



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING MAY 26, 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 April 28, 2020
- 7. CONSENT AGENDA:**
 - A. April Public Safety monthly report

8. REPORTS OF THE CITY ATTORNEY:

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report May 26

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Resolution 2020-03: Supporting and accepting the Volusia County Local Mitigation Strategy Plan and Flood Management Plan.

B. Special Exception Extension Request by WD Plaza, LLC for a one year extension of an existing Concession Parking Ancillary Facility at 2200 S. Atlantic Avenue.

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 7-1-1 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
April 28, 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 William Colbert, 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:

- A. Presentation by CRI of the Comprehensive Annual Financial Report for Fiscal Year 2018-2019

Auditor Yvonne Clayborne gave a brief presentation to the council regarding the past year's audit. She noted that all the financial statements were in accordance with U.S. accounting principles. There were no material weaknesses or significant deficiencies discovered. The end of year balances were reviewed in the various funds and it was determined the city was in a good financial position.

6. APPROVAL OF MINUTES

- A. Minutes from March 10, 18 and 27 City Council Meetings

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to approve the Minutes from March 10, 18 and 27 City Council Meetings.

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. March monthly Public Safety report

- B. February 2020 Community Services Report
- C. February 2020 Building Division Report
- D. February Finance Report
- E. March Finance Report
- F. March 2020 Community Services Report
- G. March 2020 Building Division Report
- H. Beach Bagel Cafe of Daytona, LLC Grant Agreement

Vice Mayor Bryan requested item I - City Attorney March invoice, be removed for discussion.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by VICE MAYOR RICHARD BRYAN to approve the consent agenda items A through H.

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

- I. City Attorney March 2020 Invoice

Item I discussion - Vice Mayor Bryan would like more detail provided in quarter hour increments on the statement and not just in summary form. He asked that this be included in the upcoming RFP for legal services.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MEL LINDAUER to approve consent agenda item I.

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

8. REPORTS OF THE CITY ATTORNEY:

Attorney Colbert explained that Attorney Branch had retired from the law firm. He explained that the Governor's Emergency Order regarding virtual meetings will expire on May 8th. He felt that the order would be extended. He has provided the City Manager with information for citizens and small business owners to assist them with loans and paycheck assistance.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report April 28, 2020

City Manager Michael Booker stated that he had hired a Recreation Director to replace Roni Jackson who will be retiring soon. Nancy Maddox formerly worked for the City of New Smyrna Beach and the County of Volusia. She brings a wealth of experience in recreation, facilities management and grant writing.

He provided an update on COVID-19 related issues explaining that all city departments are either working in shifts or off-site to help curb the spread of the virus to their fellow employees. Staff is requesting everyone to remain vigilant by staying at home as much as possible and maintain social distancing guidelines when you must go out. Currently, there are no cases of COVID-19 in the city. The Public Safety Department has been able to maintain an adequate level of PPE for their officers. Department Heads will be meeting later this week to discuss a phased in re-opening following the guidelines provided by the Governor.

10. OLD BUSINESS:

A. Ordinance 2020-05: An ordinance amending various sections of Chapter 14 (Zoning Regulations) of the Land Development Code relating to outdoor dining.

City Planner Stewart Cruz provided a brief review of the proposed ordinance. It was approved on first reading on March 10th. If adopted, the ordinance would allow properties to establish outdoor dining structures within required front and side yard setbacks. It also provides exemptions from certain landscape and lot coverage requirement. There have been several restaurants requesting outdoor dining. Any establishment would need to apply for a permit once the ordinance is passed. Mayor Miller inquired if staff had discussed allowing banners or smaller signs for restaurants once they begin to reopen. Director Fred Hiatt explained that would take additional council action.

The Mayor read a comment from Linda Toffolon, owner of Daytona Diner, who thanked the staff for their guidance and hard work.

COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to adopt Ordinance 2020-05 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. Economic Development Grant Application 12020014: Daytona Diner Outdoor Dining Improvements-2043 S. Atlantic Avenue

City Planner Stewart Cruz explained that the economic development grant was approved by the committee back in March. The diner is located inside the Castaway Resort. The owner plans to expand the business to include outdoor dining. Two bids were received and the lowest bid was \$28,600. The work will include a new ceiling, glass patio doors, renovating support columns and creating ADA compliance. The outdoor dining area would be pet friendly and offer a beach front view. If the grant is approved, the amount is capped at 50% or \$14,481.79.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by COUNCILMEMBER MEL LINDAUER to approve the Economic Development Grant Application 12020014: Daytona Diner Outdoor Dining Improvements-2043 S. Atlantic Avenue.

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. Consideration to Cancel the regular meeting on May 12, 2020

COUNCILMEMBER MEL LINDAUER moved, seconded by VICE MAYOR RICHARD BRYAN to Cancel the regular meeting on May 12, 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

- C. Discussion on Treasure Island status

Community Services Director Fred Hiatt explained that the Development Agreement currently in force had many requirements not being met, and they were brought to the Special Magistrate for Code Enforcement in January. They are working towards compliance on the issues. CMBR Frizalone stated that he had been in contact with the Acres Group and they have a developer willing to purchase the property. Once the bankruptcy courts reopen, the developer is hopeful to negotiate with them. They have plans to rebuild the hotel and include a condominium with a skywalk across S. Atlantic Avenue. More information will be brought to the council as it is received.

D. Discussion on status of townhomes at 2900 S. Atlantic Avenue

CMBR Frizalone provided an update explaining that key contractors had been hired for the project. The team is currently working on submitting the required permits and the final site plan.

12. COUNCIL COMMENTS:

Mayor Miller asked the citizens to please help share the 2020 census information. Currently, the city's response is extremely low. The Governor is expected to make an announcement soon in regards to reopening the State of Florida. She thanked the residents for their cooperation with social distancing. It was explained that Volusia County had opened beach access for ADA registered vehicles. Vice Mayor Bryan reported that three bills were defeated in the state legislature that he had been opposed to. The topics included the Bert Harris Act, short term rentals and cross walk legislation. CMBR Frizalone stated that he had met the new Recreation Director and felt she would be a great addition to the staff. He received an email from John Schmitz, Chairman of the Planning & Zoning Board who recommended that a timeline be included for all economic incentive grants. That would keep the recipients accountable. CMBR Lindauer agreed with that recommendation.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no items added to the agenda.

15. ADJOURNMENT:

The meeting ended at 7:25 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 APRIL 2020 *28/5/2020*

	Apr-20	20/YTD	Apr-19	19/YTD
<i>Police Related Calls</i>	1,818	9,546	2,671	11,867
<i>Fire Related Calls</i>	27	179	48	154
<i>Rescue Related Calls</i>	67	297	96	384
<i>Fire Related Alarms Sounding</i>	10	60	15	45
<i>Traffic Citations</i>	35	815	360	1,573
<i>Written Warnings</i>	11	169	129	485
<i>Building Inspections</i>	3	116	67	212
<i>Arrests: Adults</i>	14	113	43	252
<i>Juveniles</i>	0	3	1	2
<i>Civil Citations</i>	0	0	22	60
<i>City Ordinance Charges</i>	0	0	0	0
<i>Florida State Statute Charges</i>	22	159	88	494
<i>Accidents: Total</i>	3	36	29	89
<i>Street/Highway</i>	0	27	18	50
<i>Parking Lot</i>	1	26	11	39

Stephan Dembinsky Public Safety Director

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2020-04-01 through 2020-04-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
EXTRA PATROL	EP	590	32.45 %	19.67
MISCELLANEOUS LE CALL	MISC	316	17.38 %	10.53
PROPERTY CHECK	PRC	192	10.56 %	6.40
TRAFFIC STOP	TS	94	5.17 %	3.13
DIRECTED PATROL REQUEST	DPR	68	3.74 %	2.27
SUSP PERSON	SPER	54	2.97 %	1.80
SPECIAL DETAIL	SDL	51	2.81 %	1.70
TELEPHONE HANDLE	THC	39	2.15 %	1.30
SUSP VEHICLE	SVEH	32	1.76 %	1.07
SUSP INCIDENT	SINC	23	1.27 %	0.77
MEDICAL EMERGENCY	MED1	21	1.16 %	0.70
SUSPECT STOP	SS	19	1.05 %	0.63
TRESPASSERS	TRES	19	1.05 %	0.63
DISTURBANCE	DIST	17	0.94 %	0.57
INFORMATION GIVEN	INFO	15	0.83 %	0.50
RECKLESS DRIVER	RD	15	0.83 %	0.50
FOUND PROPERTY	PROPF	14	0.77 %	0.47
FLAG DOWN	FLAG	13	0.72 %	0.43
CIVIL COMPLAINT	CIVIL	12	0.66 %	0.40
INVESTIGATION	INV	12	0.66 %	0.40
FIRE ALARM	ALARMF	11	0.61 %	0.37
WELL BEING CHECK	WBC	9	0.50 %	0.30
911 CK/OPEN LINE	911CK	8	0.44 %	0.27
MEDICAL NON-EMERG	MED2	8	0.44 %	0.27
RADAR	RADAR	8	0.44 %	0.27
ASSIST AGENCY	ASSIST	6	0.33 %	0.20
WARRANT	WAR	6	0.33 %	0.20
ANIMAL COMPLAINT	AC	5	0.28 %	0.17
ASSAULT/BATTERY	ABAT	5	0.28 %	0.17
ELEVATOR CALL	ELEV	5	0.28 %	0.17
MVA	MV	5	0.28 %	0.17
THEFT	THEFT	5	0.28 %	0.17
BUSINESS ALARM	ALARMB	4	0.22 %	0.13
DOMESTIC DISTURBANCE	DV	4	0.22 %	0.13
ESCORT	ESCORT	4	0.22 %	0.13
FIGHT	FIGHT	4	0.22 %	0.13
MEDICAL UNKNOWN	ALARMM	4	0.22 %	0.13
PANIC ALARM	ALARMP	4	0.22 %	0.13
SHOPLIFTING	SHOP	4	0.22 %	0.13
WALKUP	WALKUP	4	0.22 %	0.13
ZONE ACCOUNTABILITY PATR	ZAP	4	0.22 %	0.13
ATT TO CONTACT	ATC	3	0.17 %	0.10
FALL- NON EMERGENCY	TRAU3	3	0.17 %	0.10
ILLEGAL PARKING	PARK	3	0.17 %	0.10
JUVENILE	JUV	3	0.17 %	0.10
MISSING PERSON	MP	3	0.17 %	0.10

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2020-04-01 through 2020-04-30

LOCATION: ALL / ZONE: ALL / RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
NOISE	NOISE	3	0.17 %	0.10
ROAD OBSTRUCTION	RDOB	3	0.17 %	0.10
SEXUAL OFFENDER	SXF	3	0.17 %	0.10
STROKE / CVA	CVA	3	0.17 %	0.10
TRAUMA EMERGENCY	TRAU1	3	0.17 %	0.10
UNCONSCIOUS	UNC	3	0.17 %	0.10
ASSIST	ASST	2	0.11 %	0.07
BOLO	BOLO	2	0.11 %	0.07
BURG/BUSINESS	BURGB	2	0.11 %	0.07
CARBREAK	CB	2	0.11 %	0.07
FRAUD	FRAUD	2	0.11 %	0.07
HARRASSING CALLS	HCALL	2	0.11 %	0.07
MISC FIRE SERVICE CALL	MISCF	2	0.11 %	0.07
MVA W/ INJURIES	MVI	2	0.11 %	0.07
NARCOTICS	NARC	2	0.11 %	0.07
OPEN DOOR	OPD	2	0.11 %	0.07
SMOKE INVESTIGATION	SMOKE	2	0.11 %	0.07
SOLICITORS	SOL	2	0.11 %	0.07
SUICIDAL PERSON	SP	2	0.11 %	0.07
THREATENING CALL	TCALL	2	0.11 %	0.07
TRAFFIC CONTROL	TC	2	0.11 %	0.07
TRAUMA CRITICAL	TRAUE	2	0.11 %	0.07
VANDALISM	VAND	2	0.11 %	0.07
BURGLARY	BURG	1	0.06 %	0.03
BURGLARY ALARM	ALARM	1	0.06 %	0.03
CAR BREAK	CB1	1	0.06 %	0.03
CARDIAC ARREST	CPR	1	0.06 %	0.03
CHOKING	CHK	1	0.06 %	0.03
CIVIL SERVICE	CIVILS	1	0.06 %	0.03
DANGEROUS COND FD	DCFD	1	0.06 %	0.03
DRIVE TO CLEAR	DTC	1	0.06 %	0.03
DRUNK DRIVER	DUI	1	0.06 %	0.03
FLEEING DRIVER	FLEE	1	0.06 %	0.03
HIT&RUN MVA	MVHR	1	0.06 %	0.03
LOST PROPERTY	PROPL	1	0.06 %	0.03
MVA MAJOR	MVMI	1	0.06 %	0.03
SEX OFFENSE	SO	1	0.06 %	0.03
SICK PERSON FLAG DOWN	FLAGE	1	0.06 %	0.03
STOLEN TAG	TAGS	1	0.06 %	0.03
STOLEN VEHICLE	SV	1	0.06 %	0.03
WALK & TALK	WT	1	0.06 %	0.03
TOTAL CALLS:		1,818	100.00%	60.60

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

APRIL 2020 STATISTICS

FIRE CALLS	CURRENT MONTH			YEAR TO DATE			PRIOR YEAR		
	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ENGINE RESPONSE									
STRUCTURE FIRES	0	0	0	2	0	0	1	0	0
HAZARDOUS CONDITIONS	1	0	0	5	1	0	13	5	2
VEHICLE FIRES	0	0	0	0	0	0	0	0	0
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	1	0	0	2	1	0	4	2	2
VEHICLE CRASHES W/ENGINE RESPONSE	0	0	0	1	1	0	6	0	0
SERVICE CALLS	12	4	0	89	14	4	55	16	3
FIRE ALARMS	9	1	0	53	2	0	44	1	3
CANCELLED EN ROUTE	5	2	2	38	12	9	28	9	8
TOTALS	28	7	2	190	31	13	151	33	18

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	1	0	10	16	15	38
HOTEL/MOTEL	1	0	9	13	29	29
ASSEMBLY	0	0	2	0	3	3
MERCANTILE	0	0	5	4	7	7
RESTAURANT	0	0	4	1	4	1
BUSINESS	0	0	5	0	32	10
OTHER	0	0	15	0	30	0
CONSTRUCTION	1	0	25	1	17	0
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	0	0	6	0	8	6
TOTALS	3	0	81	35	145	94

PLANS EXAMINATION HOURS:14 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

APRIL 2020 STATISTICS

EMS CALLS

CURRENT MONTH

YEAR TO DATE

PRIOR YEAR

	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ALS CALLS	39	1	2	152	16	2	195	32	5
BLS CALLS	20	5	0	97	21	7	123	23	4
TOTALS	59	6	2	249	37	9	318	55	9



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 APRIL 2020

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:

Install lights & siren	veh #171
Replace headlight	veh # 130
Replace battery	veh #149
Replace rear brakes	veh # 155
Replace battery	veh #108



CITY OF DAYTONA BEACH SHORES

"Life Is Better Here"

Office of the City Manager

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

MEMORANDUM

DATE: May 26, 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

REOPENING OF CITY SERVICES:

We are working to install "sneeze barriers" on the first and second floors of City Hall. Effective June 1 City Hall will reopen for business by appointment. We will be at full staffing in all departments at that time.

Public Safety will be at full strength by May 27.

Playgrounds and our basketball court will remain closed until June 1. Will gradually bring back benches and additional seating at our tennis and pickle ball courts. I do not anticipate opening of the Community Center until we are able to accommodate adequate safety and social distancing measures for participants. Outdoor concerts have also temporarily been temporarily placed on hold.

cc:

Department Heads

City Attorney



**CITY COUNCIL AGENDA MEMORANDUM
MAY 26, 2020 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Resolution 2020-03: Supporting and accepting the Volusia County Local Mitigation Strategy Plan and Flood Management Plan.

SYNOPSIS:

Resolution 2020-03 if adopted will support and accept the Volusia County Local Mitigation Strategy and Flood Plan. The Federal Community Rating System/National Flood Insurance Program grades communities and reduces their flood insurance premiums providing certain requirements are made, such as having a Local Mitigation Strategy and Flood Management Plan. Local governments in Volusia County, including Daytona Beach Shores, have worked together to develop the plans, which will reduce the potential for personal/property losses in flood prone areas, ensure the lowest possible flood insurance premiums for residents and save lives. Supporting and accepting the revised plans enable the City and other local governments in Volusia County to achieve the aforementioned goals.

FISCAL IMPACT STATEMENT:

BACKGROUND:

Web links to the plans are available at:

<http://ftp.ecfrpc.org/LMS/Volusia%20LMS%202020.pdf>

<https://www.volusia.org/services/public-protection/emergency-management/>

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Resolution 2020-03 as presented.

SUGGESTED MOTION:

Approval of Resolution 2020-03 as presented.

ATTACHMENT: 1. Res. 2020-03-DBS 2020 - Support and Acceptance of Local Mitigation Strategy and Flood Plan

RESOLUTION NO. 2020-03

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA IN SUPPORT OF THE 2020 VOLUSIA COUNTY LOCAL MITIGATION STRATEGY PLAN; ADOPTING THE PLAN INCLUDING THE FLOOD WARNING PLAN – APPENDIX K; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Daytona Beach Shores to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, coastal and riverine flooding are significant threats to the safety of residents of Volusia County and its municipalities; and

WHEREAS, the City Council of the City of Daytona Beach Shores recognizes the importance of reducing vulnerabilities to flood events for the overall good and welfare of the community; and

WHEREAS, City of Daytona Beach Shores has been an active participant in “Volusia Prepares” and its Local Mitigation Strategy Working Group, which has established a comprehensive, coordinated planning process involving the county and its municipalities, as well as other public and private sector organizations, to eliminate or decrease these vulnerabilities; and

WHEREAS, Daytona Beach Shores representatives and staff have identified, justified and prioritized a number of proposed projects and programs needed to mitigate the vulnerabilities of unincorporated areas of Volusia County to the impacts of future flood events; and

WHEREAS, the National Flood Insurance Program (NFIP) provides federally subsidized flood insurance in communities that regulate development in floodplains; and

WHEREAS, the National Flood Insurance Program Community Rating System (CRS) rates the various community floodplain management programs and reduces flood insurance premiums in those communities that meet Community Rating System Program requirements; and

WHEREAS, the proposed projects and programs are undertaken to reduce the potential for personal and property losses in flood-prone areas and ensure the lowest possible flood insurance premiums for residents; and

WHEREAS, the adoption of the 2020 Volusia County Integrated Floodplain Management Plan and its integration into the Local Mitigation Strategy is intended to support this effort; and

WHEREAS, the formal adoption of the Plan by the local governing body is a requirement of the Community Rating System Program;

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

SECTION ONE. FINDINGS.

1. The City Council of the City of Daytona Beach Shores hereby accepts and approves of its designated portion of the Volusia County Integrated Floodplain Management Plan.
2. The City Council of the City of Daytona Beach Shores accepts and endorses the mitigation goals and objectives established by Volusia Prepares for the countywide Plan, and the anticipated schedule for the next updating of the strategy.
3. The City Council of the City of Daytona Beach Shores finds that the proposed flood mitigation projects and programs included in the Plan by other jurisdictions and organizations are acceptable, that they will not adversely affect the City or its neighborhoods, and that they do not conflict with or duplicate the flood mitigation proposals made by the City itself.
4. Relevant City Staff are requested and instructed to pursue available funding opportunities for implementation of the proposals designated therein.
5. The agencies and organizations within the City of Daytona Beach Shores will, upon receipt of such funding or other necessary resources, seek to implement the proposals contained in the City's individual section of the Plan.
6. The City Council of the City of Daytona Beach Shores will continue to participate in the updating and expansion of the Volusia County Integrated Floodplain Management Plan in the years ahead.
7. The City Council of the City of Daytona Beach Shores will further seek to encourage the businesses, industries and community groups operating within Daytona Beach Shores to also participate in the updating and expansion of the Volusia County Integrated Floodplain Management Plan in the years ahead.

SECTION TWO. SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the local mitigation strategy and floodplain management are hereby ratified and affirmed.

SECTION THREE: CONFLICTS. All resolutions or parts thereof in conflict with this Resolution are hereby repealed to the extent of such conflict.

SECTION FOUR. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, 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 FIVE. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Mayor, Nancy Miller

ATTEST:

By: _____
Michael T. Booker, City Manager

Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Raymond J. Branch, City Attorney

Passed and adopted on first reading this _____ day of _____, 2020.

Posted this _____ day of _____, 2020.



CITY COUNCIL AGENDA MEMORANDUM MAY 26, 2020 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Stewart Cruz, City Planner

SUBJECT: Special Exception Extension Request by WD Plaza, LLC for a one year extension of an existing Concession Parking Ancillary Facility at 2200 S. Atlantic Avenue.

SYNOPSIS:

The request for a one-year extension of Special Exception SPEX12017006 by WD Plaza, LLC (owner), if approved, would permit Chuckles, LLC (tenant) to continue to utilize a space on the northwest corner of the Winn Dixie Plaza as a concession parking ancillary facility. The special exception was originally approved in 2017. This is the third of five one-year extensions permitted by the Land Development Code.

Concession parking ancillary facilities are used to provide support to bona fide concession vehicles where concession parking is permitted. The facility may contain subordinate uses including, but not limited to, office, non-hazardous dry storage and minor concession vehicle maintenance and repair. Food preparation and cooking are prohibited.

FISCAL IMPACT STATEMENT:

The Fiscal Year 2020/2021 budget has sufficient funds to implement all administrative and technical functions associated with the approval, permitting and inspection obligations of the City associated with the subject application.

BACKGROUND:

Pursuant to Sec. 14-58.1.2.D.4 of the Land Development Code (LDC), concession parking ancillary facility special exception extensions may be granted for a maximum of up to one (1) year and the request shall be in writing to the City Manager at least ninety (90) days prior to termination of the original development order or renewal date. If granted, the subject special exception would be the third of five extensions permitted by the LDC.

All inspection and LDC extension renewal standards and requirements are satisfied.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of the special exception extension request as presented.

SUGGESTED MOTION:

Approval of the special exception extension request by WD Plaza, LLC.

- ATTACHMENT:**
1. WDP - Chuckles Special Exceptions Extension Request 4_24_20
 2. WDP - Special Exception for Chuckles - SIGNED 8_23_17



5025 WINTERS CHAPEL ROAD, SUITE M, ATLANTA, GEORGIA 30360
(770) 698-0403 FAX (770) 698-0406 www.mpshoppingcenters.com

April 24, 2020

VIA EMAIL

Michael T. Booker
City Manger
City of Daytona Beach Shores
2990 S. Atlantic Avenue
Daytona Beach Shores, FL 32118

Subject: Special Exception (SPEX 12017006) WD Plaza, LLC, Chuckles LLC Concession Parking and Ancillary Facility Project – Located at 2200 South Atlantic Avenue

Mr. Booker,

Pursuant to the terms of the above refenced Special Exception, please accept this letter as a request by the Owner (WD Plaza, LLC) to extend the terms of the Special Exception for an additional year (through August 7, 2021).

This will be the third of the five extension requests outlined in the Ordinance (2017-01).

We appreciate your assistance with this request.

As always, please feel free to contact me with any questions.

Thank you,

Simon Engler

A handwritten signature in blue ink, appearing to read "S. Engler", is written over the printed name.

Vice President
WD Plaza, LLC

M & P MANAGEMENT, LLC • IDLEWOOD PROPERTIES, INC. • M & P HOLDINGS, LLC
MAXWELL POINTE, LLC • AAA REALTY COMPANY
M & P CALHOUN, LLC • M & P SCOTTSBORO, LLC

Prepared by:
Mr. Stewart Cruz
City Planner
City of Daytona Beach Shores
2990 South Atlantic Avenue
Daytona Beach Shores, Florida 32118
Telephone 386-763-5353

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

Tax Parcel Identification Number: 15-15-33-02-03-0013 (Long) 5315-02-03-0013 (Short).

**CITY OF DAYTONA BEACH SHORES DEVELOPMENT ORDER FOR
SPECIAL EXCEPTION (SPEX 12017006, WD PLAZA LLC, CHUCKLES LLC
CONCESSION PARKING ANCILLARY FACILITY PROJECT) RELATING TO A 2,100
SQUARE FOOT STRUCTURE AT THE NORTHWEST CORNER OF 2200 SOUTH
ATLANTIC AVENUE**

On August 8, 2017 an application was heard by the City Council of the City of Daytona Beach Shores for approval of a Special Exception (SPEX 12017006, WD Plaza LLC, Chuckles LLC Concession Parking Ancillary Facility Project) with regard to and relating to and touching and concerning the following described property: 2,100 square foot structure located at 2200 S. Atlantic Avenue within the City Limits of the City of Daytona Beach Shores which real property is assigned Tax Parcel Identification Number 15-15-33-02-03-0013 by the Volusia County Property Appraiser (Short Parcel Number: 5315 02-03-0013).

FINDINGS OF FACT

Property Owner: WD Plaza, LLC.

Applicant: Chuckles LLC.

Project To Which Application Relates: Special Exception (SPEX 12017006, WD Plaza LLC, Chuckles LLC Concession Parking Ancillary Facility Project).

Facts: The Applicant proposes a Concession Parking Ancillary Facility within the City

Limits of the City of Daytona Beach Shores.

CONCLUSIONS OF LAW

(1). The Application sought for approval is consistent with the *City of Daytona Beach Shores Comprehensive Plan* and the development of the property, as proposed, shall be consistent with and in compliance to all applicable land development regulations and all other applicable regulations and ordinances as set forth in the *Code of Ordinances of the City of Daytona Beach Shores*.

(2). The owner of the subject property has agreed to certain lawful conditions as set forth in the original Development Order which conditions touch and concern the subject properties and shall constitute a burden which shall run with the subject properties. Moreover, all of the conditions that relate to the Application have been agreed upon by the property owner and shall be conditions of approval.

ORDER AND CONDITIONS

NOW, THEREFORE, IT IS ORDERED THAT:

(1). The aforementioned Application is **APPROVED** subject to the conditions set forth herein.

(2). This Development Order touches and concerns the aforescribed property.

(3). The conditions that are the subject of this Development Order are as follows:

(a). The Concession Parking Ancillary Facility shall comply with all applicable provisions of the Daytona Beach Shores *Land Development Code* and Daytona Beach Shores Ordinance Number 2017-01.

(b). The Concession Parking Ancillary Facility shall be associated with, and used only in association with, the property and concession parking located at 2200 South Atlantic Avenue, located in the City and the Property Owner shall enforce this provision to the satisfaction of the City.

Done and Ordered on this ____ day of August, 2017 *nunc pro tunc* to August 8, 2017.

ATTEST:

CITY OF DAYTONA BEACH SHORES

Cheri Schwab, City Clerk

Harry Jennings, Mayor

SIGNATURE PAGE FOLLOWS

JOINDER AND APPROVAL OF CONDITIONS BY PROPERTY OWNER

IN WITNESS WHEREOF, the subject Property Owners has signed and sealed these presents, through its authorized officer and representative, Eliot Arnovitz, the day and year written below and **AGREES** to all of the terms and conditions of this Development Order and represents to the City of Daytona Beach Shores that the signatory below has authority to bind the Property Owner to the terms and conditions hereof.

ATTEST:

WD PLAZA, LLC



Witness # 1

Printed Name: Kate Bradbury



Authorized Member M&P Holdings, LLC,
a Georgia limited liability company by Eliot
Arnovitz.



Witness # 2

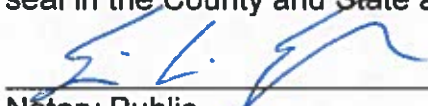
Printed Name: Jeremy Rosenthal

ACKNOWLEDGMENT

STATE OF GEORGIA)

COUNTY OF FULTON)

THE FOREGOING was sworn to and subscribed before me 23 day of August, 2017, by Eliot Arnovitz, who is personally known to me or who produced N/A as identification. **WITNESS** my hand and official seal in the County and State aforesaid this 23 day of August, 2017.


Notary Public

My Commission Expires: 5/13/19

