes
FMIT	FMIT			None	0.0%	

Performance @Period Ending: October, 2019

Institution	Account	Asset	Invest Class	Restriction	Account Value	Period Int. Rate	% of Portfolio
SBA: Prime	131031	Investment	SBA	General Fund	\$533	1.83%	0%
SBA: Prime	131032	Investment	SBA	Sewer Fund Operating	\$533	1.83%	0%
TOTAL SBA					\$1,066		0.0%
Bank of America	004537065882	Cash	CASH	Working Cash	\$3,242,373	0.55%	13%
Bank of America	898013183744	Cash	CASH	UG Util Building	\$637,213	0.55%	2%
Bank of America	005562564319	Cash	CASH	Sewer Operating	\$4,358,933	0.55%	17%
Bank of America	005562564351	Cash	CASH	Sewer Impact Fee	\$105,952	0.55%	0%
Seacoast Bank	4810004966	Cash	CASH	Sewer Operating	\$5,170,350	1.24%	20%
Seacoast Bank	4810000706	Cash	CASH	Working Cash	\$10,455,913	1.24%	41%
Seacoast Bank	4810003566	Cash	CASH	Loan Reserve	\$1,770,357	1.24%	7%
TOTAL BANKS					\$25,741,091		100.0%

TOTAL CURRENT VALUE @ PERIOD END	\$25,742,156
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	1.02%

CHANGE IN CASH & INVESTMENTS (Incl. interfund transfers)	Current Value	Vs. Last Month	Vs. Prior Year To Date	Vs. Prior Fiscal Yr. End
G.O. Construction & Debt Service Funds	\$637,213	(\$1,620,556)	\$135,224	(\$1,620,556)
General Fund (excl. G.O. Funds)	\$15,469,175	(\$2,098,872)	\$1,221,329	(\$2,098,872)
Sewer Fund	\$9,635,768	\$183,156	\$930,922	\$183,156
TOTAL	\$25,742,156	(\$3,536,271)	\$2,287,475	(\$3,536,271)
Percent Change for Current	N/A	-12.1%	9.8%	-12.1%

Portfolio Report

October, 2019

GENERAL FUND						
Agent	Security Type (Last Digits Account ID)	Cost Basis	Yield to Cost	Market Value	Gain / Loss	Annual Income @ Cur. Int%
SBA	Investment-General (031)	\$533	1.83%	\$533	\$0	\$10
BoA	Cash-Pool Cash Account (5882)	\$5,778,884	0.55%	\$5,778,884.45	\$0	\$31,784
	<i>Contraband Pool Cash in 5882</i>	\$36,781		\$36,781.08	\$0	\$0
	<i>Pool Cash Due to Sewer Fund</i>			(\$2,573,292)		\$0
	<i>Pool Cash Due to Sewer Impact Fees</i>					\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$637,213	0.55%	\$637,213	\$0	\$3,505
Seacoast	Cash-Pool Cash Account (0706)	\$10,455,913	1.24%	\$10,455,913	\$0	\$129,653
Seacoast	Cash-Loan Reserve (3566)	\$1,770,357	1.24%	\$1,770,357	\$0	\$21,952
ALL GENERAL FUND			1.16%	\$16,106,388	\$0	\$186,904
PRIOR MONTH				\$19,825,816		

SEWER OPERATING						
SBA	Investment (032)	\$533	1.83%	\$533	\$0	\$10
BoA	Cash (4319)	\$1,785,641	0.55%	\$1,785,641	\$0	\$9,821
Seacoast	Cash (4966)	\$5,170,350	1.24%	\$5,170,350	\$0	\$64,112
	<i>Cash-Pool Cash Due From Gen. Fund</i>			\$2,573,292		\$0
ALL SEWER OPERATING FUND			0.78%	\$9,529,816	\$0	\$73,943
PRIOR MONTH				\$9,346,709		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$105,952	0.55%	\$105,952	\$0	\$583
	<i>Cash-Pool Cash Due From Gen. Fund</i>			\$0		\$0
ALL SEWER IMPACT			0.55%	\$105,952	\$0	\$583
PRIOR MONTH				\$105,902		

ALL FUNDS			1.02%	\$25,742,156	\$0	\$261,429.88
PRIOR MONTH				\$29,278,427		
MONTHLY CHANGE				(\$3,536,271)		
MONTHLY CHANGE %				-12.1%		



Article II, Section 8, *Constitution of the State of Florida: “Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.”*

“LIFE IS BETTER HERE.”

**CITY COUNCIL AGENDA MEMORANDUM
JANUARY 28, 2020 AGENDA**

TO: Honorable Mayor and Members of the City Council
COPIES TO: Mike Booker, City Manager
Cheri Schwab, City Clerk
FROM: Raymond J. Branch, City Attorney
DATE: January 22, 2020
SUBJECT: City Attorney Report; January 28, 2020 City Council Meeting

The following is intended as my written report to the City Council for matters arising subsequent to its last meeting of January 14, 2020. Please advise if you have any questions, comments or concerns relative to these matters.

(1). Referrals from Council meeting of January 14, 2020

- A)** Council requested information as to the scope of basic services covered by the Retainer under the Letter of Agreement between the Stenstrom Law Firm and the City of Daytona Beach Shores. I have conferred with Mr. Colbert, managing partner of the Stenstrom Law Firm, for his recollection regarding this matter and this response reflects his input as well. The original agreement was made nearly 20 years ago and only has been amended since that time to reflect minimal increases in line with the customary charges of lawyers providing legal services to municipalities in central Florida.

The scope of services covered by the retainer have remained consistent throughout the nearly two decades of service by the Stenstrom Law Firm. These services include attendance for up to two (2) regular Council meetings per month, routine telephone calls and brief conferences with the City Manager, Council Members, staff and consultants. Although not expressly stated, included within the

basic services is travel time to and from all meetings and conferences, whether for regular council meetings or otherwise, and all court and administrative hearings. Also included within the retainer is the availability/accessibility of the City Attorney for prompt response to calls and requests for appearance at meetings on reasonable notice. I trust that this satisfactorily responds to the request for information made and I am happy to address any questions or specific concerns the members of Council may have.

- B)** Council has requested information on required voting procedures on motions, resolutions and ordinances presented for approval or adoption to the City Council. I have researched the requirements of Florida's Sunshine Law, the City Charter, Ordinances, Florida Attorney General Opinions and Robert's Rules of Order, Newly Revised Edition. In addition, I have asked the City Clerk to search the records of the City for any rules, regulations or administrative procedures adopted by the City Council previously regarding this subject. No such prior rules, regulations or procedures are known to exist.

Pursuant to Section 286.012, *Florida Statutes*, every member present at a meeting of a municipality at which an official decision, ruling or act is to be taken may **not abstain** from voting in regard to any such decision, ruling, or act and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest. Article II, Section 2.17 of the Daytona Beach Shores City Charter is consistent with state law in that all members of the Council who are present at a meeting of the Council must vote for or against motions, resolutions or ordinances before the Council for action, except where he or she has a possible conflict of interest under state law as to that matter. The Charter further provides that "(f)inal action on motions, resolutions and ordinances shall be taken by roll call and listed in the minutes" (see 2.17, *supra*). There appears to be no Charter or Ordinance provision directing the way in which the roll call vote must be taken.

The Daytona Beach Shores City Charter at Article II, Section 2.16 states that "(t)he city council shall determine its own rules and order of business. In the absence of a rule, however, "Robert's Rules of Order" (latest edition) shall govern." Further, Chapter 2, Article I, Section 2.16 of the Daytona Beach Shores City Code states that "(t)he city council shall have authority to adopt such rules governing its meetings as it may deem expedient. Except as provided by rules adopted by the city council, in all matters of parliamentary procedure, Robert's Rules of Order shall govern and apply". As noted above, there are no rules that have been adopted by the City Council relative to voting procedures. The Charter does, however, prescribe that a roll call must be taken on all motions, resolutions and ordinances. In the absence of other rules by the Council, Robert's Rules of Order govern.

The way a roll call vote is to be taken, as prescribed by Robert's Rules, is summarized as follows: The roll is called in alphabetical order of the surnames

of the members except that the presiding officer's (Mayor's) name is generally called last. The current method utilized by the Clerk is to stagger the roll each time a roll call vote is taken. However, absent adoption of a rule that prescribes that method, it is contrary to Robert's Rules. If a Council member's surname is called during the roll call and he/she is not ready to vote, that member may pass to the conclusion of the calling of the roll. Any member who passes is called again at the conclusion of the first call in the order in which he/she passed. There is no provision in Robert's Rules for a second pass, thus one is not allowed. In addition, state law requires a vote of each member, except for statutory conflicts of interest, so a member may not abstain.

After review of the above, if the Council should decide that it seeks to vary from the voting method otherwise required, it is my recommendation that the matter be referred to the City Clerk and the City Attorney to develop proposed rules to present to the Council at a future meeting.

For purposes of the business of Council while such rules, other than those required above, if any, are being developed, it is my recommendation that the Council adopt interim rules as would apply at a meeting and/or future meetings until final rules are formally adopted. In other words, if Council wants to require staggered voting on roll call votes, it may adopt a motion if it so chooses, to require staggered voting.

Respectfully, submitted,

/s/ Raymond J. Branch, City Attorney



CITY OF DAYTONA BEACH SHORES

"Life Is Better Here"

Office of the City Manager

Phone (386) 763-5373 Fax (386) 763-5360

MEMORANDUM

DATE: January 28, 2020

TO: City Council: Mayor Nancy Miller; Vice Mayor Richard Bryan, Council Member Rick Frizalone; Council Member Mel Lindauer, and Council Member Michael Politis

FROM: Michael T. Booker, City Manager 

SUBJECT: City Manager Report – January 28, 2020

Census:

- Mayor Miller and I met with approximately 50 owners in Towers 10 to discuss the importance and implications of the 2020 U.S. Census. We received a number of excellent questions which will help us as we prepare for future upcoming meetings.

FRS:

- Ballots have been received and cast by all eligible employees regarding their participation in FRS. It appears that an overwhelming majority have elected to participate.

Code Change Recommendations:

- Staff is working on recommendations to the City Code that will make it easier for businesses to advertise and hold special sales and activities in an effort to boost sales and help support our business community.



CITY COUNCIL AGENDA MEMORANDUM JANUARY 28, 2020 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Ordinance 2020-01: City of Daytona Beach Shores and Oceans 25, LLC Development Agreement to permit the development of townhomes on the City owned property located at 2900 S. Atlantic Avenue.

SYNOPSIS:

Ordinance 2020-01, if adopted, would approve a development agreement between the City of Daytona Beach Shores and Oceans 25, LLC to permit the development of 25 townhomes on the 2.13 acre City owned property located at 2900 S. Atlantic Avenue. This ordinance was approved on first reading on January 14, 2020. The development agreement addresses property rights and the development concept of the site. If the ordinance is adopted, the applicant will subsequently submit detailed site development plans to the City for review. These site development plans will require public hearings for a recommendation and approval by the Planning and Zoning Board and the City Council, respectively.

FISCAL IMPACT STATEMENT:

This agreement calls for the City to expend up to \$100,000 for the relocation of sewer lines and will be funded from the sewer fund. As part of the economic development incentive program the city will be rebating 10% of the purchase price upon issuance of a certificate of occupancy at the completion of the project. This amount will be \$80,100 and will be funded by the proceeds from the sale of the property.

Currently, this property is not on the tax rolls and generates \$0.00 in ad-valorem tax dollars for the city and the city expends funds to maintain the existing landscaping. Upon completion this property will begin generating tax dollars based upon the appraised values after completion. It is estimated that the these costs will be recouped through the collection of ad-valorem taxes within 6-10 years.

BACKGROUND:

On June 25, 2019 the Daytona Beach Shores City Council approved the issuance of a Request for Proposal (RFP) regarding the purchase and development of the City owned property located at 2900

S. Atlantic Avenue. The sole respondent and awardee, Florida Lifestyle Homes and Land, Inc., has since formed Oceans 25, LLC to develop the site per the RFP. On November 12, 2019 Oceans 25, LLC and the City entered into a Purchase and Sale Agreement regarding the property in question.

The subject property is currently zoned Mixed Use District and approved for a 50ft high 60-unit condo development with 11,400sf of commercial space. Therefore, a development agreement is necessary to permit the development of the proposed 25 townhome development. If adopted, Ordinance 2020-01 would approve the proposed development agreement and permit the development in question.

The development agreement is for a two year period, however, the developer anticipates acquiring the Final Certificate of Occupancy (CO) within nine (9) months after closing on the purchase of the property. Among other things, the development agreement also provides for the following:

1. Sec. 4(f): Three (3) deviations are granted: (i) front yard setback of 15 ft on S. Atlantic Avenue and Oceans West Boulevard and 10 feet on Ridge Road in lieu of the Mixed Use District required 30 ft; (ii) no commercial component as required by the Mixed Use District; and (iii) No loading zone as required by the Land Development Code.
2. Sec. 4(g): A limitation of 25 townhomes for construction on the site.
3. Sec. 4(h), A deed restriction requirement and covenant limiting the use of the property solely for townhome use.
4. Sec. 5(b): The City shall provide \$100,000 in escrow for the developer to utilize in the relocation of City sewer utilities on the property.
5. Sec. 5(c): The City shall grant the developer a purchase price rebate of 10% pursuant to the City's economic Development Incentive Program in the amount of \$80,100 at the issuance of the Final CO.
6. Sec. 5(d): The developer shall grant underground utility and access easement for all water and sewer facilities.

LEGAL REVIEW:

Consistent with procedures of past development projects as recommended by former City Attorney.

RECOMMENDATION:

Staff recommends approval of Ordinance 2020-01 as presented.

SUGGESTED MOTION:

A City Council member may move as follows:

1. "I move to approve of Ordinance 2020-01 as presented"
OR
2. "I move to approve of Ordinance 2020-01 with the following conditions..."
OR

3. "I move to deny Ordinance 2020-01 on the basis of the following "

- ATTACHMENT:**
1. Ordinance 2020-01-Oceans 25 DA-CC2
 2. Ord. 2020-01 Development Agreement Exhibit-CC-RJB2
 3. DA Exhibits-CC

ORDINANCE 2020-01

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO APPROVAL OF A DEVELOPMENT AGREEMENT PERTAINING TO PROPERTY OWNED BY OCEANS 25, LLC IN ACCORDANCE WITH THE PROVISIONS OF THE “FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT” AS SET FORTH AT SECTIONS 163.3220 - 163.3243, *FLORIDA STATUTES*; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR A SAVINGS PROVISION AND THE EFFECT OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Oceans 25, LLC and the City of Daytona Beach Shores have considered and processed and the City Council of the City of Daytona Beach Shores hereby approves and enacts the Development Agreement, as set forth in the Exhibit to this Ordinance (which Exhibit is incorporated herein by this reference thereto as if fully set forth herein verbatim), all of said actions occurring pursuant to the *Florida Local Government Development Agreement Act* as set forth at Sections 163.3220 through 163.3243, *Florida Statutes*; and

WHEREAS, Patrick Sullivan and William Humbert are the managers of Oceans 25, LLC; and

WHEREAS, the City of Daytona Beach Shores and Oceans 25, LLC have complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City Daytona Beach Shores*.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA THAT:

SECTION ONE: LEGISLATIVE FINDINGS AND INTENT.

(a). The City Council of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum relating to the application relating to the proposed land use approvals and authorization of zoning entitlements pertaining to the property referenced in the Development Agreement as well as the recitals (whereas clauses) to this Ordinance.

(b). The findings of the provisions of the subject Development Agreement between the City of Daytona Beach Shores and Oceans 25, LLC are hereby adopted, ratified and affirmed.

SECTION TWO: APPROVAL AND ENACTMENT OF DEVELOPMENT AGREEMENT.

The Development Agreement between the City of Daytona Beach Shores and Oceans 25, LLC as set forth in the Exhibit to this Ordinance is hereby approved and enacted. The said Exhibit attached to this Ordinance is hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance

SECTION THREE: SAVINGS; EFFECT OF ORDINANCE.

The prior actions of the City of Daytona Beach Shores relating to the regulation of lands and development activities within the City including, but not limited to, the property which is the subject of the Development Agreement between the City of Daytona Beach Shores and Oceans 25, LLC as set forth in the Exhibit to this Ordinance, and involving the subject property, are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION AND IMPLEMENTATION; SCRIVENER'S ERRORS.

- (a). The provisions of this Ordinance shall be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.
- (b). The City Manager, or designee(s), is hereby authorized to take any and all actions necessary to implement the provisions of this Ordinance.
- (c). The City Attorney shall assist the City Manager in the implementation of this Ordinance as may be necessary and required.
- (d). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (e). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION FIVE: CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SIX: SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof..

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon closing of the subject property and the full transfer of ownership from the City of Daytona Beach Shores to Oceans 25, LLC.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY J. MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form:

RAYMOND J. BRANCH, CITY ATTORNEY

Passed on first reading this ___ day of _____, 2020.

Enacted on second reading this ___ day of _____, 2020.

DEVELOPER SIGNATURE BLOCK FOLLOWS:

PLENARY CONCURRENCE OF DEVELOPER

The undersigned developer concurs in each and every respect to the provisions of the subject amendment to the subject Development Agreement and the provisions of this Ordinance.

OCEANS 25, LLC, a Florida limited liability company.

Patrick Sullivan

Date: _____, 2020

William Humbert

Date: _____, 2020

WITNESSES:

Signature of Witness

Printed Name of Witness

Signature of Witness

Printed Name of Witness

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Brendan R. Galbreath and Shannon M. Galbreath, and they acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily and they are personally known to me or provided _____ as identification.

Witness my hand and official seal in the County and State last aforesaid this ____ day of _____, 2020.

(Affix Notary Seal)

Notary Public; State of Florida

Print Name: _____

Prepared by:

Jeffrey P. Brock, Esquire
Smith Bigman Brock, P.A.
444 Seabreeze Blvd.
Suite 900
Daytona Beach, Florida 32118

Return To:

Ms. Cheri Schwab
City Clerk
2990 South Atlantic Avenue
Daytona Beach Shores, Florida 32118

Tax Parcel Identification Number: 532706040020 (Altkey: 5085317).

**OCEANS 25, LLC/CITY OF DAYTONA BEACH SHORES
DEVELOPMENT AGREEMENT
PROPERTY PERTAINING TO 2900 SOUTH ATLANTIC AVENUE**

THIS DEVELOPMENT AGREEMENT is made and entered into on the Effective Date described below, between Oceans 25, LLC, a Florida limited liability company, registered and authorized to conduct business in the State of Florida, whose principal address is 1757 North Nova Road, #108G, Holly Hill, Florida 32117 and whose mailing address is Post Office Box 227, Daytona Beach, Florida 32115, to be legal and equitable owner (under a separate purchase and sale agreement between the parties), hereinafter referred to as the “PROPERTY OWNER”, and the City of Daytona Beach Shores, Florida, a municipal corporation of the State of Florida, holding tax exempt status, whose mailing address is 2990 South Atlantic Avenue, Daytona Beach Shores, Florida 32118, hereinafter referred to as “CITY”.

W I T N E S S E T H:

WHEREAS, the PROPERTY OWNER is the future owner of real property located at 2900 South Atlantic Avenue in Daytona Beach Shores (Exhibit “A”) (referred to from time-to-time as the “premises” in this Development Agreement and which is the subject of the conceptual site plan referenced herein and attached as Exhibit “B” to this Development Agreement) and, further, which property is currently owned by the CITY; and

WHEREAS, the PROPERTY OWNER and the CITY have a great interest in developing a high quality residential development to benefit the economy and well-being of the CITY as a general matter; and

WHEREAS, the CITY desires to provide economic and other benefits to the citizens of the CITY in order that they may continue to enjoy a high quality of life within a well-planned community; and

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the CITY shall adopt and enforce land development regulations for the purpose of implementing its *Comprehensive Plan* and protecting the public health, safety, and

general welfare; and

WHEREAS, pursuant to the *Florida Local Government Development Agreement Act*, as set forth at Sections 163.3220 through 163.3243, *Florida Statutes*, local governments are authorized to adopt, by ordinance, procedures and requirements whereby a local government may consider and enter into a development agreement with any person having a legal or equitable interest in real property located within the local government's jurisdiction and the CITY enacted Ordinance 2013-10 (now codified at Chapter 15, Appendix "G", *Land Development Code, Code of Ordinances of the City of Daytona Beach Shores*) to implement the provisions of the referenced statutory provisions; and

WHEREAS, the lack of certainty in the approval of development can result in a waste of economic and land resources; discourage sound capital improvement planning and financing; escalate the cost of housing and development; and discourage commitment to comprehensive planning and the CITY and the PROPERTY OWNER desire to engage in sound and long range planning with regard to the premises in a manner that protects the investment backed expectations and rights of the PROPERTY OWNER while providing for an array of benefits to the citizens of the CITY; and

WHEREAS, development agreements entered into pursuant to the *Florida Local Government Development Agreement Act*, strengthen the public planning process, encourage sound capital improvement, planning and financing; assist in assuring that there are adequate capital facilities to support development; encourage private participation in comprehensive planning; and reduce the economic cost of a development by providing assurances to a developer that, upon receipt of a development permit, the developer may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement; and

WHEREAS, development agreements are contracts negotiated between project proponents and public agencies that govern the land uses that may be allowed in a particular project and, although subject to negotiation, allowable land uses must be consistent with the local planning policies formulated by the legislative body (the CITY's City Council) through its *Comprehensive Plan*, and consistent with any applicable specific plan; and

WHEREAS, neither the PROPERTY OWNER nor the CITY, as the local government with land use regulatory authority over lands located within the CITY, is required to enter into a development agreement and, when entered, the allowable land uses and other terms and conditions of approval are negotiated between the parties, subject to the CITY's ultimate approval by the City Council, but while a development agreement must advance the CITY's local planning policies, it may also contain provisions that vary from otherwise applicable zoning standards and land use requirements; and

WHEREAS, development agreements are, essentially, a planning tool that allows public agencies greater latitude to advance local planning policies, sometimes in new and creative ways and, as such, development agreements may be viewed as an alternative to the traditional development approval process which, in practice, it is commonly used in conjunction with; and

WHEREAS, the enactment of development agreements by ordinance results in the enactment of the development agreement effectuating and memorializing the zoning and land use entitlements of the property which is the subject of each development agreement; and

WHEREAS, the City Council of the CITY has enacted a series of economic incentive programs which programs are summarized as follows:

A. LAND PURCHASE ECONOMIC DEVELOPMENT PROGRAM:

To encourage the renovation, development, redevelopment and productive use of lands and buildings within the City, the City Council may enter development agreements, which may relate to either City-owned or non-City-owned real property and provide the purchaser of the land with a grant of up to a 10% of the purchase price to allow the purchaser to use the funds to assist in the development of the real property or in order to assist in the build out of the property in a high quality plan of development.

B. ECONOMIC DEVELOPMENT COMMERCIAL LEASE SUBSIDY PROGRAM:

This Program will provide a subsidy, under appropriate circumstances, to subsidize leases relating to new businesses within the City over a 3 year period of time in order to assist selected businesses to commence economic activity and remain a going concern. Leases may be subsidized up to 30% for the first year of the lease, up to 20% for the second year of the lease, and up to 10% for the third year of the lease: Existing businesses which desire to relocate to a larger space in the City which relocation will result in enhanced business operations or employment and businesses which extend a lease for a longer term of at least 3 years when the extension will result in enhanced business operations or employment shall also be eligible for the same benefits. The total amount of this incentive may not exceed \$20,000.00.

C. ALTERNATIVE GRANT PROGRAM:

In the event that an owner of real property has engaged in or entered a business relationship in a manner which the City determines is not conducive to a lease subsidy being granted by the City, the City may enter grant agreements with such applicants such as, by way of example, facade or beautification grant agreements; provided that the City is attaining substantially or more of the same economic and other benefits that are substantially the same or greater than that the City would enjoy under a lease subsidy award. Such grants may be awarded under conditions that address the unique nature of the business arrangement within which context the real property is held or the business operated. The total amount of the grant under an agreement may not exceed \$20,000.00.

D. BUSINESS LOYALTY PROGRAM:

The owner of an eligible business may receive a reimbursement of part of its certificate of use fee and a reduction in its local business tax for a period of time.

E. ALTERNATIVE TAX RELIEF PROGRAM:

The owner of real property may receive a negotiated amount of refunds of City fees and ad valorem taxes for a negotiated period of time.

; and

WHEREAS, the City staff must conclude and advise the City Council of the CITY that any of the aforementioned proposed economic incentives are compliant with the ordinances that the City Council has enacted after due and required vetting and analysis; and

WHEREAS, Section 166.021(8),) *Florida Statutes*, with particular emphasis on the **emphasized text**, provides as follows:

(8) (a) The Legislature finds and declares that this state faces increasing competition from other states and other countries for the location and retention of private enterprises within its borders. Furthermore, the Legislature finds that there is a need to enhance and expand economic activity in the municipalities of this state by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, in order to provide a stronger, more balanced, and

stable economy in the state, to enhance and preserve purchasing power and employment opportunities for the residents of this state, and to improve the welfare and competitive position of the state. The Legislature declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the municipalities of the state.

(b) The governing body of a municipality may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such economic development goals constitutes a public purpose. The provisions of this chapter which confer powers and duties on the governing body of a municipality, including any powers not specifically prohibited by law which can be exercised by the governing body of a municipality, shall be liberally construed in order to effectively carry out the purposes of this subsection.

(c) For the purposes of this subsection, it constitutes a public purpose to expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community.

(d) A contract between the governing body of a municipality or other entity engaged in economic development activities on behalf of the municipality and an economic development agency must require the agency or entity receiving municipal funds to submit a report to the governing body of the municipality detailing how the municipal funds are spent and detailing the results of the economic development agency's or entity's efforts on behalf of the municipality. By January 15, 2011, and annually thereafter, the municipality shall file a copy of the report with the Office of Economic and Demographic Research and post a copy of the report on the municipality's website.

(e)1. By January 15, 2011, and annually thereafter, each municipality having annual revenues or expenditures greater than \$250,000 shall report to the Office of Economic and Demographic Research the economic development incentives in excess of \$25,000 given to any business during the municipality's previous fiscal year. The Office of Economic and Demographic Research shall compile the information from the municipalities into a report and provide the report to the President of the Senate, the Speaker of the House of

Representatives, and the Department of Economic Opportunity. Economic development incentives include:

a. Direct financial incentives of monetary assistance provided to a business from the municipality or through an organization authorized by the municipality. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

b. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

c. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research.

3. The Office of Economic and Demographic Research shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

(f) This subsection does not limit the home rule powers granted by the State Constitution to municipalities.

; and

WHEREAS, the City Council of the CITY finds it is in the best interest and welfare of the citizens of the CITY to approve this Development Agreement with the terms and conditions set forth herein; and

WHEREAS, the City Council of the CITY has determined that the terms and conditions of this Development Agreement are in the best interests of the public health, safety and welfare of the citizens of the CITY and provide for specific public benefits; and

WHEREAS, the City Council of the CITY hereby finds and concludes that the provisions of this Development Agreement are consistent with the CITY's *Comprehensive Plan* and will result in the provision of enhanced economic development within the CITY and is consistent with the general purpose and intent of the land development regulations of the CITY and no amendments are required to the CITY's *Comprehensive Plan* or land development regulations in order to approve the development set forth in this Development Agreement; and

WHEREAS, the PROPERTY OWNER and the CITY have complied with

all requirements and procedures of Florida law in processing and advertising this Development Agreement; and

WHEREAS, this Development Agreement is consistent with the goals, objectives and policies of the *Comprehensive Plan* of the City Daytona Beach Shores.

NOW, THEREFORE, in consideration of the foregoing, and the premises and the promises, covenants and agreements herein contained, and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties the PROPERTY OWNER and CITY agree as follows:

SECTION 1. RECITALS/FINDINGS.

(a). The recitals, set forth above, are true and correct and form a material part of this Development Agreement upon which the parties have relied.

(b). The findings, set forth above, are, and constitute, the legislative, administrative and quasi-judicial findings of the City Council of the CITY and form a material part of this Development Agreement upon which the parties have relied.

SECTION 2. PREMISES.

(a). The PROPERTY OWNER hereby designates, and the CITY hereby accepts, the following described tract of real property as the legal description for the premises for the purposes of this Development Agreement:

(LEGAL DESCRIPTION) – See attached Exhibit “A”.

(b). The legal entity having legal or equitable ownership of the premises is the PROPERTY OWNER as the contract purchaser of the CITY-owned property.

SECTION 3. SITE , ELEVATIONS, LANDSCAPINB PLANS FOR DEVELOPMENT.

The attached conceptual site plan for development of the premises (Exhibit “B”); elevations plans (Exhibit C) and conceptual landscaping plans (Exhibit D) are hereby approved by the terms and conditions of this Development Agreement.

SECTION 4. TERMS AND CONDITIONS RELATIVE TO THE PREMISES.

(a). In addition to all other covenants, obligations, duties and responsibilities set forth herein, the PROPERTY OWNER is approved for the following development on the premises in accordance with the conceptual site plan for development of the premises (Exhibit “B”).

(b). The development uses, including parking, driveways and landscaping, as set forth on the conceptual site plan approved in Section 3 and attached as Exhibit "B" comply with the criteria for development in the applicable provisions in the land development regulations of the CITY applicable to this development project on the premises or as modified in this Development Agreement.

(c). The public facilities that will service the development of the premises shall continue as the premises are currently served. All necessary public facilities shall be available concurrent with the impacts of the development.

(d). The public purposes and benefits that are derived and provided by the development of the premises as set forth in this Development Agreement include the enhancement of the City's ad valorem tax base by placing tax exempt property into economic use. Further, sale of City-owned real property shall provide necessary funding for the economic development programs of the City. Moreover, the increased residents of the CITY resulting from the economic activity and residential development set forth in this Development Agreement shall assist in the development of the critical population and resident mass that will act as a catalyst for future successful economic activity and development within the CITY.

(e). All development permits normatively needed to be approved for the development of the premises shall be subject to the review and approval processes during the course of the development of the premises; provided, however, that, it is noted that no *Comprehensive Plan* amendments or changes in land use designations or changes in zoning classifications/districts assigned to property are necessitated by the development approved for the premises nor any required submissions to or approvals from Volusia County; the State of Florida (departments of Economic Opportunity, Environmental Protection, Transportation, or such other department or agency of the State as may be applicable); the United States Army Corps of Engineers; the St. Johns River Water Management District; the United States Environmental Protection Agency or any other Federal departments or agencies with competent jurisdiction over any aspect of the approved development, but such requirements are not precluded by this Development Agreement and the parties recognize and agree that the CITY is adhering to the provisions of Section 166.033, *Florida Statutes*.

(f). The deviations as set forth below for the proposed development of the premises in accordance with Exhibit "B" have been granted by the CITY with regard to the provisions of the CITY's land development regulations and the City agrees to the development of the premises associated with the plan of development set forth in this Development Agreement.

- (i) Front Yard Setback of 15 ft. on S. Atlantic Avenue and Oceans West Boulevard and 10 feet on Ridge Road (vs 30 feet required by CITY's land development regulations).

- (ii) No commercial component to the proposed residential use (vs. MXD (Mixed Use District) requiring a commercial component).
- (iii) No loading zone (vs. 40ft x 12 ft. loading zone required by CITY land development regulations)

(g). Notwithstanding the plan of development set forth in the conceptual site plan for development of the premises (Exhibit "B"), the maximum number of townhomes that may be constructed on the premises shall be 25.

(h). The maximum number of townhomes (25) shall be implemented as a deed restriction and a covenant that runs with and burdens the premises and the use as townhome development shall also be a limiting deed restriction that shall be implemented during the course of the closing of the purchase and sale transaction.

(i). The parties recognize that it is the intent of the PROPERTY OWNER to obtain the final certificate of occupancy for the development project contemplated under this Development Agreement no later than 9 months following the Closing of the purchase and sale of the premises.

(j). Prior to the issuance of the first certificate of occupancy the PROPERTY OWNER shall have established in accordance with controlling law, as to the reasonable satisfaction of the CITY, a mandatory homeowners association to manage and maintain common areas and matters of a similar nature.

SECTION 5. ECONOMIC DEVELOPMENT INCENTIVES AND PROPERTY OWNER CONTRIBUTIONS.

(a). The CITY has agreed to sell the premises, which is currently CITY-owned property for a sum substantially less than the appraised value of the property under the provisions of the purchase and sale agreement.

(b). The parties acknowledge that there are sewer utility facilities located on the premises (a force main, etc.) and the costs for such work shall be borne by the CITY, but shall be made a part of the PROPERTY OWNER's program of development. The payment shall be made from funds from the Closing which occurs from the purchase and sale of the premises. The sum of \$100,000.00 shall be deposited by the City with the Closing Agent at closing **and** be held by the Closing Agent, acting as Escrow Agent (said sum representing the estimated costs of utility relocation plus a 10% contingency amount). Upon work being accomplished, the PROPERTY OWNER shall receive draws from the withheld amount to pay for contractor charges to accomplish the utility relocation. The stated sum shall be a not-to-exceed amount payable for the work by the CITY.

Any balance remaining in escrow upon the completion of the relocation shall be delivered by escrow agent to the City.

(c). With regard to benefits paid by the CITY to the PROPERTY OWNER under the CITY's economic development incentive programs, the CITY agrees as follows: The PROPERTY OWNER will receive a 10% reimbursement of \$80,100.00 for the purchase of the subject CITY-owned property at the issuance of a certificate of occupancy for the 25th town home certificate of occupancy as contemplated under the plan of development authorized under this Development Agreement.

(d) The PROPERTY OWNER shall grant to the CITY at no cost a underground utility and access easement over all water and sewer facilities located on the premises.

SECTION 6. REASONABLE APPROVAL.

In those instances in this Development Agreement in which a party's approval, consent or satisfaction is required, then it shall be implied that such action shall be exercised in a reasonable manner and within a reasonable time frame. The City shall waive all City impact fees, application fees, and review fees for the development of the premises and shall expedite all review.

SECTION 7. REMEDIES.

Each party shall have any and all remedies as permitted by law; provided, however, that the parties agree to provide for positive dialogue and communications if disputes or disagreements arise as to the interpretation or implementation of this Development Agreement.

SECTION 8. TIME IS OF THE ESSENCE.

Time is of the essence of the lawful performance of the duties and obligations contained in this Development Agreement. The parties covenant and agree that they shall diligently and expeditiously pursue their respective obligations set forth in this Development Agreement.

SECTION 9. HEADINGS/CAPTIONS.

All sections and descriptive headings in this Development Agreement are inserted for convenience only, and shall not affect the construction or interpretation hereof.

SECTION 10. FORCE MAJEURE.

No party shall be considered in default in performance of its obligations

hereunder to the extent that performance of such obligations, or any of them, is delayed or prevented by Force Majeure. Force Majeure shall include, but not be limited to, hostility, revolution, civil commotion, strike, epidemic, fire, flood, wind, earthquake, terrorism, hurricane, explosion, any law, proclamation, regulation, or ordinance or other act of government, or any act of God or any cause whether of the same or different nature, existing or future; provided that the cause whether or not enumerated in this Section is beyond the control and without the fault or negligence of the party seeking relief under this Section.

SECTION 11. DEVELOPMENT AGREEMENT BINDING; RUNS WITH THE LAND.

(a). This Development Agreement shall be binding upon and inure to the benefit and burden of the successors in interest, transferees and assigns of the parties. Each party hereto represents to the other that it has undertaken all necessary actions to execute this Development Agreement, and that it has the legal authority to enter into this Development Agreement and to undertake all obligations imposed on it. The signatories hereof represent that they have the requisite and legal authority to execute this Development Agreement and bind the respective parties herein.

(b). This Development Agreement touches and concerns the premises and shall run with the land and shall be binding upon and inure to the benefit and burden of the parties hereto and their respective successors and assigns.

SECTION 12. EXHIBITS.

All exhibits to this Development Agreement are hereby incorporated into this Development Agreement by this reference thereto.

Exhibit A - Survey and Legal Description of the Premises
Exhibit B - Conceptual Development Plan
Exhibit C - Elevations
Exhibit D - Landscaping Plan

SECTION 13. PUBLIC RECORDS.

(a). The PROPERTY OWNER shall allow public access to all documents, papers, letters or other materials subject to the provisions of Chapter 119, Florida Statutes, and other controlling law and which have been made or received by the PROPERTY OWNER in conjunction with this Development Agreement and shall adhere to the controlling provisions of State law relating to public records.

(b). **IF THE PROPERTY OWNER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE PROPERTY OWNER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS**

CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS; CHERI SCHWAB, CITY CLERK, (386) 763-5353, CSCHWAB@CITYOFDBS.ORG, 2990 SOUTH ATLANTIC AVENUE, DAYTONA BEACH SHORES, FLORIDA 32118.

SECTION 14. EQUAL OPPORTUNITY.

The PROPERTY OWNER agrees that it will not discriminate against any employee or applicant for employment for work relating to the services provided under this Development Agreement because of race, color, religion, sex, age, national origin or disability and will take affirmative steps to ensure that applicants are employed and employees are treated during employment without regard to race, color, religion, sex, age, national origin or disability. This provision shall include, but not be limited to, the following: employment, upgrading, demoting or transfer; recruitment advertising; layoff or termination; rates of pay or their forms of compensation; and selection for training, including apprenticeship.

SECTION 15. CONFLICT OF INTEREST.

The PROPERTY OWNER agrees that it will not commit any act that would cause or create a conflict of interest as defined by Chapter 112, Florida Statutes, to exist or occur in the performance of its obligations pursuant to this Development Agreement with the CITY.

SECTION 16. COMPLIANCE WITH LAWS AND REGULATIONS.

In performing pursuant to this Development Agreement, the PROPERTY OWNER shall abide by all statutes, ordinances, rules, and regulations pertaining to, regulating the acts contemplated to be performed herein, including those now in effect and hereafter adopted. This provision shall include, but not be limited to, the provisions of the CITY's land development regulations and the codes and ordinances of the CITY. Any violation of said statutes, ordinances, rules or regulations shall constitute a material breach of this Development Agreement.

SECTION 17. NOTICES.

(a). Whenever either party desires to give notice unto the other, notice may be sent to:

For the CITY:

Mr. Mike Booker
City Manager
City of Daytona Beach Shores
2990 South Atlantic Avenue
Daytona Beach Shores, Florida 32771

For the PROPERTY OWNER:

Oceans 25, LLC
Attn: Patrick E. Sullivan
1757 North Nova Road
#108G
Holly Hill, Florida 32117

(b). Either party may change the address for notification by providing notice of such change to the other party.

SECTION 18. INTERPRETATION; APPLICABLE LAW; VENUE.

The laws of the State of Florida shall govern this Development Agreement. Any legal action necessary arising out of the Development Agreement will have its venue in Volusia County and the Development Agreement will be interpreted according to the laws of Florida. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other further exercise thereof. Waiver of a default shall not be deemed a waiver of any subsequent defaults. In any action brought by either party for the enforcement of the obligations of the other party, the prevailing party shall be entitled to recover reasonable attorney's fees and court costs. The specific provisions of this Development Agreement shall prevail over the generality of the foregoing. In any action or proceeding required to enforce or interpret the terms of this Development Agreement, venue shall be in the Seventh Judicial Circuit Court in and for Volusia County, Florida.

SECTION 19. CONSTRUCTION OR INTERPRETATION OF THE DEVELOPMENT AGREEMENT.

This Development Agreement is the result of bona fide arms-length negotiations between the parties and all parties have contributed substantially and materially to the preparation of the Development Agreement. Accordingly, this Development Agreement shall not be construed or interpreted more strictly against either party than against any other party both parties having participated in the drafting of this Development Agreement. Whenever a decision is provided for herein which is to be made by the CITY, such decision must be in writing in order to be binding upon the CITY.

SECTION 20. ENTIRE DEVELOPMENT AGREEMENT/MODIFICATION.

(a) This Development Agreement constitutes the complete, integrated and entire agreement between the parties with respect to the subject matter

hereof, and supersedes all prior agreements, arrangements, contracts or understandings, whether oral or written, between the parties relating thereto, all of which have been integrated herein. This Development Agreement may not be amended, changed, or modified and material provisions hereunder may not be waived, except by a written document, of equal dignity herewith and signed by all parties to this Development Agreement.

- (b) If the City Council of the CITY finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of this Development Agreement, this Development Agreement may be revoked or modified by the City Council upon affording the PROPERTY OWNER administrative due process rights in accordance with controlling law.
- (c) A substantial modification of this Development Agreement shall require approval by the City Council in accordance with the procedures set forth in Chapter 15, Appendix "G", Land Development Code, Code of Ordinances of the City of Daytona Beach Shores. This Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest; provided, however, that a substantial modification of this Development Agreement shall require approval by the City Council in accordance with the procedures set forth in Chapter 15, Appendix "G", *Land Development Code, Code of Ordinances of the City of Daytona Beach Shores*. Substantial modification shall mean any modification that is inconsistent with the substantial compliance definition contained in Sec. 2-2 of the City's LDC.
- (d) If State or Federal laws are enacted after the execution of this Development Agreement, which are applicable to and preclude the parties' compliance with the terms of this Development Agreement, this Development Agreement shall be modified or revoked as is necessary to comply with the relevant State or Federal laws.

SECTION 21. THIRD PARTY BENEFICIARIES/TRANSFERABILITY.

- (a) The CITY shall not be liable to any person, firm or corporation who contracts with or provides goods or services to the PROPERTY OWNER in connection with services provided by the PROPERTY OWNER to the CITY; and there is no contractual relationship, either expressed or implied, between the CITY and any other person, firm, or corporation supplying any work, labor, services, goods or materials to the PROPERTY OWNER as a result of its services to the CITY hereunder. This Development Agreement is solely for the benefit of the formal parties to this Development Agreement, and no right or cause of action shall accrue by reason hereof to or for the benefit of any other third party not a formal party hereto. Nothing in this Development Agreement, expressed

or implied, is intended or shall be construed to confer upon or give any person or entity any right, remedy or claim under or by reason of this Development Agreement or any provisions or conditions hereof, other than the parties hereto and their respective representatives, successors and assigns as set forth herein.

- (b) This Development Agreement is transferable. However, so long as the land or structure or any portion thereof covered under this Development Agreement continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person(s) or entity(ies) who obtained this Development Agreement or land which is the subject of this Development Agreement) may make use of the land except in accordance with the conditions and requirements of this Development Agreement. The provisions of this Development Agreement run with and burden the real property to which it relates until release or amended in accordance with formal action of the CITY.

SECTION 22. ATTORNEYS FEES AND COSTS.

In the event of any action to enforce the terms of this Development Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees, paralegals' fees, and costs incurred, whether the same be incurred in pre-litigation negotiation, litigation at the trial level, or upon appeal.

SECTION 23. SEVERABILITY.

If any one or more of the covenants or provisions of this Development Agreement shall be held to be contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall, for any reason whatsoever, be held invalid, then such covenants or provisions shall be null and void, shall be deemed separable from the remaining covenants or provisions of this Development Agreement, and shall, in no way, affect the validity of the remaining covenants or provisions of this Development Agreement.

SECTION 24. EFFECTIVE DATE/TERMINATION; PERIODIC REVIEW OF DEVELOPMENT AGREEMENT.

- (a) This Development Agreement shall take effect on the date that this Development Agreement is fully executed by the parties and is recorded in the Official Records (Land Records) of Volusia County, Florida.
- (b) This Development Agreement shall be in effect for a period of twenty-four (24) months, but may be extended by mutual consent of the CITY and the PROPERTY OWNER. Any request for an extension shall be subject to the public hearing process necessary for the initial approval of said

Development Agreement; provided, however, that the CITY has concluded that the vested rights of the PROPERTY OWNER and the investment backed expectations of the PROPERTY OWNER warrant a renewal and continuation of the development approved for the premises herein.

- (c) Prior to the completion of the project and at the issuance of a certificate of occupancy by the CITY, the CITY may review this Development Agreement as well as at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the Development Agreement.

SECTION 25. COUNTERPARTS.

This Development Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same document.

SIGNATURE PAGES FOLLOW:

IN WITNESS WHEREOF, the parties have executed this Development Agreement on the date stated below their signature.

Attest:

CITY OF DAYTONA BEACH SHORES

Cheri Schwab, City Clerk

Nancy J. Miller, Mayor
Date: _____

Michael T. Booker, City Manager

Approved as to form:

Raymond J. Branch, City Attorney

ADDITIONAL SIGNATURE PAGE FOLLOWS:

Witnesses:

OCEANS 25, LLC, a Florida limited liability company

By: _____
Patrick E. Sullivan
Manager

Printed Name

Printed Name

Acknowledgment

State of Florida)

County of Volusia)

I Hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Patrick E. Sullivan, acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily and they are personally known to me or provided _____ as identification.

Witness my hand and official seal in the County and State last aforesaid this ____ day of _____, 2020.

(Affix Notary Seal)

Notary Public; State of Florida
Print name: _____

{Legal Description and Boundary Survey}



Exhibit B
{conceptual plan}

Exhibit C
{Elevations}

Exhibit D
{Conceptual Landscaping Plan}

PART OF BLOCKS D AND E, MCELROYS BELLEVIEW SUBDIVISION, AS RECORDED IN MAP BOOK 11, PAGE 98, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE, SAID POINT BEING THE INTERSECTION OF THE NORTHERLY LINE OF MCELROYS BELLEVIEW WITH THE EASTERLY LINE OF SOUTH PENINSULA DRIVE, AN 80 FOOT RIGHT-OF-WAY AS PRESENTLY ESTABLISHED; THENCE NORTH 89°33'11" EAST ALONG THE NORTHERLY LINE OF THE AFORESAID MCELROYS BELLEVIEW A DISTANCE OF 951.56 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°33'11" EAST ALONG SAID NORTHERLY LINE OF MCELROYS BELLEVIEW A DISTANCE OF 165.72 FEET TO A POINT ON A CURVE CONCAVE EASTERLY, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF SOUTH ATLANTIC AVENUE, AN 80 FOOT RIGHT-OF-WAY AS PRESENTLY ESTABLISHED; THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1349.46 FEET, AND A CENTRAL ANGLE OF 10°26'41", AN ARC LENGTH OF 246.00 FEET, AND A CHORD DISTANCE OF 245.66 FEET, BEARING SOUTH 37°35'54" WEST, TO A POINT OF REVERSE CURVATURE CONCAVE NORTHWESTERLY; SAID POINT BEING THE INTERSECTION OF THE AFORESAID WESTERLY RIGHT-OF-WAY OF SOUTH ATLANTIC AVENUE AND THE NORTHERLY RIGHT-OF-WAY OF OCEANS WEST BLVD., A 70 FOOT RIGHT-OF-WAY AS SHOWN ON PLAT OF OCEANS WEST, A PLANNED UNIT DEVELOPMENT; AS RECORDED IN MAP BOOK 38, PAGE 67, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID CURVE AND NORTHERLY RIGHT-OF-WAY TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 114°53'36", AN ARC LENGTH OF 50.13 FEET, AND A CHORD DISTANCE OF 42.14 FEET, SOUTH 13°42'12" EAST, TO A POINT OF COMPOUND CURVATURE CONCAVE NORTHERLY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 65.00 FEET, A CENTRAL ANGLE OF 18°24'11", AN ARC LENGTH OF 20.88 FEET, AND A CHORD DISTANCE OF 20.79 FEET, SOUTH 80°21'06" WEST TO THE POINT OF TANGENCY; THENCE SOUTH 89°33'11" WEST ALONG AFORESAID NORTHERLY RIGHT-OF-WAY 294.31 FEET TO A POINT OF CURVATURE CONCAVE SOUTHEASTERLY; THENCE ALONG SAID CURVE AND AFORESAID NORTHERLY RIGHT-OF-WAY SAID CURVE HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 63°47'22", AN ARC LENGTH OF 139.17 FEET TO A POINT ON THE EASTERLY LINE OF OCEANS WEST, A PLANNED UNIT DEVELOPMENT AFORESAID; THENCE NORTH 27°22'EAST ALONG SAID EASTERLY LINE OF OCEANS WEST 162.05 FEET, THENCE NORTH 49°29'36" EAST, A DISTANCE OF 256.83 FEET TO THE NORTHERLY LINE OF MCELROYS BELLEVIEW, AFORESAID, AND THE POINT OF BEGINNING.

CONTAINS 2.13 ACRES MORE OR LESS.

EXHIBIT A - LEGAL DESCRIPTION

PROJECT: OCEANS 25

SCALE: NONE

FILE: 894-BASE 4

DATE: 12/18/19

THE PERFORMANCE GROUP

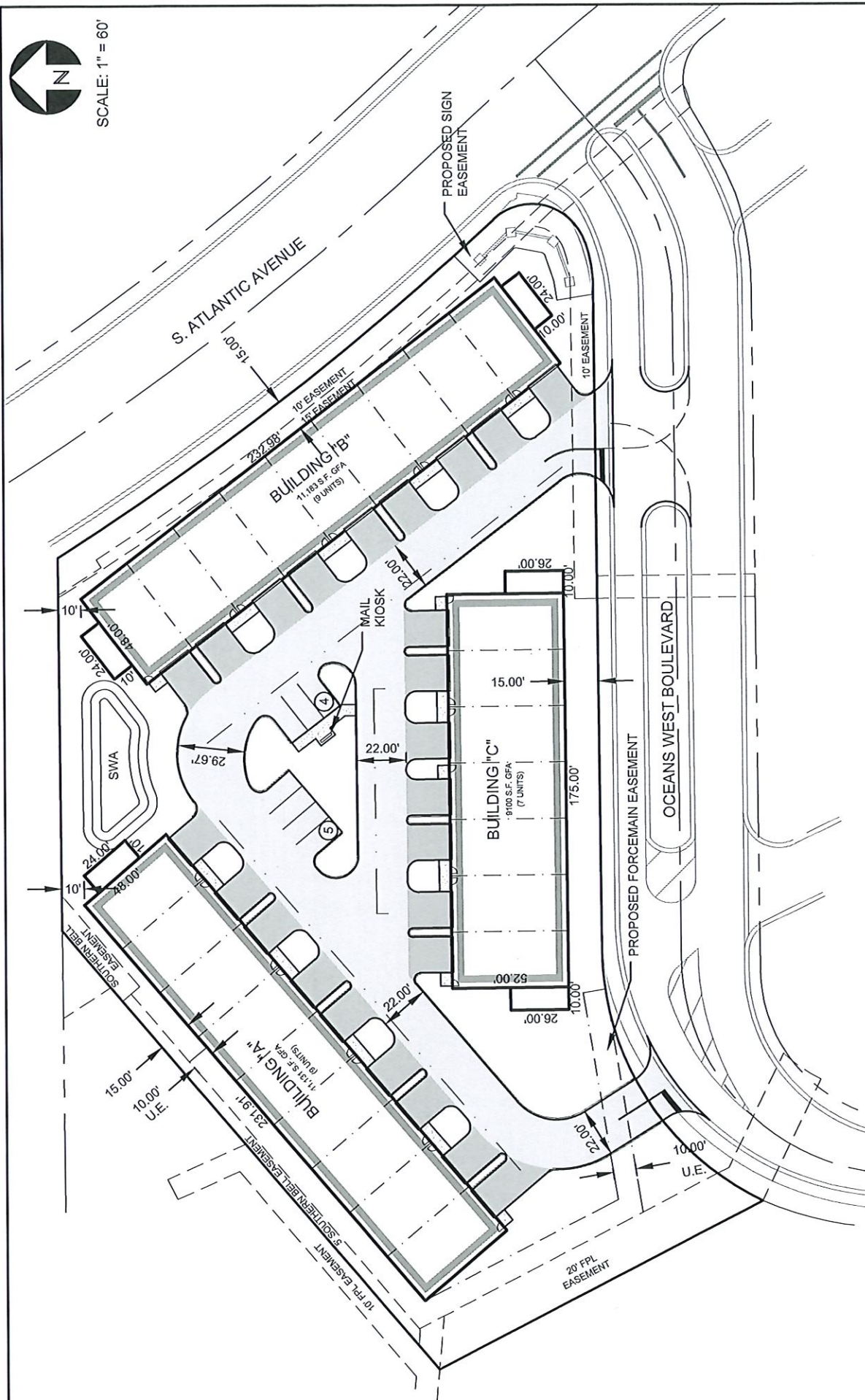
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059
100 MARINA POINT DR., DAYTONA BEACH, FL. 32114
TELEPHONE: (386) 239-7166 FAX: (386) 239-7120



SCALE: 1" = 60'



THE PERFORMANCE GROUP
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059
100 MARINA POINT DR., DAYTONA BEACH, FL 32114
TELEPHONE: (386) 239-7166 FAX: (386) 239-7120

EXHIBIT B - OVERALL DEVELOPMENT PLAN

NO. DATE REVISION

PROJECT: OCEANS 25

FILE: 894-BASE 4

SCALE: 1"=60'

DATE: 12/18/19



BUILDING B FRONT ELEVATION



THE PERFORMANCE GROUP
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059
100 MARINA POINT DR., DAYTONA BEACH, FL. 32114
TELEPHONE: (386) 239-7166 FAX: (386) 239-7120

EXHIBIT C - ELEVATIONS		SCALE: NONE	
PROJECT: OCEANS 25		DATE: 12/18/19	
FILE: 894-BASE 4			
NO.	DATE	REVISION	

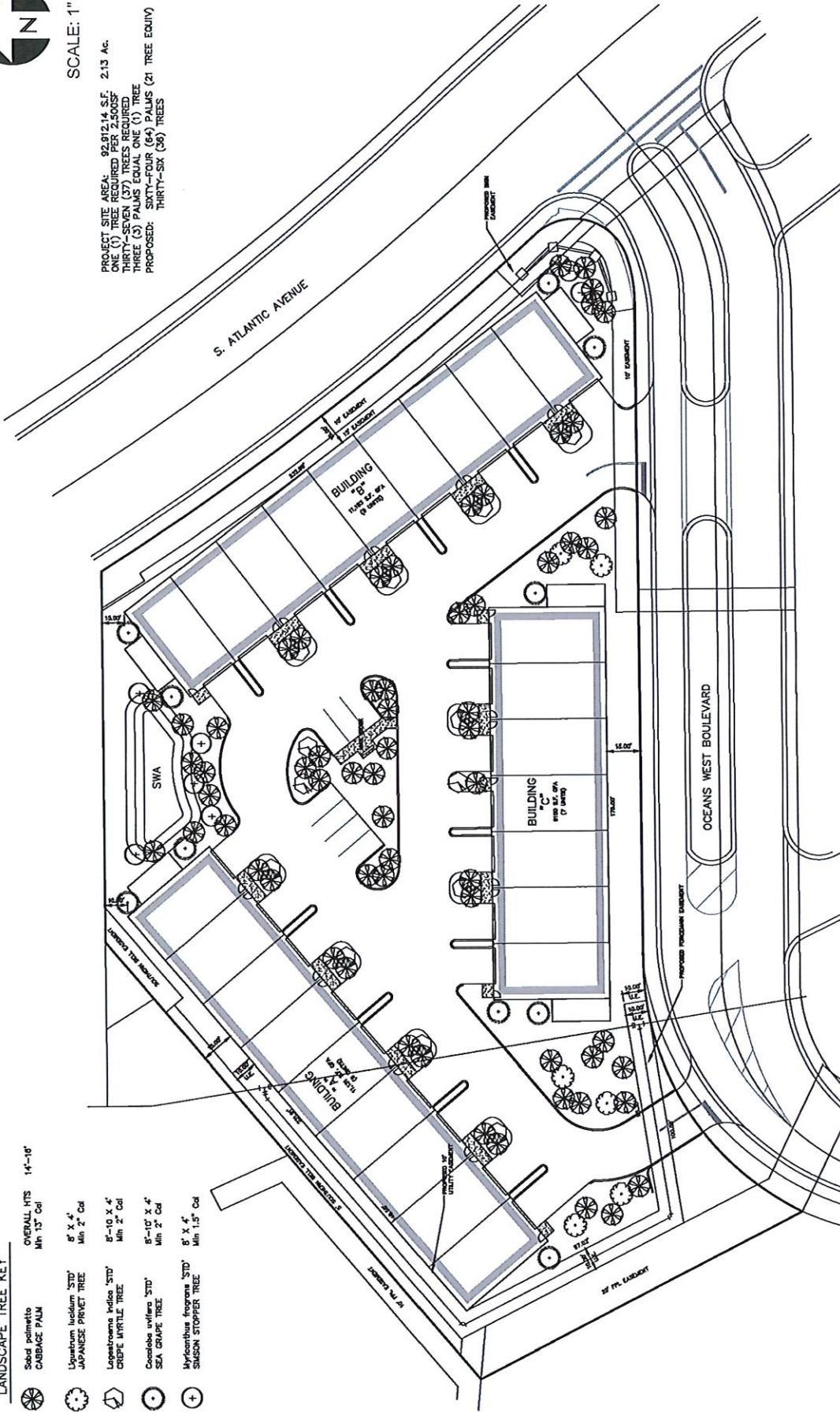


SCALE: 1" = 60'

PROJECT SITE AREA: 22,019.14 S.F.
OVERALL LOTS: 14'-16"
MIN 13' C&I
THIRTY-SEVEN (37) TREES REQUIRED
THREE (3) PALMS EQUAL ONE (1) TREE
PROPOSED: SIXTY-FOUR (64) PALMS (21 TREE EQUIV)
THIRTY-SIX (36) TREES

LANDSCAPE TREE KEY

- Overall LOTS 14'-16"
Min 13' C&I
 - 8' x 4'
Min 2' C&I
 - 8'-10' x 4'
Min 2' C&I
 - 8'-10' x 4'
Min 2' C&I
 - 8' x 4'
Min 1.5' C&I
- Sequoia sempervirens
CABBAGE PALM
- Laguncularia lucida 'STD'
JAPANESE PRIVET TREE
- Leptocarpus lucida 'STD'
CROPE MYRTLE TREE
- Conocarpus wrightii 'STD'
SEA GRAPE TREE
- Myrsine coriacea 'STD'
SMOOTH STOPPER TREE



THE STERN DESIGN GROUP, P.A.
Landscape Architects Land Planners

THE PERFORMANCE GROUP
CIVIL ENGINEERING / PLANNING / DEVELOPMENT



JOSEPH H. HOPKINS, P.E. NO. 48059
100 MARINA POINT DR., DAYTONA BEACH, FL. 32114
TELEPHONE: (386) 239-7166 FAX: (386) 239-7120

EXHIBIT D - LANDSCAPING

NO. DATE REVISION

PROJECT: OCEANS 25

FILE: 894-BASE 4

SCALE: 1"=60'

DATE: 12/18/19



**CITY COUNCIL AGENDA MEMORANDUM
JANUARY 28, 2020 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Consideration to extend contract with Stacy Conomos for Economic Development until September 30, 2020.

SYNOPSIS:

If approved, this would extend the current contract with Stacy Conomos for Economic Development until September 30, 2020.

FISCAL IMPACT STATEMENT:

This contract would continue to be funded from the General Fund Budget.

BACKGROUND:

In August, 2019, the Council voted to enter into a contract with Stacy Conomos for Economic Development. Her duties are to promote the economic development programs through the use of mailers, surveys and social media. The contract was for 90 days. On October 22, 2019, the council voted to extend the contract for another 90 days until February 15, 2020.

LEGAL REVIEW:

RECOMMENDATION:

The City Manager recommended extending the contract through the end of this fiscal year, September 30, 2020.

SUGGESTED MOTION:

I move to extend the contract with Stacy Conomos until September 30, 2020.

ATTACHMENT: None



CITY COUNCIL AGENDA MEMORANDUM JANUARY 28, 2020 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Ordinance 2020-03: Comprehensive Plan Amendment to create a new Future Land Use Goal, Objective and Policy that would allow the limited expansion of nonconforming single-family residential uses and structures on properties with the High Intensity Future Land Use.

SYNOPSIS:

Ordinance 2020-03 if adopted would amend the Daytona Beach Shores Comprehensive Plan to create a new Future Land Use goal, objective and policy that would allow the limited expansion of nonconforming single-family residential uses and structures on properties in the High Intensity Future Land Use areas of the City. The impetus for this ordinance was direction from the City Council at its August 13, 2019 City Council meeting wherein the City Council inquired about a process for permitting the limited expansion of beachside nonconforming single-family properties in High Intensity (hotel/motel) areas. If approved, staff will bring forward a Land Development Code amendment to implement the amendment.

FISCAL IMPACT STATEMENT:

The current fiscal year has adequate funding to implement all technical and administrative actions needed to implement the subject proposal.

BACKGROUND:

On August 13, 2019 the Daytona Beach Shores City Council denied Special Exception SPEX12019016 relating to the expansion of a nonconforming single-family residence located at 3839 S. Atlantic Avenue (**Exhibit A**). The property was nonconforming because it is located in the High Intensity category on the Future Land Use Map of the City's Comprehensive Plan. High Intensity uses include hotels, motels and multifamily residential uses. Expanding nonconforming uses and structures are prohibited by City Code and inconsistent with the Comprehensive Plan. However, at the public hearing the City Council inquired about a way to allow the special exception. Ordinance 2020-03, if approved, would allow the property owner and others in similar situations to expand their nonconforming single-family uses and structures per the proposed goal, objective and policy below. **Exhibit B** attached illustrates the effect of the amendment if approved.

PROPOSED AMENDMENT LANGUAGE:

Goal 1-3: Goal 1-3: To protect private property rights by allowing certain limited changes to nonconforming uses that are fair and reasonable.

Objective 1-3.1: The City shall allow limited expansion of single-family residential uses and structures, even when non-conforming, with regard to properties which are designated a High Intensity Future Land Use Classification.

Policy 1-3.1.1: By December 31, 2020 the City shall amend the Land Development Code to allow the expansion of single-family residential structures pursuant to Objective 1-3.1 to expand within and up to the existing building footprint of the existing structure but in no case shall expansion extend beyond the existing building height of the highest part of the roof structure.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2020-03 as presented.

SUGGESTED MOTION:

A Council Member may move as follows:

1. "I move to recommend approval of Ordinance 2020-03 as presented"
- OR
2. "I move to recommend approval of Ordinance 2020-03 with the following conditions..."
- OR
3. "I move to deny Ordinance 2020-03 on the basis of the following"

- ATTACHMENT:**
1. Exhibit A-CCMinutes-8-13-19
 2. Exhibit B-Illustration Effect of Proposed Amendment
 3. ORD 2020-03-CC 1st Reading-SF Nonconforming Expansion
 4. Ord. 2020-03 Exhibit A

MINUTES
CITY COUNCIL MEETING
August 13, 2019
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

CALL TO ORDER BY MAYOR

Present: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

Staff: City Clerk Cheri Schwab, City Attorney Lonnie Groot, City Planner Stewart Cruz, Community Services Director Fred Hiatt, Finance Director Kurt Swartzlander, and Public Safety Director Stephan Dembinsky.

ROLL CALL BY CITY CLERK

1. Invocation and Pledge of Allegiance

CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Employee Service Awards -

Stewart Cruz 15 years

Officer Billie Phillips 15 years

Community Services Director Fred Hiatt presented Stewart Cruz with his 15-year service award.

Public Safety Director Stephan Dembinsky presented Sgt. Billie Phillips with his 15-year service award.

B. Don Stoner to speak on Lighthouse Loop Half Marathon

Don Stoner spoke to the council requesting permission to hold the 8th Annual Lighthouse Loop Half Marathon and 5K. This year only the runners participating in the half marathon would run through the city. Part of the proceeds raised will be donated to the Volusia County High Schools. The council granted permission for the race.

C. Presentation by Rafael Montalvo Strategic Plan

Rafael Montalvo recapped the process of the strategic planning exercise that began in January and concluded in May. The five goals and their objectives were reviewed. The goals were: A) A vibrant, walkable City of Daytona Beach Shores with a redeveloped west side B) Pedestrian and vehicle safety on State Road A1A C) Transparency in government and effective communication among elected officials and staff, residents and businesses D) A range of recreational programs that meet the needs of residents, and introduce non-residents to the City E) A positive, cooperative relationship with Volusia County that promotes the early identification and cooperative resolution of issues F) Continued high levels of service for all public safety services.

2. APPROVAL OF MINUTES

A. Budget Workshop Minutes July 9, 2019

B. City Council July 9. 2019 Minutes

COUNCILMEMBER LINDAUER moved, seconded by COUNCILMEMBER FRIZALONE to approve both the Budget Workshop Minutes and the City Council Meeting of July 9, 2019.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

3. CONSENT AGENDA:

A. Public Safety Monthly Report

B. Monthly Finance Report

C. Building Division Report

D. Community Services Report

E. Renewal of Non-exclusive Franchise- Acet Recycling

COUNCILMEMBER LINDAUER moved, seconded by COUNCILMEMBER FRIZALONE to Approve the consent agenda.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

4. REPORTS OF THE CITY MANAGER:

A. City Manager's report for August 13, 2019

Finance Director Swartzlander was the Acting City Manager for the meeting. He provided the following report: the City has been registered with ASCAP, BMI and SESAC regarding song copyrighting; incentives for the economic development program are being developed; permission to list the city-owned property at 136 Beachcomber is being requested. It was appraised at \$300,000. It was noted, that the property would need to be sub-divided from Beachcomber Park, but that is a relatively quick simple process. The council gave their permission to list the property. He reminded everyone that the second meeting in August had been cancelled and that the first meeting in September would be held on Monday the 9th. He reported that the representatives for Halifax Health had signed the lease agreement for the Urgent Care building. It will be added to the next agenda.

5. REPORTS OF THE CITY ATTORNEY:

Attorney Groot reviewed his written report that he sent to the Council. He is drafting a policy for actions of individual City Councilmembers. Work sessions for both the charter and code amendments need to be scheduled. He updated the status on the opioid litigation case. The city is part of a group that consists of 16 counties and 9 cities. There has been no response yet on the AGO opinion regarding the recent fire cancer legislation. With the recent court decision relating to invocations, Resolution 2014-06 was shared with the Council. That resolution appointed Reverend Robert Kemp-Baird as the City Council Chaplain. Attorney Groot explained that the past practice of the city would be legally defensible. Mayor Miller responded that she would like to continue with past practice.

OLD BUSINESS:

NEW BUSINESS:

- A. Ordinance 2019-08 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA ESTABLISHING THE CITY OF DAYTONA BEACH SHORES SUPPLEMENTAL ECONOMIC OR TOURISM DEVELOPMENT PROGRAM; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR A SAVINGS PROVISION AND THE EFFECT OF THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Groot explained that the proposed Ordinance was part of the progressive economic development program. It specifically deals with Ad Valorem Tax and the ability to enter into agreements to provide tax relief in reverse. The city could give back a percentage of taxes for a designated length of time. It was explained that it is a tax neutral event for the city. CMBR Lindauer questioned one of the allowed development activities as being a landfill. He was assured that the Council would look at each agreement on a case-by-case basis and determine whether to approve it or not. Audience member Jim Cameron congratulated the council on their continued proactive movement.

COUNCILMEMBER LINDAUER moved, seconded by VICE MAYOR BRYAN to approve Ordinance 2019-08 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

- B. Ordinance 2019-09 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO A PROGRAM OF ENHANCED CODE ENFORCEMENT; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE CONDEMNATION AND DEMOLITION OF DILAPIDATED, UNSANITARY, UNSAFE OR UNINHABITABLE BUILDINGS; PROVIDING FOR A CERTIFICATE OF HABITABILITY; PROVIDING FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (AS MODIFIED); PROVIDING FOR AN ARRAY OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR REQUIREMENTS AND PROHIBITIONS; AMENDING SECTIONS 14- 61.1 AND 19-1.2. OF THE CITY CODE; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Groot explained that the proposed ordinance could be considered a de-incentive. It allows the city's code enforcement division to go one step further by adopting the International Property Maintenance Code. It will require a certificate of use and a certificate of habitability on new property.

COUNCILMEMBER POLITIS moved, seconded by VICE MAYOR BRYAN to approve Ordinance 2019-09 on first reading.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

- C. Resolution 2019-13 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA RELATING TO THE CITY'S TENNIS FACILITY; CREATING A CITY TENNIS FACILITY OPERATIONAL COMMITTEE AND PROVIDING FOR AN ARRAY OF MATTERS RELATING TO THE COMMITTEE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Miller explained that she felt the issues within the tennis community had been resolved and this agenda item could be removed from consideration. Vice Mayor Bryan agreed there was no need for a tennis committee.

Audience member Honey Burget inquired if teams were allowed to play during the morning. She felt teams took away the courts from the residents. The response was affirmative, that GVTL teams could play as long as a resident made the reservation. She felt it was a conflict of interest and directed a few remarks towards CMBR Frizalone. Attorney Groot stated there was no conflict of interest as the facility is open to the public.

CMBR Politis explained that he was a member of GVTL at Oceanside Country Club. He appreciated the camaraderie of the team players and enjoys visiting other facilities. CMBR Frizalone requested that two GVTL men's teams be allowed to play at night and the council agreed.

D. Special Exception Application SPEX12019016: Banker Nonconforming Single-Family Residential Garage Expansion-3839 S. Atlantic Avenue

The Councilmembers began by stating that all had received a phone call from Attorney Stowers but only CMBR Politis had a conversation with him.

City Planner Stewart Cruz read from his staff report. The applicant submitted an application on April 29, 2019. If the special exception was granted, it would entitle the property to expand its residential garage structure. The owner would like to add a second floor over the garage. The property is located in the T-RMF-1 High Density (Hotel/Motel-Multifamily Residential) zoning district and is assigned the Comprehensive Plan's High Intensity Future Land Use. Both of these designations were in place prior to 2010 when the owner bought the property. The relevant Land Development Codes that are applicable do not mention a single family structure. The home as it exists is a legal non-conforming structure. Section 14-29.5 of the LDC refers to development of a small lots and pertains to the hotel/motel district only. Sections 14-18 and 14-21 do not include single-family uses as a permitted principle use. Florida Statutes Section 163.3194(1)(a) explains the legal status of the comprehensive plan. All development undertaken, and all actions taken shall be consistent with such plan adopted. The application came before the Planning & Zoning Board and they voted to deny the project based on the fact of the application being inconsistent with the comprehensive plan. Staff recommended denial of the application for the same reason. Exhibits were shown to the council displaying the location of the property along with the zoning and future land use maps. City Attorney Groot informed the council that if the development is inconsistent with your comprehensive plan, the law prohibits you to approve it.

Attorney James Stowers spoke for the applicant. He explained that the owner would like to do a small home renovation. He agrees that the property is a non-conforming structure. The house was originally built in 1970's and the owner only wants to expand the garage. It is only a 600 foot expansion. He felt that Section 14.29 of the LDC was very specific to small narrow lots on the east side of S. Atlantic Avenue. He felt it met some of the criteria for a small lot exception. It was his view that the expansion would not impact the public negatively and that the Florida Statutes would agree with him.

Donald Banker spoke on his own behalf. He explained that he purchased the house in 2010, but didn't do any due diligence. The house is not being rented out, it is only for family. They now have a larger family with 11 grandchildren and would like to build two more bedrooms and a bathroom.

The City Attorney reiterated, all new development must be consistent with the zoning classification. The use being proposed is a resident use, but the zoning is multi-family use. Council inquired of a legal way to allow the expansion. It was explained that it would need a comprehensive plan amendment. Director Fred Hiatt explained that staff has to adhere to the comprehensive plan and the law when it was reviewing the application.

COUNCILMEMBER POLITIS moved, seconded by COUNCILMEMBER FRIZALONE to approve the Special Exception Application SPEX12019016 as presented.

Vote: Motion denied by roll call vote (**summary:** Yes = 2 No = 3).

Yes: Councilmember Richard Frizalone, Councilmember Michael Politis

No: Nancy Miller, Richard Bryan, Mel Lindauer

- E. Non-Conforming Sign Removal Incentive Grant Application: Grand Prix Motel, 2015 S. Atlantic Avenue

City Planner Stewart Cruz provided details from his staff report. The sign grant is capped this year at \$3,900 and there are adequate funds for this project. The applicant did receive three bids and the lowest bidder was Coastal Sign. All requirements have been met and staff recommended approval.

COUNCILMEMBER LINDAUER moved, seconded by COUNCILMEMBER POLITIS to approve the Grand Prix Motel Nonconforming Sign Removal Incentive Grant application in the amount of \$3,900 on the condition that the new sign meets all the requirements of the applicable City sign standards and that no code enforcement violation exist prior to the disbursement of City grant funds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

- F. Consideration of date and time for board interviews

Interviews need to be scheduled for potential new Planning & Zoning Board members, Public Art & Beautification Committee members as well as the Special Magistrate. After a short discussion, it was decided to meet on Friday, September 20th at 1:00 pm.

- G. Consideration for contract with Stacy Conomos for promotion of economic development programs on social media

CMBR Frizalone provided a brief background on Ms. Conomos and her ability to utilize the social media platform. This would help advertise the new program and it's incentives.

COUNCILMEMBER FRIZALONE moved, seconded by COUNCILMEMBER POLITIS to approve the contract with Stacy Conomos for promotion of economic development programs on social media.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5 No = 0).

Yes: Mayor Nancy Miller, Vice Mayor Richard Bryan, Councilmember Richard Frizalone, Councilmember Mel Lindauer, Councilmember Michael Politis

H. Discussion on City Manager's Salary and Performance Evaluation

Mayor Miller began by stating that the current City Charter provided that the City Manager evaluation was a public record that should be reviewed during a public meeting. In the past, the evaluations were not discussed during a council meeting, but going forward that would be corrected. She stated that the current contract reads the city manager has an active part in the discussion. She requested to schedule a workshop before the next meeting at 5:30 pm to discuss the new format. The Mayor felt the council could use the forms provided to them for this year's evaluation. CMBR Lindauer shared his opinions from a recent meeting with the City Manager. It was his opinion that the City Manager was overstepping his bounds in relation to directing the City Attorney. He felt City Manager Booker had displayed unacceptable conduct in recent emails regarding this evaluation and the City Attorney. CMBR Politis stated that the remarks made by CMBR Lindauer were not appropriate as the City Manager was not present to defend himself. He stated that he would be out of the country on September 9th and requested an alternate date for the workshop. It was decided to hold the workshop on September 20th at 11:00 am.

Vice Mayor Bryan felt the current form did not have measurable objectives. He would like to have some included on a future format.

Audience member Rosana Scaccia spoke on behalf of the Peoples Voice PAC. They support having objectives for employee evaluations.

6. COUNCIL COMMENTS:

Mayor Miller inquired if the council would object to starting the meeting at 6:00 pm from now on. The others had no objection and the City Attorney stated he would prepare a resolution. She would also like to begin holding a monthly workshop prior to a council meeting to allow the members to have discussion on upcoming items. She reminded the audience that her Coffee with the Mayor was tomorrow (August 14th). Beginning in September, the start time will be moved to 10:00 am.

CMBR Lindauer explained that he has begun working with the existing businesses. He had a very productive lunch with Jim Cameron who is in charge of governmental relations with the Daytona Chamber. Vice Mayor Bryan requested the City Attorney determine what is involved with creating a small lot comp plan amendment for the Bankers.

7. AUDIENCE REMARKS/PUBLIC COMMENTS:

Rick Brown stated that he had been trying to research the vacant lot at 2900 S. Atlantic Avenue. He still feels it is a part of the Bellemead PUD and should remain green space. Mayor Miller asked Director Hiatt his opinion and he responded that it was not part of the final PUD. He invited Mr. Brown to his office to discuss the matter.

Linda Toffolon from the Daytona Diner inquired why an existing business had to wait three years to be eligible for any economic incentives. New businesses are awarded them immediately. Attorney Groot responded that the business loyalty program wouldn't start until 2022.

8. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

9. ADJOURNMENT:

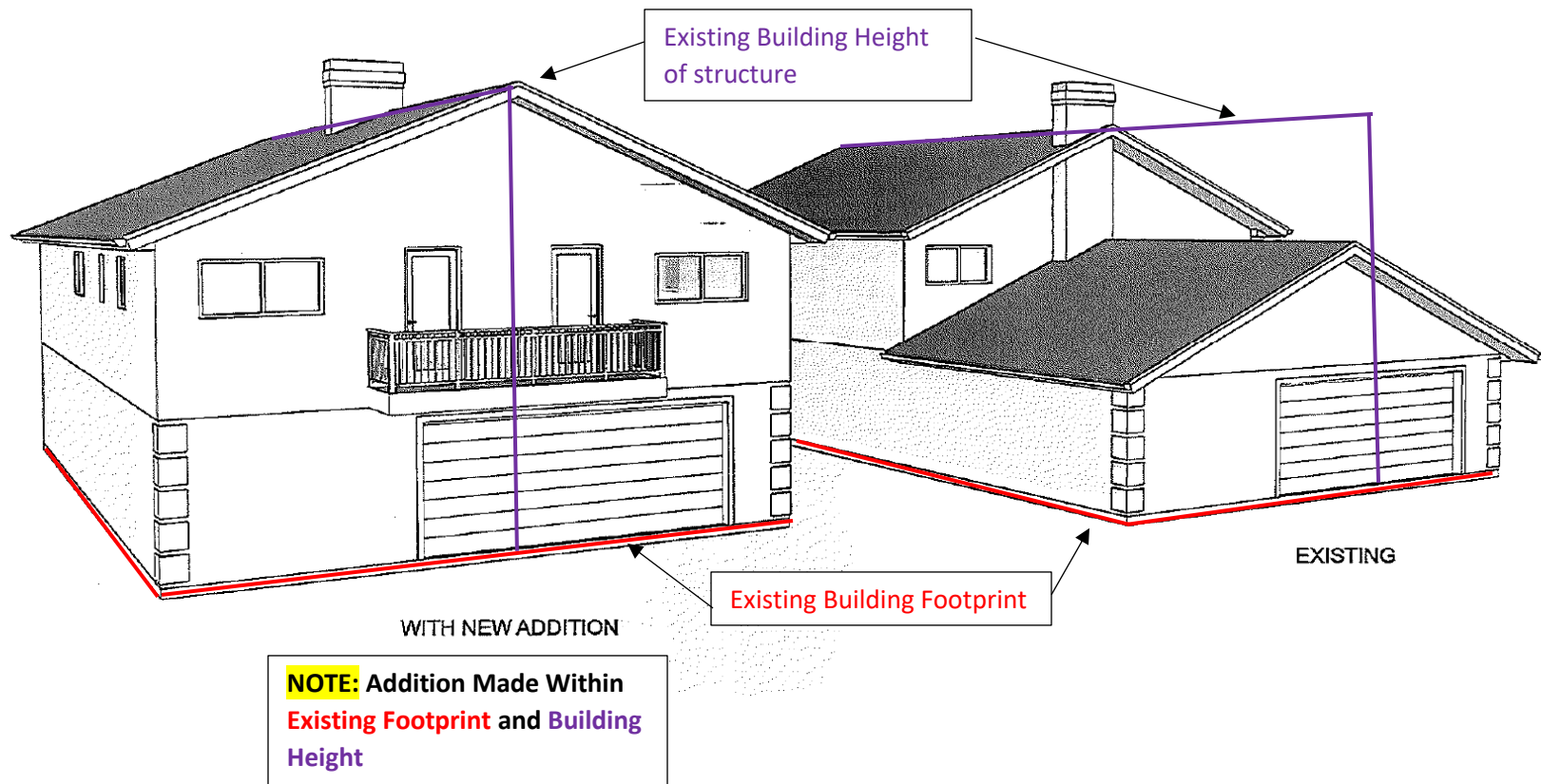
The meeting ended at 9:54 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB



Policy 1-3.1.1: By December 31, 2020 the City shall amend the Land Development Code to allow the expansion of single-family residential structures subject to Objective 1-3.1 to expand **within and up to the existing building footprint** but in no case shall expansion **extend beyond the current building height of the structure.**

ORDINANCE NO: 2020-xx

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING *THE CITY OF DAYTONA BEACH SHORES COMPREHENSIVE PLAN*, AMENDING CHAPTER 1, “FUTURE LAND USE ELEMENT”, BY CREATING A NEW FUTURE LAND USE GOAL TO ALLOW LIMITED EXPANSION OF NONCONFORMING SINGLE-FAMILY RESIDENTIAL USES AND STRUCTURES ON PROPERTIES WITH THE HIGH INTENSITY FUTURE LAND USE CLASSIFICATION; PROVIDING FOR A SAVINGS AND RATIFICATION PROVISION; PROVIDING FOR IMPLEMENTING ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Daytona Beach Shores has the authority to amend its Comprehensive Plan pursuant to Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* directly relates to the amendment of the text of a comprehensive plan as provided in Section 163.3184, *Florida Statutes*; and

WHEREAS, the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is being submitted under the expedited state review process as provided in Section 163.3184, *Florida Statutes*; and

WHEREAS, the Volusia County Growth Management Commission (VGMC) has issued a determination of consistency in accordance with Section 202.3 of the *Charter of Volusia County, Florida*, for the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan*, attached as Exhibit “A”; and

WHEREAS, the proposed comprehensive plan amendment does not conflict with the determination of consistency issued by the VGMC in accordance with Section 202.3 of the *Charter of Volusia County, Florida*; and

WHEREAS, the Planning and Zoning Board, which is the local planning agency of the City, and City Council of the City of Daytona Beach Shores have conducted public hearings and issued notices required by Florida law in the preparation and enactment of this Ordinance; and

WHEREAS, on August 13, 2019 the City Council of the City of Daytona Beach Shores inquired as to a way in which the City could allow the reasonable expansion nonconforming single-family residential uses and structures in the High Intensity Future Land Use Classification; and

WHEREAS, the City Council of the City of Daytona Beach Shores declares that the purpose and intent of the proposed amendment to the *City of Daytona Beach Shores Comprehensive Plan* is to guide future growth and development; encourage and maximize the most appropriate use of the land, water and other resources, consistent with the public interest, promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate facilities and services; conserve and protect natural resources within the City, while protecting private property rights; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that this Ordinance serves the best interest of the City of Daytona Beach Shores; and

WHEREAS, underlined words shall constitute additions to the original text of the Comprehensive Plan, *** shall constitute ellipses, and ~~strike through~~ shall constitute deletions to the Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE: CHANGE IN TEXT OF FUTURE LAND USE ELEMENT. The text of Chapter 1, “Future Land Use Element,” of the *City of Daytona Beach Shores Comprehensive Plan* is hereby amended to allow the expansion of nonconforming single-family uses and structures in the High Intensity Future Land Use Classification as depicted in Exhibit “A”.

SECTION TWO: IMPLEMENTING ADMINISTRATIVE ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *City of Daytona Beach Shores Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3184, *Florida Statutes*, and *Volusia Growth Management Rules*. The City Manager and the City Attorney are hereby authorized to take any and all necessary actions to defend the enactment and implementation of this Ordinance and assert the legal compliance status of this Ordinance.

SECTION THREE: SAVINGS AND RATIFICATION. The City of Daytona Beach Shores hereby ratifies and affirms that action taken by the City Council and the City as a whole to date relative to the comprehensive planning programs action activities of the City. The applicability

and effect of the *City of Daytona Beach Shores Comprehensive Plan* are hereby ratified and shall remain in full force and effect consistent with the provisions of this Ordinance.

SECTION FOUR: CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION FIVE: SEVERABILITY. If any section or portion of a section of this Ordinance, or application of any provision of this Ordinance, proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Ordinance.

SECTION SIX. CODIFICATION. This Ordinance shall be codified in the *City of Daytona Beach Shores Comprehensive Plan* as deemed appropriate by the Code codifier.

SECTION SEVEN: EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency (the Florida Department of Economic Opportunity) notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

CITY OF DAYTONA BEACH SHORES, FLORIDA

Mayor, Nancy Miller

ATTEST:

Michael T. Booker, City Manager

Cheri Schwab, City Clerk

Approved as to form and content:

Raymond J. Branch, City Attorney

Passed upon first reading this __ day of _____, 2020.

Adopted on second reading this __ day of _____, 2020.

EXHIBIT A

CHAPTER 1: FUTURE LAND USE ELEMENT

GOAL 1-1: Effectively manage future development by designating appropriate areas for new growth that does not compromise environmental integrity, is responsive to market needs and is consistent with sound land planning practices.

Objective 1-1.1: Future growth will be managed through the preparation, adoption and implementation of land development regulations that are compatible with this Element and coordinated with the availability of public facilities and services. The City shall discourage urban sprawl through the designation of appropriate densities (see Policy 2 under this Objective) that will retain the compact development already in place and other land use strategies and regulatory provisions. All future development in the City shall maintain at least a 50-foot setback from the Coastal Construction Control Line (CCCL). With this requirement, as well as adherence to controlling provisions of Federal and State law, such as the regulations of the Florida Department of Environmental Protection, new development shall be protected from any storm surge that occurs as a result of tropical storms. This objective shall be measured through the implementation of the following policies.

Policy 1-1.1.1 The City shall enact and enforce land development regulations that, at a minimum:

- a. Regulate the quality of new development through appropriate site plan review and other land use criteria;
- b. Provide for recreational lands and facilities to meet the Level of Service standards contained in the Recreation and Open Space Element of this Comprehensive Plan;
- c. Provide for adequate off-street parking and loading facilities;
- d. Provide that all new development with regard to on-site drainage and stormwater management facilities meet the minimum standards set forth in the Stormwater Management Sub-Element of this Comprehensive Plan;
- e. Regulate signage;
- f. Provide that building permits shall not be issued that result in the reduction of service levels below the standards set forth in this Comprehensive Plan;
- g. Require that all new development maintain a minimum setback of 50 feet from the Coastal Construction Control Line (CCCL), and require, through inclusion in the City's land development regulations, that all new development take into account the potential for storm surges from the ocean;
- h. Require that, prior to the issuance of a development order or building permit, written assurances shall be obtained from any municipal or County agency providing infrastructure or services, that available capacity exists to support the proposed development at the adopted Level of Service standard for the relevant facility or service to be provided.
- i. Regulate erosion control and beach and dune stabilization; and
- j. Require the preservation of any significant on-site historical, cultural or archaeological features meeting the National Register Eligibility Criteria.

Standard/Measure: Enact and enforce land development regulations.

Time Frame: Continuous

Policy 1-1.1.2: Enact and enforce land development regulations consistent with the following density standards:

1. Residential

- a. Low Intensity: up to 4 units per gross acre
- b. Low Density: up to 12.0 units per gross acre
- c. Low Density-Riverside: between 12.1 and 15 units per gross acre. Properties shall be developed as a planned unit development (PUD) and meet the following criteria: (i) land shall abut the Halifax River, (ii) land shall have a minimum parcel size of three (3) acres, (iii) land must be served by public infrastructure including but not limited to potable water and wastewater lines, and (iv) land shall have direct access to a major thoroughfare as determined by the City.
- d. Medium Density: between 12.1 and 35.0 units per gross acre
- e. High Density: between 35.1 and 60 units per gross acre (site specific density to be controlled by land development regulations)

2. High Intensity Uses – Hotel, motel and timeshare developments shall have densities up to a maximum of 70 units per gross acre. Condominium, multi-family residential, and apartment developments shall have a maximum density of 60 units per gross acre (site specific density to be controlled by City’s land development regulations).

3. Commercial Facilities - Commercial intensities shall not exceed 35% lot coverage, a building height of 45 feet or a floor area ratio of 1.4.

4. Public Facilities – Public facilities shall be regulated by off-street parking requirements (approximately three off-street parking spaces shall be required for every 1,000 square feet of public facility use).

5. Recreational Facilities – Recreational facilities shall be provided in accordance with the Level of Service standards established within this Comprehensive Plan.

6. Building Height – Except for large lots, as defined in the City’s land development regulations, in PUDs (planned unit development), T (hotel/motel), and RMF-1 (multifamily residential-high density) districts, new buildings shall be limited to a height of 12 stories.

7. View Corridors – View corridors shall be preserved by limiting the north to south width of new buildings and the application of other appropriate land use planning practices and principles.

Standard/Measure: Ensure that adequate land development regulations are in effect to reasonably ensure public views while allowing reasonable development upon properties.

Time Frame: Continuous

Policy 1-1.1.3: Maintain and enforce land development regulations consistent with the location and extent of land uses as discussed within the Element and indicated on the Future Land Use Map. To this end, the map that accompanies the new Land Development Regulations shall reflect the Future Land Use Plan Map 2020, in terms of ensuring that zoning districts shall be consistent with the map. All new development and redevelopment activities shall be required to be consistent with the zoning district classifications.

Standard/Measure: Maintain and enforce land development code.

Time Frame: Continuous

Policy 1-1.1.4: The land development regulations shall maintain and enforce performance standards that address buffering and open space requirements, especially between condominium and hotel/motel developments.

Standard/Measure: Maintain and enforce land development code.

Time Frame: Continuous

Policy 1-1.1.5: (a) The City shall maintain at least the Level of Service standards prescribed in Policy 2-1.1.1 at all times on its roadway network throughout the City. This shall include Dunlawton Boulevard, including the bridge. The maintenance of this Level of Service standard is important to ensure that an efficient flow of traffic can be maintained on these primary roads in the event of a hurricane threat. (b) Maintain the clearance time of the population in the Hurricane Vulnerability Zone at sixteen (16) hours based on a level of service standard “D” during the time of a category 5-storm event as measured on the Saffir-Simpson scale. This policy is consistent with the stated objectives contained in the Coastal Management Element of the Volusia County Comprehensive Plan regarding hurricane evacuation and Section 163.3178 (9) (b), F.S. and based on the most current East Central Florida Regional Planning Council hurricane study.

Standard/Measure: Monitoring of annual traffic counts from the Florida Department of Transportation for S.R. A1A, including the Dunlawton Boulevard.

Time Frame: Continuous

Policy 1-1.1.6: Coordinate Hazard Mitigation Reports with Development and Redevelopment. Should Daytona Beach Shores be included in a Presidential Disaster Declaration, the City shall use the interagency hazard mitigation report as the basis for prohibiting redevelopment of uses which are inconsistent with the report recommendations. Additionally, the City shall use the interagency hazard mitigation report to prevent new uses which are inconsistent with the report recommendations from locating in the area included in the Presidential Disaster Declaration. Finally, should an interagency hazard mitigation report be issued for Daytona Beach Shores, the City shall consider adopting a program for eliminating existing uses which are inconsistent with the report recommendations.

Policy 1-1.1.7: Condo-Hotels and Timeshares. The City of Daytona Beach Shores shall have adopted land development regulations governing condo-hotels and timeshares. These regulations shall include minimum standards for both new construction and the conversion of existing units to either condo-hotels or timeshares.

Policy 1-1.1.8: By December 31, 2012 the City of Daytona Beach Shores shall establish criteria allowing and regulating assisted living facilities within the City, including but not limited to the following:

1. Assisted living facilities shall only be permitted in the medium and low density residential future land use classifications.
2. Facilities shall not be permitted on parcels with an area less than one (1) acre.

Objective 1-1.2: Future redevelopment activities shall take the form of replacing the outmoded and inefficient existing hotels and motels that were built in the 1950s and early 1960s. These uses are found primarily on the east side of S.R. A1A, north of Florida Shores Boulevard to the City limits at the north end, and south of Van Avenue to the south City limits ending at the Wilbur-by-the-Sea area. These

redevelopment activities shall be consistent with the goals, objectives, and policies set forth in this Element. Additionally, no land development shall be permitted that is detrimental to the natural resources of the City. In this context, no land development order shall be issued that denigrates existing topographic or soil conditions. Additionally, prior to the issuances of any development order, written assurances shall be obtained from the appropriate municipal agency providing infrastructure that available capacity exists to properly support the proposed development activity at the adopted Level of Service standard for the relevant facility or service to be provided.

Policy 1-1.2-1: The Land Development Regulations will maintain and enforce provisions for mixed land use development that allows for office, residential, hotel, and commercial designations. The City shall encourage mixed use development along the westside of A1A with Daytona Beach Shores.

Standard/Measure: Maintain and enforce mixed use regulations in the LDC.
Time Frame: Continuous

Policy 1-1.2.2: The City's existing policy of requiring written assurance from any entity providing sewage treatment, potable water, or solid waste disposal shall be maintained throughout the planning period.

Standard/Measure: Maintain and enforce this policy in the Land Development Code.
Time Frame: Continuous

Policy 1-1.2.3: The City shall continue to enforce regulations that require that any new development protects and enhances all natural resources.

Standard/Measure: Maintain and enforce this policy in the Land Development Code.
Time Frame: Continuous

Policy 1-1.2.4: By December 31, 2010 the City of Daytona Beach Shores shall establish guidelines for the drafting of land development regulations that will encourage land uses that contribute to the economic vitality of the redevelopment area within the City, including but not limited to the following:

1. Adverse land uses such as body art, spirituals, mediums and palm readers, shall be prohibited.
2. Mixed uses shall be permitted in the town center.
3. Incentives shall be provided for the development of LEED certified facilities.

Objective 1-1.3. The economic base of the City shall be broadened by allowing within the tourist oriented commercial and retail/service commercial future land use categories mixed use developments that allow for office uses, as well as residential, hotel and commercial facilities.

Policy 1-1.3.1: The above-mentioned land shall be designated in the new land development code.

Standard/Measure: Maintain and enforce this policy in the Land Development Code.
Time Frame: Continuous

Policy 1-1.3.2: The City administration, working in coordination and cooperation with the Chamber of Commerce, or any other entity shall initiate a promotional campaign to effectively market this land to private developers.

Standard/Measure: Development of marketing program.

Time Frame: Continuous

Objective 1-1.4. Land uses that are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged. This shall take the form of not allowing any objectionable uses (industrial, warehousing, etc.) in the new Land Development Code that will be adopted subsequent to this Comprehensive Plan.

Policy 1-1.4.1: The City shall maintain and enforce land development regulations, including minimum requirements for parking, landscaping, open space, buffering, and lot coverage, to ensure consistency between land uses.

Standard/Measure: Maintain and enforce this policy in the Land Development Code.

Time Frame: Continuous

Policy 1-1.4.2: Location of Public/Quasi-Public Land Uses. The City of Daytona Beach Shores shall allow public/quasi-public land uses within all land use categories shown on the Future Land Use Map. Public and quasi-public land uses include: governmental administration buildings; public schools and not-for-profit educational institutions; hospital facilities and supportive health care units; arts and cultural or civic facilities; essential public services and facilities; cemeteries; fire and emergency operation facilities; utilities; and religious institutions.

Policy 1-1.4.3: High Intensity Uses. The City of Daytona Beach Shores Future Land Use Map shall indicate a land use category of “High Intensity.” This land use category shall allow hotels/motels; condos; multi-family residential units; apartments; and timeshares. The maximum density for hotels/motels and timeshares shall be 70 units per gross acre, while condos, multi-family residential units, and apartments shall have a maximum density of 60 units per gross acre. The density of each specific development site shall be controlled by Land Development Code.

Policy 1-1.4.4: Future Land Use Map Designations for Public Schools. The City of Daytona Beach Shores shall allow elementary, middle and other similar low-intensity schools to be located within the Public and Quasi-Public, Low Density Residential, Medium Density Residential, High Density Residential, Retail/Service Commercial, and High Intensity Uses Land Use categories shown on the Future Land Use Map (FLUM). High schools and similar high-intensity schools shall be allowed in Public and Quasi-Public, Medium Density Residential, High Density Residential, Retail/Service Commercial, and High Intensity Uses Land Use categories shown on the FLUM. Due to the fact that the City of Daytona Beach Shores is located entirely within the Coastal High Hazard Area, it is unlikely that any new public schools would be located within the City.

Policy 1-1.4.5: Coordination with Volusia County School Board. The City will meet with the Volusia County School Board and staff to establish Policies and Standards for locating new schools.

Policy 1-1.4.6: School Siting Criteria. The following criteria shall be used in locating public schools within Daytona Beach Shores:

I. General Guidelines.

- A. Proposed school sites shall be located away from industrial uses, limited access roadways, railroads, and similar land uses to avoid noise, odors, dust, and traffic impacts and hazards.
- B. Disrupting influences caused by school yard noise and traffic indicate that schools be sensitive to adult communities, nursing homes and similar land uses through site design.
- C. Schools shall be designed to minimize the impacts to adjacent neighborhoods through control of site aspects including traffic access, landscaping, buffers, and site design and layout provided by the Volusia County School District.

II. Site Acceptability

- A. School size and land area requirements for elementary, middle, and high schools shall meet the minimum standards established by the Volusia County School Board.
- B. Schools should be centrally located within their intended attendance zones, to the maximum extent possible, and be consistent with walking and bus travel time standards of the school district. High schools shall be exempted from this provision due the large land area requirement.
- C. The site should be of sufficient size to ensure that buildings and ancillary facilities, and future expansions can be located away from floodplains, flood prone areas, wetlands and other environmentally sensitive areas, coastal high hazard areas and will not interfere with historic or archaeological resources.
- D. Public utilities (e.g., water, sewer, stormwater) must be available to the site.
- E. Access to the site should be from a collector road (local roads for elementary schools) and avoid the need for slow down zones, if possible.
- F. Ingress and egress should not create detrimental impacts on roads adjacent to the site.
- G. Approaches to the site should be safe for pedestrians, bicycles, cars and buses.
- H. A mass transit or bus stop should be located near the site.

III. School Specific Site Location Recommendations

- A. **Elementary Schools.** Elementary schools serve a neighborhood or group of neighborhoods where students have a short distance to walk. Land uses should be predominately residential and include housing types and densities sufficient to meet the school's enrollment capacity with students that are predominately within walking distance of the school.

- B. **Middle Schools.** Middle schools have a community orientation and the mix of land uses can include more commercial uses than would be allowed in a neighborhood. Enrollment comes from two or more elementary schools.
- C. **High Schools.** High schools should be buffered from residential areas. Enrollment for high schools comes from two or more middle schools. The campus should be large enough to encourage students to remain onsite and to ensure sufficient parking or parking controls to avoid disruptive offsite parking.

Policy 1-1.4.7: Collocation of Facilities. The City of Daytona Beach Shores shall seek to co-locate public facilities, such as parks, libraries, and community centers, with schools to greatest extent possible. In collocating facilities, the City shall use the following guidelines:

- **Elementary Schools.** Playgrounds can be collocated with elementary schools. In areas with densities high enough to support them, a neighborhood park with facilities for the elderly, a neighborhood recreation center, and a library sub-branch can be included.
- **Middle Schools.** A community park and athletic fields are appropriate to locate with middle schools. A community center, if the school will not be used for this purpose, and a library sub-branch or branch can be included depending on the school's location and the population served.
- **High School.** Community parks with a community center, if the school will not be used for this purpose, and athletic field can be collocated with high schools. A main or branch library is also appropriate. If justified by the population to be served, a district park could be collocated with the school.

Policy 1-1.4.8 Town Center (TC) Future Land Use Designation: The Town Center future land use category is intended to be a convenient and flexible special character district that authorizes horizontal and vertical mixed-use development within an existing redevelopment area where the comprehensive redevelopment of large tracts of land is envisioned.

Individual development within the TC shall follow consistent standards and coordinate with each other in order to create a cohesive area with a strong sense of place and identity. Development on land designated TC is intended to feature high quality architecture and well designed urban form that promotes pedestrian activity spread throughout the day which reduces transportation impacts and a-balances a mix of land uses.

Criteria for TC Designation

- 1) Lands designated TC must be in the South Atlantic Corridor Redevelopment Area.
- 2) The initial area designated TC must be no less than 25 acres in size to allow sufficient land for a functional mix of uses. Once established smaller tracts of lands contiguous to the Town Center may be added so long as the Town Center remains compact and functional.
- 3) Lands designated TC must be served by public infrastructure including but not limited to potable water and wastewater lines.
- 4) The land area designated TC shall be served by South Atlantic Avenue and at least one existing or proposed collector roadway.

Mix of Uses

The Town Center shall incorporate a mixture of the following land uses up to the maximum units or gross square footages identified below:

Residential (up to 1250 units with no single site exceeding 70 units per acre)
Hotel (up to 500 rooms with no single site exceeding 70 units per acre)
Commercial (up to 250,000 square feet)
Office (up to 130,000 square feet)
Public/Quasi-Public (52,000 sq feet)

The land uses within the Town Center shall be mixed horizontally and/or vertically. The overall composition of the Town Center shall comply with the following ranges based on the gross aggregate area of the Town Center:

40% to 60% Residential
20% to 30% Commercial
10% to 40% All Other Uses

Character Guidelines

Development within the Town Center future land use designation shall meet the following guidelines intended to ensure that the character of the Town Center is high quality, urban, pedestrian-oriented and functional.

- The core of the Town Center will be oriented towards the intersection of existing or proposed collector roadways, not South Atlantic Avenue.
- The core street(s) shall be lined with buildings in order to create a consistent street wall.
- The core street(s) and South Atlantic Avenue shall feature sheltered transit stops.
- Street-level uses will be reserved for nonresidential development with active street fronts.
- The core streets of the Town Center shall feature wide sidewalks to encourage the development of a lively streetscape and accommodate sidewalk cafes and other similar activities.
- Onsite parking shall be placed either underground, in above ground parking structures wrapped by habitable structures or surface lots on the interior of properties screened by buildings.
- High quality architecture designed to help form a lively urban space and identify the Town Center as a distinctive place shall be required.

Objective 1-1.5: The City shall promote the compatibility of between low and higher density development. This Objective shall be achieved through the implementation of the following Policies.

Policy 1-1.5.1: Projects should be designed with special consideration given to compatibility with the surrounding uses and any adjacent developments. Compatibility is defined as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other.

Policy 1-1.5.2: The City shall require planned unit developments for parcels three (3) acres or more undergoing future land use changes yielding a greater density.

Policy 1-1.5.3: The City shall require planned unit developments provide compatible architecture and adequate setbacks when adjacent to lower density development.

Policy 1-1.5.4: The City shall adopt a future land use – zoning compatibility matrix. The matrix shall be consistent with the comprehensive plan.

Policy 1-1.5.5: The City shall require compatibility between commercial areas and adjacent lower intensity uses through the use of landscape and open space buffering.

Objective 1-1.6: The City shall promote the compatibility of land use with that of adjoining jurisdictions. This Objective shall be achieved through the implementation of the following Policies.

Policy 1-1.6.1: The City shall consider adjoining existing land use and plans when reviewing development proposals adjacent to the City limits.

Policy 1-1.6.2: The City shall continue to participate in available intergovernmental coordination committees such as the Metropolitan Planning Organization (MPO), Volusia Council of Governments (VCOG), the Volusia Growth Management Commission (VGMC) and associated technical committees.

Policy 1-1.6.3: The City shall work with adjacent jurisdictions and intergovernmental coordination committees to develop and utilize a system of intergovernmental negotiation for siting locally unpopular public and private land uses. Such a system should consider the area of population served, the impact on land development patterns or important natural resources, and the cost-effectiveness of service delivery.

Policy 1-1.6.4: The City shall consider compatible architecture and setbacks when a new development is proposed adjacent to a lower density development in an adjoining jurisdiction.

Goal 1-2: To ensure that development patterns are energy efficient and reduce green house gas emissions by reducing the need to travel by private car, supporting public transit and promoting the development of renewable energy resources and use of holistic design principles.

Objective 1-2.1: To promote compact, mixed-use, and energy efficient development to encourage pedestrian, bicycle and transit use, leading to a more energy efficient community and a reduction in greenhouse gas emissions.

Policy 1-2.1.1: The City shall encourage an urban design pattern in redevelopment areas, where appropriate, that will minimize travel requirements among living, working, shopping and recreation areas.

Policy 1-2.1.2: The City shall develop land use policies that will encourage energy efficiency and the use of renewable energy sources.

Policy 1-2.1.3: The City shall encourage the maintenance, restoration and adaptive reuse of existing urban areas, including buildings, infrastructure and other assets, to reduce energy use and Vehicle Miles Traveled (VMTs).

Policy 1-2.1.4: The City shall encourage urban design strategies that maximize the use of renewable, sustainable, active and passive sources of energy design in architecture.

Policy 1-2.1.5: The City shall identify and remove obstacles to energy conservation and renewable energy systems in the City's Land Development Code.

Goal 1-3: Goal 1-3: To protect private property rights by allowing certain limited changes to nonconforming uses that are fair and reasonable.

Objective 1-3.1: The City shall allow limited expansion of single-family residential uses and structures, even when non-conforming, with regard to properties which are designated a High Intensity Future Land Use Classification.

Policy 1-3.1.1: By December 31, 2020 the City shall amend the Land Development Code to allow the expansion of single-family residential structures pursuant to Objective 1-3.1 to expand within and up to the existing building footprint of the existing structure but in no case shall expansion extend beyond the existing building height of the highest part of the roof structure.