



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING FEBRUARY 22, 2022

**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 25, 2022
 - B. City Council Special Minutes February 1, 2022
- 7. CONSENT AGENDA:**

- A. Public Safety January report
- B. Community Services January, 2022 Report
- C. Building Division January, 2022 Report
- D. October Finance Report

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report

9. REPORTS OF THE CITY MANAGER:

- A. City Manager Report February 22, 2022

10. OLD BUSINESS:

- A. Ordinance 2022-01: Rezoning Application RZ12021045, 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

11. NEW BUSINESS:

- A. Discussion on the Bank of America property that is for sale.
- B. Rezoning Application RZ12021040: Coby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property
- C. Rezoning Application RZ12021043: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property
- D. Future Land Use Map Amendment CPA12021041: Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property
- E. Future Land Use Map Amendment CPA12021044: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property
- F. Ordinance 2022-05 Daytona Beach Shores proposed charter amendments

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 386-7635364, 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 711 or 1 8009558771.

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 25, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

1. CALL TO ORDER BY MAYOR

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

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

There were no agenda items for this section.

6. APPROVAL OF MINUTES

A. City Council Minutes January 11, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve the City Council Minutes of January 11, 2022.

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

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

7. CONSENT AGENDA:

A. Public Safety December report

B. Community Services November, 2021 Report

C. Community Services December, 2021 Report

D. Building Division November, 2021 Report

E. Building Division December, 2021 Report

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the consent agenda.

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

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

No: None

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney Vose reviewed her report to the council.

9. REPORTS OF THE CITY MANAGER:

A. City Manager Report Jan. 25, 2022

City Manager Booker reviewed his report for the council. He attended a meeting regarding the crosswalk at Peck Park that morning. The plan is to install a lighted crosswalk at the northern end of the property. Website analytics were also provided to the council.

10. OLD BUSINESS:

A. Ordinance 2022-02: Voluntary Annexation-3102 Liberty Street

Attorney Vose read the ordinance by title only. There was no additional discussion.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-02: Voluntary Annexation-3102 Liberty Street.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 10 No = 0).

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

B. Ordinance 2022-03: Voluntary Annexation - 6 Carter Terrace

Attorney Vose read the ordinance by title only. There was no additional discussion.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Adopt Ordinance 2022-03: Voluntary Annexation - 6 Carter Terrace.

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

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

C. Ordinance 2022-04: Treasure Island Development Agreement - 2025 S. Atlantic Avenue, Fraile St/Armstrong Ave, etc.

Mayor Miller announced that due to the legal advertisement not being published properly, the item would be continued.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER RICHARD BRYAN to Continue Ordinance 2022-04 until February 1, 2022, at 4:00pm.

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

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

11. NEW BUSINESS:

A. Discussion on selection criteria process for City Manager

Mayor Miller stated that with the recent retirement announcement by the City Manager, the council needed to begin the process of selecting a replacement. She explained that there were a few methods from promoting within to hiring a recruiting firm to perform a search. The current CM has put together a great team of Department Heads and with the city not having any current major issues, she would like to appoint Assistant City Manager/Finance Director

Kurt Swartzlander as the incoming City Manager upon Michael's retirement. This would allow continuity and maintain a cohesive team. The remaining councilmembers also endorsed Kurt as the next City Manager. They felt the management team worked very well together.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Appoint Kurt Swartzlander as City Manager upon Michael Booker's retirement.

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

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

Attorney Vose stated that she would work with Kurt on a contract and would bring it back at a later meeting. Kurt accepted the appointment and stated that he looked forward to continuing working with the council and staff.

B. Ordinance 2022-01: Rezoning Application RZ12021045, 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

Attorney Vose read the ordinance by title. Attorney Leann Wagner and Engineer Peter Zahn spoke on behalf of the applicant. Ms. Wagner explained that the church has owned the property for many years and that it was always intended to be used for outreach services. The City Council approved the use last year and the center opened this past fall. There have been other church-supported counseling centers in Volusia County for years. The clients at this center are mainly children and families. One of the family counselors spoke to the council explaining that 95% of her clients were families. Mayor Miller inquired if the church would consider adding a barrier such as a hedge or fence between the center and the neighbor. Mr. Zahn replied that the church would install a barrier, most likely a fence, in the future. The Mayor read a statement in support of the counseling center that was presented at the Planning & Zoning meeting and entered it into the record. It included 8 signatures of neighbors also in support. City Planner Stewart Cruz explained the reason for the item being on the agenda. In 2003, the city hired a third party contractor to update the zoning maps. A mistake occurred when the wrong color was assigned to this property. It has never changed the legal zoning classification on it. The Planning & Zoning Board along with city staff recommend approval. Mr. Cruz's staff report was submitted for the record.

Audience member Blake Kenton felt the application had errors on it stating that using the home as a for-profit counseling center was not office use. It was his opinion that this was considered spot zoning. Kahri Kenton also spoke, stating that she was concerned about the safety of her children. She would like some type of buffer installed between her home and the center. She quoted a section of code that stated a 50 foot setback was required. It was later determined that she had downloaded the code for Langley, Washington, and not Daytona Beach Shores.

City Planner Cruz stated that his staff report provides a thorough analysis and this is not spot zoning.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER RICHARD FRIZALONE to Approve Ordinance 2022-01: Rezoning Application RZ12021045, 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church.

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

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

12. COUNCIL COMMENTS:

Mayor Miller announced that she had recently given a proclamation for Teacher of the Year at Longstreet Elementary. She reminded the audience that the February 8th meeting was canceled as well as Coffee with the Mayor. There will be a Casino Night on February 12th with a 60's theme. She requested a discussion item for the next agenda regarding the Bank of America property. It is officially on the market now and there has been some interest from various businesses. If the city were to purchase it, that would guarantee its use. CMBR Bryan provided an update on the smoking bill before the state legislature. It passed the first committee hearing. Both Vice Mayor Lindauer and CMBR Frizalone announced that they were running for re-election.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

There were no audience comments.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

discussion on the Bank of America property

15. ADJOURNMENT:

The meeting ended at 7:04 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
MICHAEL T. BOOKER**

ATTEST:

CITY CLERK, CHERI SCHWAB

MINUTES
CITY COUNCIL MEETING
February 1, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

Staff: City Manager Michael T. Booker, City Clerk Cheri Schwab, City Attorney John Cary, 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. PLEDGE OF ALLEGIANCE

4. OLD BUSINESS:

- A. Ordinance 2022-04: Treasure Island Development Agreement - 2025 S. Atlantic Avenue, Fraile St/Armstrong Ave, etc.

The City Attorney read the ordinance by short title. Mayor Miller provided a brief history of the Treasure Island property. She explained the past Development Agreements and Certificate of Vesting. The property went before the Special Magistrate in June, 2021 for a Condemnation Hearing. A Stipulated Agreement was accepted at that time. City Planner, Stewart Cruz, gave a brief presentation that displayed aerial views of the nine properties involved. If the proposed Development Agreement is approved, the Treasure Island structure would be demolished within 120 days. If the demolition has not started within 60 days, money will be placed in escrow for the city to begin the demolition work. The site must be restored and maintained after the demolition is completed. The DA also included 7 deviations from the City's Land Development Code that would be granted along with allowing eight years to obtain building permits and pay applicable fees. City staff recommended approval. Attorney Rob Merrill from Cobb & Cole thanked both the council and staff for their hard work in the negotiation of the agreement.

The following audience comments were heard: Denise Ferrara inquired what would happen if the demolition was not finished in 120 days. She lives near the property and wants to ensure safety precautions are adhered to. Eileen Grill was pleased the work would be starting soon. She lives near the proposed parking lot and hoped it would be properly lit. Anne Ruby also lives near the property and wanted to make sure the neighbors are made aware of the site development.

CMBR Bryan read from a prepared statement regarding the Development Agreement. It was his opinion that most residents do not want to see a new building constructed that is 23 stories tall. He would like to see the Treasure Island structure demolished but felt it was too

high a price to pay.

COUNCILMEMBER RICHARD FRIZALONE moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Adopt Ordinance 2022-04 on second reading.

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

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

No: Richard Bryan

5. COUNCIL COMMENTS:

Mayor Miller provided upcoming events that included a chamber breakfast that recognized the Police Officer of the Year. Sgt. Jessica Long will be honored. Casino Night will be held on February 12th and tickets are still available. CMBRS Politis, Frizalone and Lindauer felt the Mayor provided an accurate account of the Treasure Island history. They are glad to have the work begin. CMBR Bryan stated that his comments were also directed at any future projects with other developers.

6. AUDIENCE REMARKS/PUBLIC COMMENTS:

7. ADJOURNMENT:

The meeting ended at 4:28 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 JANUARY 2022

AL

	Jan-22	22/YTD	Jan-21	21/YTD
Police Related Calls	2,163	2,163	2,061	2,061
Fire Related Calls	36	36	37	37
Rescue Related Calls	118	118	90	90
Fire Related Alarms Sounding	14	114	9	9
Traffic Citations	154	154	147	147
Written Warnings	59	59	48	48
Building Inspections	44	44	68	68
Arrests: Adults	32	32	24	24
Juveniles	0	0	2	2
		0		
City Ordinance Charges	0		0	0
Florida State Statute Charges	61	61	48	48
Accidents: Total	16	16	11	11
Street/Highway	4	4	5	5
Parking Lot	12	12	6	6

Stephan Dembinsky, Public Safety Director

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-01-01 through 2022-01-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
EXTRA PATROL	EP	416	19.23 %	13.42
MISCELLANEOUS LE CALL	MISC	411	19.00 %	13.26
TRAFFIC STOP	TS	371	17.15 %	11.97
PROPERTY CHECK	PRC	316	14.61 %	10.19
SUSP PERSON	SPER	54	2.50 %	1.74
TELEPHONE HANDLE	THC	49	2.27 %	1.58
DIRECTED PATROL REQUEST	DPR	36	1.66 %	1.16
SUSP VEHICLE	SVEH	30	1.39 %	0.97
SUSP INCIDENT	SINC	24	1.11 %	0.77
MEDICAL EMERGENCY	MED1	23	1.06 %	0.74
INVESTIGATION	INV	22	1.02 %	0.71
DISTURBANCE	DIST	18	0.83 %	0.58
BUSINESS ALARM	ALARMB	15	0.69 %	0.48
FIRE ALARM	ALARMF	14	0.65 %	0.45
WALKUP	WALKUP	14	0.65 %	0.45
ASSAULT/BATTERY	ABAT	13	0.60 %	0.42
FALL- NON EMERGENCY	TRAU3	13	0.60 %	0.42
RADAR	RADAR	13	0.60 %	0.42
TRESPASSERS	TRES	13	0.60 %	0.42
CIVIL COMPLAINT	CIVIL	11	0.51 %	0.35
MVA	MV	11	0.51 %	0.35
STROKE / CVA	CVA	11	0.51 %	0.35
MEDICAL NON-EMERG	MED	10	0.46 %	0.32
ZONE ACCOUNTABILITY PATR	ZAP	10	0.46 %	0.32
RECKLESS DRIVER	RD	9	0.42 %	0.29
THEFT	THEFT	9	0.42 %	0.29
WELL BEING CHECK	WBC	9	0.42 %	0.29
FLEEING DRIVER	FLEE	8	0.37 %	0.26
ILLEGAL PARKING	PARK	8	0.37 %	0.26
SPECIAL DETAIL	SDL	8	0.37 %	0.26
SUSPECT STOP	SS	8	0.37 %	0.26
DOMESTIC DISTURBANCE	DV	7	0.32 %	0.23
DRUNK DRIVER	DUI	7	0.32 %	0.23
FOUND PROPERTY	PROPF	7	0.32 %	0.23
MEDICAL UNKNOWN	ALARMM	7	0.32 %	0.23
WARRANT	WAR	7	0.32 %	0.23
DISABLED VEHICLE	DAV	6	0.28 %	0.19
FLAG DOWN	FLAG	6	0.28 %	0.19
MVA W/ INJURIES	MVI	6	0.28 %	0.19
911 CK/OPEN LINE	911CK	5	0.23 %	0.16
ELEVATOR CALL	ELEV	5	0.23 %	0.16
INFORMATION GIVEN	INFO	5	0.23 %	0.16
NARCOTICS	NARC	5	0.23 %	0.16
TRAUMA EMERGENCY	TRAU1	5	0.23 %	0.16
ANIMAL COMPLAINT	AC	4	0.18 %	0.13
ATT TO CONTACT	ATC	4	0.18 %	0.13

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-01-01 through 2022-01-31

LOCATION: ALL / ZONE: ALL / RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
CARDIAC ARREST	CPR	4	0.18 %	0.13
DEAD PERSON	DEAD	4	0.18 %	0.13
HIT&RUN MVA	MVHR	4	0.18 %	0.13
NE ASST- FIRE REQ	LEO2	4	0.18 %	0.13
SUICIDAL PERSON	SP	4	0.18 %	0.13
ASSIST AGENCY	ASSIST	3	0.14 %	0.10
BURGLARY ALARM	ALARM	3	0.14 %	0.10
DRUNK PERSON	IP	3	0.14 %	0.10
ESCORT	ESCORT	3	0.14 %	0.10
FIREWORKS	FIREWK	3	0.14 %	0.10
LOST PROPERTY	PROPL	3	0.14 %	0.10
MENTALLY ILL PER	MIP	3	0.14 %	0.10
REPOSSESSED VEH	REPO	3	0.14 %	0.10
ROAD OBSTRUCTION	RDOB	3	0.14 %	0.10
STOLEN VEHICLE	SV	3	0.14 %	0.10
UNCONSCIOUS	UNC	3	0.14 %	0.10
DANGEROUS COND FD	DCFD	2	0.09 %	0.06
FIRE OUTSIDE STRUCTURE	FOS	2	0.09 %	0.06
FRAUD	FRAUD	2	0.09 %	0.06
NOISE	NOISE	2	0.09 %	0.06
SEX OFFENSE	SO	2	0.09 %	0.06
SHOPLIFTING	SHOP	2	0.09 %	0.06
SUSPICIOUS VEHICLE	SVEH1	2	0.09 %	0.06
TOWED VEHICLE	TOW	2	0.09 %	0.06
TRAUMA CRITICAL	TRAUE	2	0.09 %	0.06
VANDALISM	VAND	2	0.09 %	0.06
WELL BEING CHECK MEDICAL	WBCF	2	0.09 %	0.06
911 CK/OPN LINE/MED HAZ	911MED	1	0.05 %	0.03
ABANDONED VEH	AV	1	0.05 %	0.03
ARSON	ARSON	1	0.05 %	0.03
ASSIST	ASST	1	0.05 %	0.03
BOMB THREAT	BOMB	1	0.05 %	0.03
CITY ORDINANCE VIOLATION	COV	1	0.05 %	0.03
FIGHT	FIGHT	1	0.05 %	0.03
HARRASSING CALLS	HCALL	1	0.05 %	0.03
HAZ COND/MAJOR INC	HZMMI	1	0.05 %	0.03
MENTALLY/EMOTIONAL	MIP1	1	0.05 %	0.03
MISSING PERSON	MP	1	0.05 %	0.03
MVA MAJOR	MVMI	1	0.05 %	0.03
MVA W/PED NO INJURIES	MVP	1	0.05 %	0.03
OVERDOSE/POISONING	OD	1	0.05 %	0.03
PANIC ALARM	ALARMP	1	0.05 %	0.03
POWER LINES HAZARD	PL	1	0.05 %	0.03
PROWLER	PROW	1	0.05 %	0.03
SHOOTING	SHOOT	1	0.05 %	0.03
STEP ZONE	STP	1	0.05 %	0.03

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-01-01 through 2022-01-31

LOCATION: ALL / ZONE: ALL / RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
STR ARM ROBBERY	SROB	1	0.05 %	0.03
STRUCTURE FIRE	SF	1	0.05 %	0.03
THREATENING CALL	TCALL	1	0.05 %	0.03
TRAFFIC CONTROL	TC	1	0.05 %	0.03
TRAUMA NON EMERG	TRAU	1	0.05 %	0.03
WEAPONS COMPL	WC	1	0.05 %	0.03
TOTAL CALLS:		2,163	100.00%	69.77

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

JANUARY 2022 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	0	0	0	0	0	1
HAZARDOUS CONDITIONS	4	2	0	4	2	0	4	1	0
VEHICLE FIRES	0	0	0	0	0	0	1	0	0
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	2	0	2	2	0	2	0	0	0
VEHICLE CRASHES W/ENGINE RESPONSE	2	0	0	2	0	0	2	1	0
SERVICE CALLS	12	4	0	12	4	0	11	3	1
FIRE ALARMS	13	1	0	13	1	0	9	0	0
CANCELLED EN ROUTE	5	3	0	5	3	0	6	5	1
TOTALS	38	10	2	38	10	2	33	10	3

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	4	1	4	7	14
HOTEL/MOTEL	7	2	7	2	15	3
ASSEMBLY	0	0	0	0	0	0
MERCANTILE	7	0	7	0	4	0
RESTAURANT	2	0	2	0	0	0
BUSINESS	8	0	8	0	6	0
OTHER	0	0	0	0	0	0
CONSTRUCTION	3	1	3	1	4	2
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	8	1	8	1	7	4
TOTALS	36	8	36	8	43	23

PLANS EXAMINATION HOURS: 1 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

JANUARY 2022 STATISTICS

EMS CALLS **CURRENT MONTH** **YEAR TO DATE** **PRIOR YEAR**

	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ALS CALLS	56	6	0	56	6	0	49	3	0
BLS CALLS	49	6	1	49	6	1	35	2	1
TOTALS	105	12	1	105	12	1	84	5	1



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 January 2022

*Matthew Sweeney
Jacob Smith*

1/17-21

*Fire Service Hydraulics
POFD*

*Matthew Sweeney
Jacob Smith*

1/24-28

*Fire Service Apparatus OPS
POFD*

*Zachary Rooney
Gary Malphurs*

1/31-2/1

*De-escalation Techniques
DSC*



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 JANUARY 2022

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:

Replace hood cable assembly	veh #A77
Replace ignition coil assembly	veh #168
Replace ignition coil assembly	veh #159
Replace wiper blades	veh #121
Replace wiper blades	veh #159
Replace wiper blades	veh #149

COMMUNITY SERVICES DEPARTMENT

MONTHLY REPORT - JANUARY 2022

FACILITIES MAINTENANCE DIVISION:

Currently one position.

Normal monthly duties:

This division assesses any problems reported with the buildings and handles the repair if it is within his ability. He has an a/c certification so 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 and city owned properties.

Additionally, this month:

This employee lubricated doors and springs and pressure washed areas of public safety, he removed the chiller encasement at public safety as well as cleaning all the city building door mats and covering exposed back flows from the cold at the end of the month.

PARKS/STREETS DIVISION:

This division is normally eleven maintenance positions and one electrician position.

Normal monthly duties:

This division takes care of the maintenance, upkeep 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 park/streets division finished taking down Christmas decorations and trees, put up two new posts and nets on pickle ball court 6, put up new street signs on Esperanza, repainted the shuffleboard courts and installed a new bus sign in front of Winn Dixie. The electrician replaced

16 decorative lights with LED bulbs, repaired the basketball court lights and lights at the Beachcomber Park. He also prepared two decorative poles for installation in February, trouble shot the public safety generator problem and handled 23 electrical line locates.

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 and inspects the manholes in the city, delivers past due sewer bill notices for finance every month, does cooling tower readings and grease trap inspections quarterly and has two employees in the division that are animal control officers.

Additionally, this month:

The division installed a new drive at station 4, did the quarterly grease trap inspections and re-inspections, replaced a sump pump at station 1 and replaced the controller on the bypass pump at station 5. They also repaired a pillar handle on their truck, reprogrammed all of the alarm dialers at the stations and handled 4 animal control calls, 4 pool readings and 53 sewer line locates and 15 electric locates while the electrician was out.

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – January, 2022

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 1
 Submitted this Fiscal Year: 6
 Approved by Staff this Month: 1
 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
Fantasy Island II	3175 South Atlantic Avenue	1/3	Mill and asphalt parking lot	\$61,750.00	\$420.28
Caribbean Condo	2425 South Atlantic Avenue	1/3	Renovate pool	\$36,500.00	\$277.98
Drake Residence	2625 South Atlantic Avenue, Unit 6SW	1/4	Remodel kitchen and bathrooms	\$45,500.00	\$329.18
Guerra Residence	2625 South Atlantic Avenue, Unit 12ASE	1/4	Remodel kitchen and 2 bathrooms	\$45,500.00	\$329.18
Ocean Villas	3703 South Atlantic Avenue	1/5	Replace 2 parking lot fans	\$13,458.00	\$130.30
O'Conner Residence	3003 South Atlantic Avenue, Unit 5B3	1/7	Remove master tub, install walk in shower	\$10,000.00	\$112.00
Bonura Residence	3051 South Atlantic Avenue, Unit 605	1/11	Remodel kitchen and bathroom, new cabinets	\$32,764.00	\$604.39
Herbert Residence	3765 Cardinal Boulevard	1/12	Re-roof house	\$10,714.00	\$120.55
Johnson Residence	3601 South Atlantic Avenue, Unit 708	1/12	Remodel kitchen and 3 bathrooms	\$96,000.00	\$613.77
Pritzlaff Residence	3703 South Atlantic Avenue, Unit 308	1/13	Remodel master bathroom, gas fireplace	\$56,000.00	\$386.22
Panaggio Residence	2717 South Atlantic Avenue	1/13	Rebuild dune walkover and deck	\$18,675.00	\$177.58
Strunk Residence	3757 South Atlantic Avenue, Unit 1402	1/14	Replace 2 sliding glass doors	\$19,659.00	\$182.96

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Dobrin Residence	120 Ogden Boulevard	1/18	Change out 2 HVAC units	\$12,383.00	\$123.70
Johnson Residence	3601 South Atlantic Avenue, Unit 708	1/18	Replace sinks, faucets, toilets, water heater, tub to shower	\$12,000.00	\$47.50
Campo Residence	2987 South Atlantic Avenue, Unit 1704	1/20	Install new windows and doors	\$26,500.00	\$221.09
Redmond Residence	2937 South Atlantic Avenue, Unit 1503	1/20	Replace sliding glass doors	\$12,000.00	\$129.10
Red Lobster	3162 South Atlantic Avenue	1/20	Install new PVC roof	\$55,060.00	\$385.93
Lathrop Residence	2906 River Point Drive	1/21	New pool surface and tile	\$32,370.00	\$255.18
Peterson Residence	125 White Cap Avenue	1/24	Install new roof	\$11,250.00	\$129.10
Oceans Seven Condo	2947 South Atlantic Avenue	1/24	Concrete repairs, recoat balconies	\$1,435,125.00	\$4,393.92
Bazin Residence	2 Oceans West Boulevard, Unit 2101	1/25	Remodel kitchen and bathroom	\$14,000.00	\$146.20
Dart Residence	3051 South Atlantic Avenue, Unit 1806	1/27	Replace 4 windows	\$20,106.00	\$188.34
Jones Residence	3226 South Peninsula Drive	1/27	Replace 13 windows and 2 exterior doors	\$22,430.00	\$199.11
Ocean Blue 21, LLC	138 Botefuhr Avenue	1/27	Re-roof buildings A & B	\$17,700.00	\$172.20
Oceans 25 LLC	2900 South Atlantic Avenue	1/28	Install architectural shingles on three town homes	\$98,000.00	\$625.15
Wright Residence	2937 South Atlantic Avenue, Unit 307	1/28	Build wet bar/entertainment center	\$21,000.00	\$188.34
Turley Residence	3047 South Atlantic Avenue, Unit 1704	1/28	Remodel kitchen, master, and guest bathrooms	\$46,000.00	\$329.33
Demars Residence	3315 South Atlantic Avenue, Unit 1007	1/28	Remodel master bathroom	\$15,000.00	\$154.75
Cook Residence	3425 South Atlantic Avenue, Unit 603	1/28	Replace vertical heat pump system	\$15,225.00	\$143.50
Oceans Atrium Condo	3023 South Atlantic Avenue	1/31	Waterproof landscape planters	\$95,462.00	\$613.61
Acree Residence	2917 South Atlantic Avenue, Unit 1107	1/31	Replace 2 windows and 3 sliding glass doors	\$18,955.00	\$177.58
Oceans Four Condo	3003 South Atlantic Avenue	1/31	Waterproof landscape planters and deck	\$389,000.00	\$1,791.80
Sand Dollar Condo	3115 South Atlantic Avenue	1/31	Parking deck restoration	\$198,220.00	\$1,032.03
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$3,014,306.00	\$15,131.85

Building Division Revenue by Permit Category:

PERMIT TYPE	JANUARY 2022	FISCAL YEAR-TO- DATE 2021 TO 2022	JANUARY 2021	LAST FISCAL YEAR-TO- DATE 2020 TO 2021
BUILDING	\$11,593.20	\$45,191.66	\$18,050.08	\$81,810.11
ROOF	\$902.68	\$2,558.92	\$5,073.15	\$10,737.02
DEMOLITION	\$0.00	\$69.25	\$323.90	\$443.90
ELECTRICAL	\$1,941.75	\$7,754.88	\$1,968.05	\$11,094.41
MECHANICAL	\$2,405.65	\$10,021.08	\$1,947.05	\$15,248.58
PLUMBING	\$2,606.75	\$10,627.92	\$1,854.50	\$17,474.58
SIGN	\$198.50	\$1,163.31	\$442.25	\$1,236.75
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$0.00	\$220.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$65.25	\$326.50	\$179.50	\$440.50
DEVELOPMENT FEES	\$333.00	\$11,059.00	\$440.00	\$750.00
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$20,046.78	\$88,772.52	\$30,278.48	\$139,455.85

Building Division Activities:

ACTIVITY	JANUARY 2022	FISCAL YEAR-TO- DATE 2021 TO 2022	JANUARY 2021	LAST FISCAL YEAR-TO- DATE 2020 TO 2021
INSPECTIONS	241	111	266	1233
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
FINAL INSPECTIONS	153	680	153	787
FAILED INSPECTIONS	17	60	30	108

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

Projects Begun Current Fiscal Year-to-Date – 2021 to Present: \$17,059,001.00

Projects Begun Last Fiscal Year – 2020 to 2021: \$64,300,811.00

Projects Begun Two Fiscal Years Ago – 2019 to 2020: \$39,968,375.00

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending October, 2021

CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$300,767	\$784,984	(\$484,217)	-161%
General Obligation Debt Service	\$0	\$0	\$0	#DIV/0!
General Obligation Construction	\$0	\$0	\$0	
General Fund Sub-Total	\$300,767	\$784,984	(\$484,217)	-161%
Sewer Fund Operations	(\$25,827)	\$127,869	(\$153,696)	595%
Sewer Fund Restricted Impact Fee	\$1	\$0	\$1	100%
Sewer Fund Sub-Total	(\$25,826)	\$127,869	(\$153,695)	595%
TOTAL ALL FUNDS FISCAL YTD	\$274,942	\$912,854	(\$637,912)	-232%

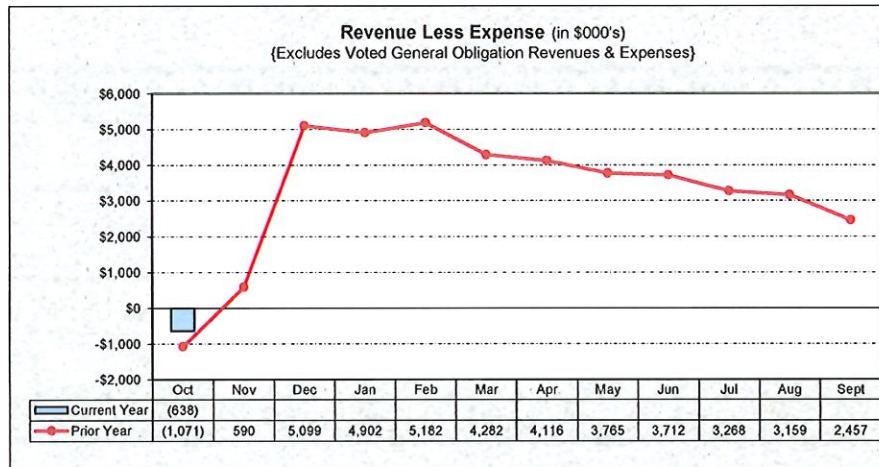
CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$16,049,333	\$14,092,156	\$1,957,177	14%
Sewer Fund	\$9,357,534	\$8,959,985	\$397,549	4%
Sub-Total Operating Funds	\$25,406,866	\$23,052,141	\$2,354,725	10%
Gen. Obligation [GO] Construction & Debt	\$0	\$705,967	(\$705,967)	-100%
TOTAL ALL FUNDS	\$25,406,866	\$23,758,108	\$1,648,758	7%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	(\$1,235,684)	\$142,166	
Add Back for Current Year CS Construction Expense	N/A	N/A	
Historical Mean Projected Remaining Cash Flow	\$2,617,904	\$502,331	
PROJECTED FYE NORMALIZED CASH FLOW	\$1,382,220	\$644,497	\$2,026,717

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

NON-G.O. FUNDS	October, 2021		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	\$14,322	\$301	\$14,083	(\$13,782)	-98%
Utility Fund	\$3,479	(\$26)	\$4,112	(\$4,138)	-101%
Total Revenues & Appropriations	\$17,801	\$275	\$18,195	(\$17,920)	-98%
Expenses ('000s)					
General Fund Less Capital	\$13,576	\$785	\$15,920	\$15,135	95%
General Fund Capital	\$746	\$0	\$700	\$700	100%
Utility Fund	\$3,479	\$128	\$2,389	\$2,261	95%
Total Expenses & Appropriations	\$17,801	\$913	\$19,010	\$18,097	95%
Revenue Less Expense ('000s)					
General Fund	\$0	(\$484)	(\$2,538)	\$2,054	
Utility Fund	\$0	(\$154)	\$1,723	(\$1,877)	
Revenue Less Expense	\$0	(\$638)	(\$815)	\$177	

VOTED GENERAL OBLIGATION	October, 2021		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favor / (Unfavor)	% vs. Prior Year
General Obligation Revenue	\$0	\$0	\$2,882	(\$2,882)	-100%
General Obligation Expense	\$0	\$0	\$2,748	\$2,748	100%
Voted Gen. Oblig. Rev. Less Exp.	\$0	\$0	\$134	(\$134)	



Prior Year (No G.O.)	Current Year	Prior Yr
Oct	(638)	(1,071)
Nov		590
Dec		5,099
Jan		4,902
Feb		5,182
Mar		4,282
Apr		4,116
May		3,765
Jun		3,712
Jul		3,268
Aug		3,159
Sept		2,457

General Fund Detail Budget Report

	October, 2021		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues/Sources					
Ad-Valorem Taxes	8,412,300	3,512	8,371,902	(8,368,391)	-100%
Business Taxes	101,900	87,443	99,003	(11,560)	-12%
Utility Taxes	1,014,500	(18,990)	1,073,681	(1,092,672)	-102%
Permits & Franchise Fees	893,200	(83,821)	960,184	(1,044,006)	-109%
Intergovernmental	721,500	(37,774)	1,003,731	(1,041,505)	-104%
Donations	0	0	0	0	
Charges for Services	1,631,700	270,736	1,591,071	(1,320,334)	-83%
Fines & Forfeitures	94,800	5,165	106,128	(100,963)	-95%
Non-G.O. Interest	23,000	1,231	111,146	(109,915)	-99%
Unrealized Investment G/(L)	0	0	0	0	
Miscellaneous & Fixed Asset Sales	35,500	1,975	51,798	(49,822)	-96%
Internal Services	855,500	71,292	714,100	(642,808)	-90%
Non G.O. Transfer In-Fund Balance	538,200	0	0	0	
Non-G.O. Gen. Fund Revenue	\$14,322,100	\$300,767	\$14,082,744	(\$13,781,977)	-98%

Operating Expenditures

Excluding CAPITAL Expense					
Legislative	212,200	12,270	148,308	136,038	92%
Executive	636,900	51,413	569,209	517,796	91%
Finance	597,200	41,815	589,318	547,503	93%
Legal Counsel	153,400	0	111,723	111,723	100%
Comp. Planning	138,300	8,425	121,449	113,025	93%
Other Gov't Services	245,800	54,144	201,486	147,341	73%
Public Safety Operations	5,982,600	421,523	5,314,775	4,893,251	92%
Building Dept.	643,800	50,001	562,798	512,797	91%
Phy. Envir. -- Solid Waste/Recycle	1,472,300	1,350	1,154,043	1,152,693	100%
Public Works Operations	1,216,500	78,083	1,196,033	1,117,951	93%
Inventory	0	0	0	0	
Benefit Termination Payout	142,000	0	18,355	18,355	100%
Parks & Rec	440,200	38,291	363,445	325,154	89%
Community Center	536,000	27,670	147,073	119,403	81%
Senior Center	0	0	179,985	179,985	100%
Contingency/Transfers	1,159,000	0	150,000	150,000	100%
Long-Term Debt	0	0	5,092,434	5,092,434	100%
Non-G.O. Operations Expense	13,576,200	784,984	15,920,434	\$15,135,450	95%
Non-G.O. CAPITAL Expense	745,900	0	700,350	\$700,350	
Total Non-G.O. Expense	14,322,100	784,984	16,620,784	\$15,835,799	
Non-G.O. Revenue Less Expense	\$0	(\$484,217)	(\$2,538,040)	\$2,053,823	81%

General Obligation (G.O.) Debt Service

Debt Service Ad-Valorem Revenue	0	0	2,877,641	
Debt Service Interest Revenue	0	0	4,457	
UG Utils- Debt Service Expense	0	0	2,747,877	
G.O. Revenue Less Expense	\$0	\$0	\$134,222	

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	

Utility Fund Detail Budget Report

	October, 2021		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Fund 401					
Operations Revenues					
Charges for Services	\$3,447,500	(\$26,498)	\$3,221,145	(\$3,247,643)	-101%
Interest	15,000	671	41,222	(40,551)	-98%
Sale of Fixed Assets / Misc.	0	0	843,279	(843,279)	-100%
Total Operating Revenues	\$3,462,500	(\$25,827)	\$4,105,646	(\$4,131,472)	-101%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,462,500	\$127,869	\$3,257,293	\$3,129,424	96%
- Less Debt Service Principal [a]		0	(868,168)		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,462,500	\$127,869	\$2,389,125	\$3,129,424	131%
Operations Margin	\$0	(\$153,696)	\$1,716,520		
% Gain/(Loss)		-120%			

Fund 402

Impact Fee Revenues					
Sewer Impact Fees	16,000	0	\$6,195	(\$6,195)	-100%
Impact Fee Interest	100	1	205	(204)	-100%
Total IF Revenue	\$16,100	\$1	\$6,400	(\$6,399)	-100%
Impact Fee Expense					
Sewer Impact Fee Exp	16,100	0	\$0	\$0	
Total IF Expense	\$16,100	\$0	\$0	\$0	
Impact Fee Margin	\$0	\$1	\$6,400	(6,399)	-100%
% Gain/(Loss)		100%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,478,600	(\$25,826)	\$4,112,046	(\$4,137,872)	
TOTAL FUND Expense	\$3,478,600	\$127,869	\$2,389,125	\$2,261,256	
FUND Revenue Less Expense	\$0	(\$153,695)	\$1,722,921	(\$1,876,615)	

[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, 2021

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative		0	0
5130 Finance		0	0
5210 Pub. Safety Admin		0	0
5211 Patrol/Fire/Rescue	Vehicles	287,700	-
5240 Building & Codes			
5410 Pub. Works Admin			
5412 Pub. Works Bldg. Maint		0	0
5413 Pub. Works Streets	Vehicles	190,000	0
	Road Improvements Misc.	35,300	0
	Gas Tax Financed		
	Appropriated Road Improvements		0
	Crosswalks	172,900	0
5720 Parks		50,000	0
5751 Community Center		10,000	0
5752 Senior Center		0	0
GENERAL FUND TOTAL		745,900	0
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,575,000	0
	EQUIPMENT		
		462,000	0
		0	0
		0	0
		0	0
		0	0
	Capital Offset to Depreciation Exp	(3,037,000)	0
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
Contraband (non-budgeted)			
TOTAL FROM CONTRABAND		0	0
GRAND TOTAL		745,900	0

INVESTMENT REPORT

October, 2021

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2/17/2022

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, 2021

Institution	Account	Asset	Invest Class	Restriction	Account Value	Period Int. Rate	% of Portfolio
SBA: Prime	131031	Investment	SBA	General Fund	\$539	0.09%	0%
SBA: Prime	131032	Investment	SBA	Sewer Fund Operating	\$539	0.09%	0%
TOTAL SBA					\$1,078		0.0%
Bank of America	004537065882	Cash	CASH	Working Cash	\$6,720,605	0.01%	26%
Bank of America	898013183744	Cash	CASH	UG Util Building	\$0	0.00%	0%
Bank of America	005562564319	Cash	CASH	Sewer Operating	\$3,931,963	0.01%	15%
Bank of America	005562564351	Cash	CASH	Sewer Impact Fee	\$207,978	0.01%	1%
Seacoast Bank	4810004966	Cash	CASH	Sewer Operating	\$5,217,054	0.20%	21%
Seacoast Bank	4810000706	Cash	CASH	Working Cash	\$9,328,188	0.20%	37%
Seacoast Bank	4810003566	Cash	CASH	Loan Reserve	\$0	0.20%	0%
TOTAL BANKS					\$25,405,788		100.0%

TOTAL CURRENT VALUE @ PERIOD END	\$25,406,866
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	0.00%

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	\$0	\$0	(\$705,967)	\$0
General Fund (excl. G.O. Funds)	\$16,049,333	(\$573,338)	\$1,957,177	(\$573,338)
Sewer Fund	\$9,357,534	\$142,166	\$397,549	\$142,166
TOTAL	\$25,406,866	(\$431,172)	\$1,648,758	(\$431,172)
Percent Change for Current	N/A	-1.7%	6.9%	-1.7%

Portfolio Report
October, 2021

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)	\$539	0.09%	\$539	\$0	\$0
BoA	Cash-Pool Cash Account (5882)	\$7,854,289	0.01%	\$7,854,289.23	\$0	\$785
	Contraband Pool Cash in 5882	\$56,317		\$56,316.99	\$0	\$0
	Pool Cash Due to Sewer Fund			(2,345,469.79)		\$0
	Economic Development			650,942.29		\$0
	ARPA			1,155,469.00		\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$0	0.00%	\$0	\$0	\$0
Seacoast	Cash-Pool Cash Account (0706)	\$9,328,188	0.20%	\$9,328,188	\$0	\$18,656
Seacoast	Cash-Loan Reserve (3566)	\$0	0.20%	\$0	\$0	\$0
Chase	Cash-Pool Cash (2110)	\$41,231	0.00%	\$41,231	\$0	\$0
Chase	CD (5936)	\$100,092	0.10%	\$100,092	\$0	\$100
ALL GENERAL FUND			0.12%	\$16,841,599	\$0	\$19,442
			PRIOR MONTH	\$17,421,135		

SEWER OPERATING						
SBA	Investment (032)	\$539	0.09%	\$539	\$0	\$0
BoA	Cash (4319)	\$1,586,493	0.01%	\$1,586,493	\$0	\$159
Seacoast	Cash (4966)	\$5,217,054	0.20%	\$5,217,054	\$0	\$10,434
	Cash-Pool Cash Due From Gen. Fund			\$2,345,470		\$0
ALL SEWER OPERATING FUND			0.12%	\$9,149,556	\$0	\$10,593
			PRIOR MONTH	\$9,007,391		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$207,978	0.01%	\$207,978	\$0	\$21
	Cash-Pool Cash Due From Gen. Fund			\$0		\$0
ALL SEWER IMPACT			0.01%	\$207,978	\$0	\$21
			PRIOR MONTH	\$207,977		

ALL FUNDS			0.11%	\$26,199,132	\$0	\$30,056.33
			PRIOR MONTH	\$26,636,503		
			MONTHLY CHANGE	(\$437,371)		
			MONTHLY CHANGE %	-1.6%		



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
FEBRUARY 22, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
COPIES TO: Mike Booker, City Manager
Cheri Schwab, City Clerk
FROM: John Cary, City Attorney
DATE: February 16, 2022
SUBJECT: ***City Attorney Report***

The following is intended as my written report to the City Council for matters arising subsequent to its last meeting of January 25, 2022. Please advise if you have any questions, comments or concerns relative to these matters.

(1) *Public Safety Public Records Opinion*

Provided a written opinion to the Public Safety Department regarding a question about an interpretation of the statute providing an exemption to a public records request.

(2) *Chase Bank Property Purchase*

Worked with Finance Director on purchase of the property behind the Chase Bank and reviewed and edited proposed purchase agreement.

(3) *136 Beachcomber Closing*

Finalized closing documents including deed, resolved title issues, and conducted closing for the sale for 136 Beachcomber.

(4) *Opioid Settlement*

Reviewed and worked on various matters as to the opioid class action settlement.

(5) *Plat Review*

Reviewed a preliminary plat for the Oceans 25 townhouses. Provided comments to the City Planner on issues that need to be resolved before the plat can be approved.

(6) *City Manager Contract*

Reviewed current city manager contract and began negotiations with Assistant City Manager regarding the new city manager contract.

(7) *Review of Pending Legislation*

Reviewed pending legislation that could potentially impact the City. Provided an email update to City Council.

Respectfully, submitted,

/s/ John Cary, 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: February 15, 2022

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

FROM: Michael T. Booker, City Manager

SUBJECT: City Manager's Report – February 22, 2022

Economic Development:

- Attached are materials from the recent "Q" Breakfast held by Volusia County Economic Development to demonstrate the positive impact of tourism to our area. The Shores is a significant player in the region where tourism is concerned.

Chase Bank:

- (JPMC) Chase Bank has agreed to the terms of our letter of intent to purchase the rear portion of their property. Chase will put together a sales agreement and our City Attorney will work out the details on closing as quickly as possible. Our Charter requires the City Council to pass an Ordinance to purchase any property. Staff is working with Chase to survey and split the lot to create a legal subdivision for the parcel to be considered for purchase.

Treasure Island:

- It is my understanding that the owners of Treasure Island are issuing an RFP for the demolition of the structure. I will keep the City Council apprised of the progress.

Meet Your Team



Cyrus Callum
Aviation and Economic
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ccallum@volusia.org
P: 386-248-8030
M: 386-299-8520



Helga van Eckert
Economic Development
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Tatiana Izquierdo
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About Us

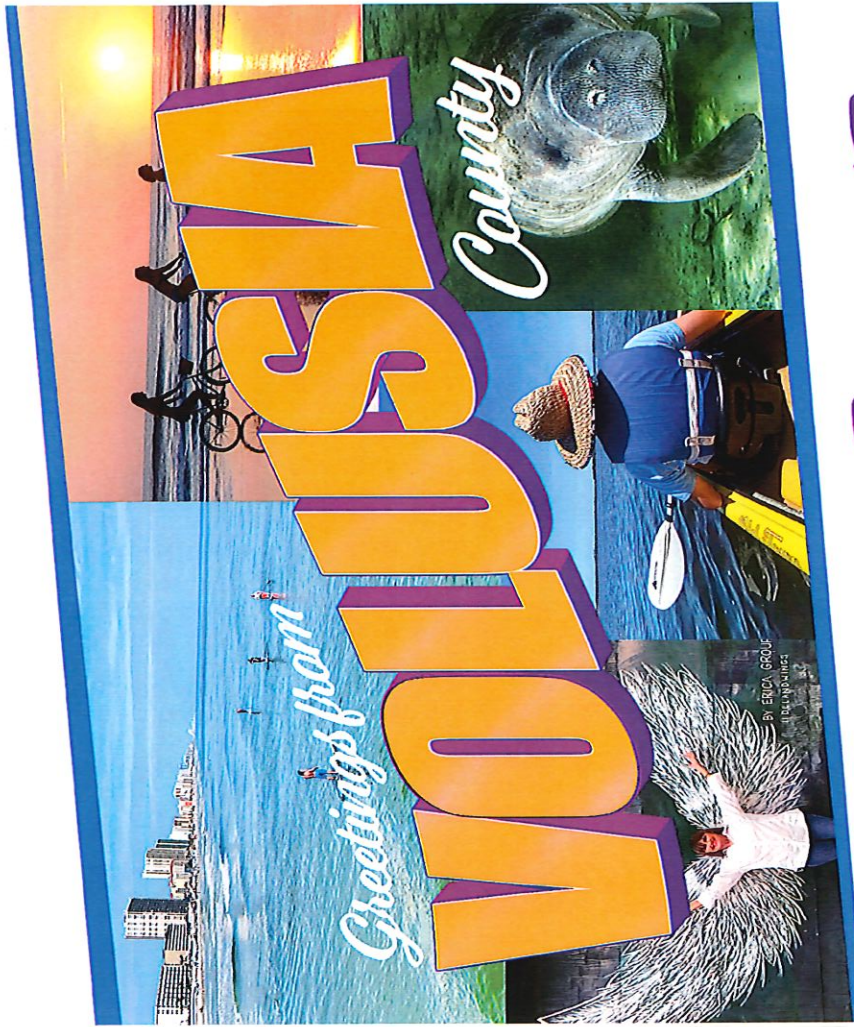
Volusia County Economic Development collaborates with federal, state and local partners to recruit, retain and expand business to the area. We serve as a hub for an impressive roster of Volusia County professionals who are committed to the community's economic success.

Volusia County Economic Development
386-248-8048 | vced@volusia.org

VolusiaBusinessResources.com | FloridaBusiness.org



THE "Q" BREAKFAST



February 4, 2022

7:30-9:00 a.m.

Daytona Beach International Airport
Dennis McGee Room

Sponsored by



UNIVERSITY OF
CENTRAL FLORIDA

Tourism Talk

ABOUT THE PANELISTS



LORI CAMPBELL BAKER

Lori Campbell Baker loves tourism. A lot. In fact, this is her third time back at the Daytona Beach Area Convention & Visitors Bureau. Lori has been in the role of CVB Executive Director since 2016, a position she can't say enough about – with a Board and a staff that are second to none. She is passionate about the Daytona Beach area and all of Volusia County - especially the many businesses, employees and residents that make this amazing destination so appealing to leisure and group visitors alike.



DEBBIE MEIHLS

Debbie Meihls is a tourism industry veteran of over 24 years. As current President & CEO of the New Smyrna Beach Area Visitors Bureau (SVAA), her goals are to bring sustainable tourism to southeast Volusia. She is a certified sustainable leader through Global Sustainable Tourism Council (GSTC) and looks forward to working with her stakeholders to develop and promote sustainable tourism development. Debbie resides in New Smyrna Beach with her husband and her 3-year-old Golden Retriever – Caesar.



GEORGIA TURNER

Georgia Turner has 43 years of experience in journalism, public relations, marketing and sales. As Executive Director of the West Volusia Tourism Advertising Authority, she is responsible for developing marketing and advertising programs to increase tourism in West Volusia. She is a VISIT FLORIDA Board Member, a member and past Chair of the Southeast Tourism Society, as well as an Associate member of the Florida Outdoor Writers and Society of American Travel Writers. In her spare time, Georgia enjoys craft beer, NASCAR races and yoga!



TODAY'S AGENDA

7:30 a.m.	Registration opens
7:45 a.m.	Networking and breakfast
8:00 a.m.	Welcome, Helga van Eckert, Economic Development Director
	Pledge of Allegiance
8:05 a.m.	Message from our sponsor - University of Central Florida
8:10 a.m.	Q4 2021 Presentation by Helga van Eckert
8:20 a.m.	Tourism Talk Panel
9:00 a.m.	Event closes



ABOUT OUR SPONSOR

Founded in 1963 to provide talent for Central Florida and the growing U.S. space program, the University of Central Florida has been making an impact on the state, the nation — and outer space — ever since. In addition to being recognized as one of the best national universities in 2020 by *Washington Monthly*, UCF consistently appears in college rankings:

- Number 1 supplier of graduates to the Aerospace and Defense Industries [*Aviation Week Network*].
- Number 1 nationally for Hospitality & Tourism Management [*Shanghai Ranking*]
- Number 7 in the country for Best Online Bachelor's Programs [*U.S. News & World Report*]

Calendar Year 2020

Economic Impact of Tourism on Volusia County



Number of Visitors

7.2 Million

Overnight stays in accommodations, their own part-time residences, or with friends and family



Total Visitor Expenditures in Our Community



\$3.4 Billion

More than 85% is spent in local businesses other than accommodations

Number of Jobs Generated by Tourism Overall



31,700

With a Payroll Exceeding



\$421.5 Million



Number of Jobs Generated by The Lodging Industry

2,100

With a Payroll Exceeding

\$51.3 Million



Percent of Local Sales Tax Paid by Visitors

40%



Mid-Florida Marketing & Research, Inc.

Volusia County Tourism #TourismStrong



Daytona Beach offers 23 miles of expansive, 500-foot wide white-sand beaches, green spaces and so much more.

Visit the exciting "World Center of Racing" at Daytona International Speedway. Venture off the beaten path or stroll through history. Get hooked on a new adventure or kick back and savor the local flavors. Experience an eclectic collection of arts and culture festivals. Enjoy your favorite sports or outdoor adventures - hiking, biking, golf, fishing, boating and scuba diving. Daytona Beach offers value-packed Florida vacation options that include spectacular accommodations for the whole family.

Daytona Beach Area Convention & Visitors Bureau
DaytonaBeach.com • (800) 544-0415 • (386) 255-0415



New Smyrna Beach, Florida. A one-of-a-kind sustainable beach town, rooted in culture, surfing, and laid-back adventures. Discover intriguing old-world history, artistry, unique boutiques, off-the-hook eateries, 17 miles of white sandy beach, ecotourism and trails with no end. Laid-back luxury is waiting for you.

New Smyrna Beach Area Visitors Bureau
VisitNSBfl.com • (800) 541-9621 • (386) 428-1600



The West Volusia County region is conveniently located between Daytona Beach and Orlando and encompasses 14 communities along the St. Johns River. It is known for its diversity of vacation experiences including historic charm, house boating, fishing, wildlife viewing, shopping and endless outdoor recreation.

West Volusia Tourism
VisitWestVolusia.com • (800) 749-4350 • (386) 734-0162



CITY COUNCIL AGENDA MEMORANDUM FEBRUARY 22, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Ordinance 2022-01: Rezoning Application RZ12021045, 3232 La Paloma Ave - Westminster By The Sea Presbyterian Church

SYNOPSIS:

Ordinance 2022-01 (Rezoning Application RZ12021045), if approved, would amend the City's Official Zoning Map by assigning the "P Public/Quasi Public" District to the property located at 3232 La Paloma Avenue (**Exhibit A**). The application (**Exhibit B**) was submitted on November 19, 2021 by Rev. Jeffery Sumner, Pastor and Registered Agent of the Westminster By The Sea Presbyterian Church, Inc, owner of the subject property. The property is 0.15 of an acre and is occupied by a 725 square foot residential structure currently being used as a counseling center. Counseling is permitted as an accessory use to a Church in the "P" District. At the time of the counseling center application approval, the City's zoning map incorrectly indicated the property was zoned "P" District. At a later date, the City discovered that the property was zoned "RSF-2" District. Hence, the proposed rezoning application, if approved, would allow the Church to keep the existing counseling center on the property.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. BACKGROUND

The subject property, located at 3232 La Paloma Avenue, was annexed into the corporate limits of the City of Daytona Beach Shores and assigned the City's "RSF-2 Urban Single-Family Residential Detached District" zoning classification on April 23, 1997 and August 18, 1997, respectively, pursuant to Section 171.062, *Florida Statutes*. At that time, the property was owned by a single-family residential homeowner. On June 4, 2007, property ownership was transferred to the Westminster By the Presbyterian Church, who used it as a parsonage up until recently.

On April 9, 2003 the City Council of the City of Daytona Beach Shores adopted Ordinance 2003-07, which replaced the previously held Official Zoning Map with a new digitally produced Official Zoning Map. The new digitally produced Official Zoning Map accepted on April 9, 2003, which was created

by a third party city contractor, incorrectly indicated that the real property at 3232 La Paloma Avenue had a zoning district classification of "P" Public/Quasi Public. Based on this information, the City granted the church authorization to operate a counseling center at the property. Therefore, the owner of the real property has operated the property consistent with the Daytona Beach Shores Land Development Code under the assumption that the property had a zoning district classification of "P" Public/Quasi Public, which includes the operation of a counseling center consistent with Ordinance 2021-07. City staff recently discovered that the Official Zoning Map accepted on April 9, 2003 incorrectly indicated the zoning district classification of the real property at 3232 La Paloma Avenue, hence the subject rezoning application.

B. PLANNING ANALYSIS

See **Exhibit C** for planning analysis.

C. PLANNING & ZONING BOARD

On January 10, 2022, the Daytona Beach Shores Planning and Zoning Board unanimously recommended approval of Rezoning Application RZ12021045 as presented.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Staff recommends approval of Ordinance 2022-01 as presented.

SUGGESTED MOTION:

A City Council member may motion as follows:

1. "I move to approve Ordinance 2022-01 as presented."
- OR
2. "I move to approve Ordinance 2022-01, with the following amendments..."
- OR
3. "I move to deny Ordinance 2022-01, on the basis of the following..."

- ATTACHMENT:**
1. Ord. 2022-01-3232 La Paloma RZ
 2. EXHIBIT A-Location Map
 3. Exhibit B-3232 La Paloma RZ Application
 4. Exhibit C-RZ212021045 Westminster BTS Presbyterian Rezoning - 3232 La Paloma (P&Z Staff Report)

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ASSIGNING THE P PUBLIC/QUASI PUBLIC DISTRICT ZONING CLASSIFICATION TO PROPERTY GENERALLY LOCATED AT 3232 LA PALOMOA AVENUE, SHORT TAX PARCEL ID 5335-01-09-0110; PROVIDING MODIFICATION OF THE OFFICIAL ZONING MAP; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR 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 property described in Section One herein was annexed into the City of Daytona Beach Shores on April 23, 1997 in accordance with the requirements of controlling law; and

WHEREAS, the property described in Section One herein was assigned the “RSF-2” Urban Single-Family Residential Detached District zoning classification on August 18, 1997 in accordance with the requirements of controlling law; and

WHEREAS, on April 9, 2003 the City Council of the City of Daytona Beach Shores adopted Ordinance 2003-07, which replaced the previous Official Zoning Map with a new digitally produced Official Zoning Map; and

WHEREAS, the new digitally produced Official Zoning Map accepted on April 9, 2003, which was created by a third party city contractor, incorrectly indicated that the real property at 3232 La Paloma Avenue had a zoning district classification of “P” Public/Quasi Public; and

WHEREAS, the owner of the real property at 3232 La Paloma Avenue, Westminster By the Presbyterian Church, has operated the property consistent with the Daytona Beach Shores Land Development Code under the assumption that the property had a zoning district classification of “P” Public/Quasi Public, which includes the operation of a counseling center consistent with Ordinance 2021-07; and

WHEREAS, the City staff recently discovered that the Official Zoning Map accepted on April 9, 2003 incorrectly indicated the zoning district classification of the real property at 3232 La Paloma Avenue; and

WHEREAS, the City received a rezoning application from the property owner of real property at 3232 La Paloma Avenue requesting the City amend the Official Zoning Map to assign the “P” Public/Quasi Public District zoning classification to the property in question; and

WHEREAS, the City Council of the City of Daytona Beach Shores has received recommendations from staff and the Planning and Zoning Board for the assignment of zoning classification to said property and has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds such rezoning consistent with the *City of Daytona Beach Shores Comprehensive Plan* and deems it in the best interest of the inhabitants of said City to amend the Official Zoning Map as hereinafter set forth,

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

SECTION ONE: REZONING OF REAL PROPERTY. The property described hereinafter is hereby rezoned and assigned the Daytona Beach Shores zoning classification as follows:

Short Tax Parcel ID # 5335-01-09-0110, as described in Exhibit “A” as attached, is assigned the P, Public/Quasi Public District Zoning Classification.

SECTION TWO: AMENDMENT OF OFFICIAL ZONING MAP. The Official City Zoning Map is hereby amended to conform with the rezoning assigned herein.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designee, is authorized to take any and all required administrative actions to implement the provisions of this Ordinance including, but not limited to, providing notice of this rezoning to the Volusia County Council in accordance with applicable law.

SECTION FOUR. NON-CODIFICATION. This Ordinance shall not be codified in the *City Code of the City of Daytona Beach Shores* or the *Land Development Code of the City of Daytona Beach Shores*; provided, however, that the actions taken herein shall be depicted on the Official Zoning Map of the City of Daytona Beach Shores by the City Manager, or designee.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect immediately upon enactment.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2022.

Adopted on second reading this _____ day of _____, 2022.

EXHIBIT A

LOTS 11 & 12 BLK 1 RIOMAR BCHES PER OR 5048 PG 2204 PER D/C 6035 PG 1222
PER OR 6071 PG 2897

EXHIBIT A

1: Aerial View: 3232 La Paloma Ave



Source: Volusia County Property Appraiser Website, 2021

2: Street View: 3232 La Paloma Ave



Source: GoogleMaps, 2014



City of Daytona Beach Shores
Community Services Department
2990 South Atlantic Avenue
Daytona Beach Shores, FL 32118
Telephone (386) 763-5377

RECEIVED
NOV 19 2021
BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES
12021045

APPLICATION TO AMEND ZONING MAP

The Undersigned Applicant requests the Planning and Zoning Board and City Council to decide upon this application in accordance with Section 14-66 and 14-67 of the Land Development Code.

FEES MUST BE PAID AT THE TIME THE APPLICATION IS SUBMITTED

Date Submitted: 11/19/2021

Current Zoning: RSF-2

Requested Zoning: P

Applicant's Name: Westminster By The Sea Presbyterian

Address: 3221 S. Peninsula Dr. Phone #: 386-767-8342

Representative: Pastor Jeffrey Sumner

Address: 1385 Hyde Park Dr., P.O. Phone #: 386-846-3200

Property Address & Parcel ID: 3232 La Paloma Ave. Parcel ID: 533501090110

Property Owner: Westminster By The Sea Presbyterian

NOTE: If applicant is not property owner, attach a notarized statement of authorization

Legal Description of Property:

LOTS 11 & 12 BLK 1 RIDMAR BCHES PER
OR 5048 PG 2204 PER D/C 10035 PG
1222 PER OR 10071 PG 2897

[Signature]
Applicant's Signature

November 19, 2021
Date

THE PLANNING & ZONING BOARD WILL APPLY THE CRITERIA IN SECTION 14-66(4) OF THE LAND DEVELOPMENT CODE WHEN CONSIDERING ZONING MAP AMENDMENTS. PLEASE EXPLAIN HOW YOUR REQUEST MEETS THE FOLLOWING CRITERIA: (YOU MAY ATTACH ADDITIONAL SHEETS)

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning will not have any effect/impact on the environment and natural resources. because there will be any increase in intensity of use.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

No impact. Use is ancillary to the church as an office.

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

No change. There will be no new water or sewer fixtures and no increase of intensity of use.

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

No impact. There will be about 4 (?) visits per day. Parking will be on church property next door. Intensity of use will be no more than for a single family in and out.

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

No impact. The building has been ~~used for~~ used as office/manse for the church. This very low intensity of use will continue.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The use will continue as it has for the last 10 years - office ancillary to the church.

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

This parcel was purchased by the church (X) years ago and requires rezoning as part of the unity of title process.

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

No. See #7 above.

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

No change. The property will continue to be well maintained. The use will remain as it has been.

10. Would the proposed changes constitute "spot zoning"?

No. It will be assimilated into the church property.

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

No. See #10 above.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

No. It is to bring the parcel into conformity with the church property.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

No. The adjacent church serves the community. This parcel is being united with the church parcel.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

No change at all. The property will continue ~~maintain~~ its current look and will continue to be well maintained.

EXHIBIT C
PLANNING ANALYSIS: RZ12021045

A. INTRODUCTION

The proposed application/ordinance if approved would change the zoning district classification of the church owned property located at 3232 la Paloma Avenue from “RSF-2” *Urban Single-Family Residential Detached District* to “P” *Public/Quasi Public District*. Although the Westminster By the Sea Presbyterian Church has owned and utilized the property since 2007, the subject application was submitted on November 19, 2021 subsequent to the discovery of a zoning map error.

B. EXISTING ZONING AND CURRENT LAND USE

Table 1 below provides a narrative description of the zoning district classifications and current land uses (i.e., existing development) for the subject property and surrounding area while **Figure 1** provides an aerial view of the subject property and surrounding land uses. **Figure 2** is a zoning map of the aforementioned. **Figure 3** provides a street view of the property in question.

Table 1: Zoning and Land Use Area Description

Location	Zoning	Current Land Use
Subject Property	RSF-2	Counseling Center
North	P	Church Property
South	RSF-2	Single Family Residence
East	R-9	Volusia County Single Family Residence
West	P	Church Property

Notes: *R-9 = Volusia County *Urban Single-Family Residential District*

Figure 1: Aerial View-3232 La Paloma Avenue and Surrounding Neighborhood



Source: Volusia County Property Appraiser, 2021

Figure 2: 3232 La Paloma – Zoning Map Of Surrounding Neighborhood

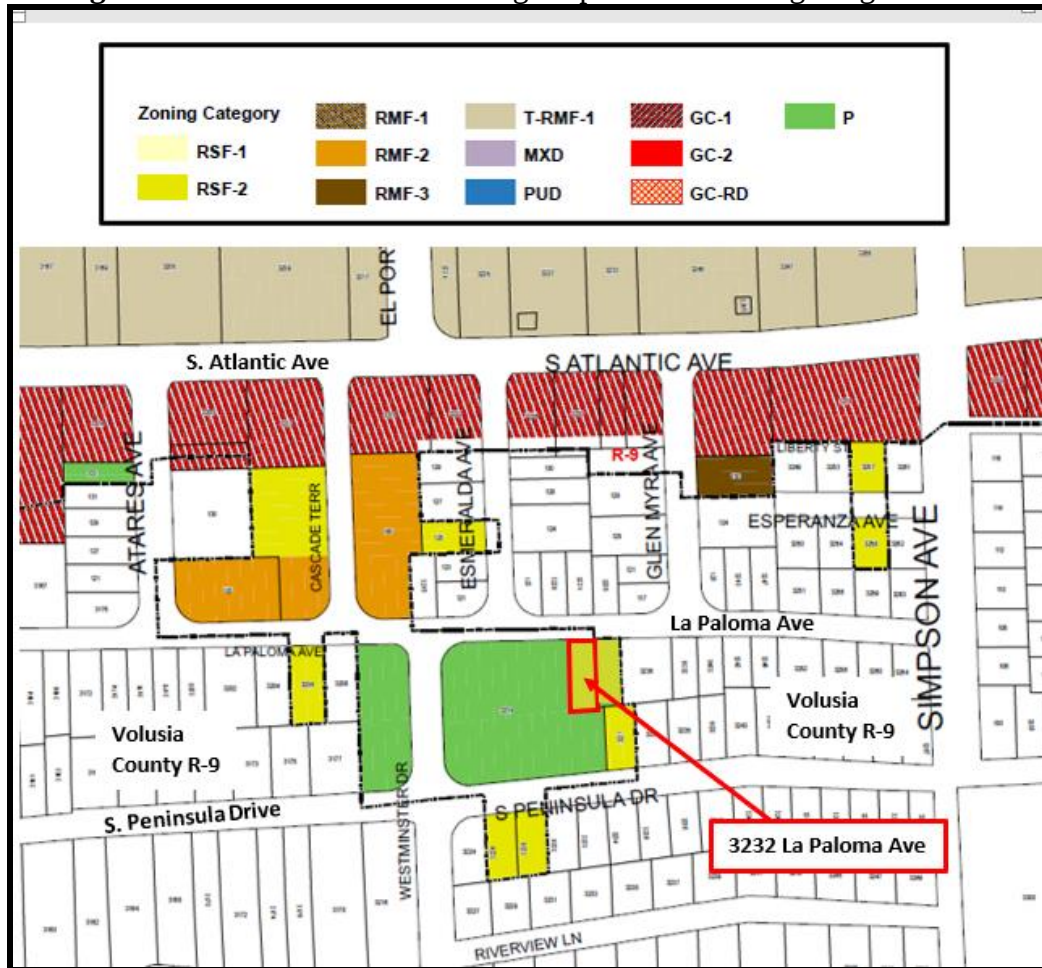


Figure 3: 3232 La Paloma Ave – Street View



Source: GoogleMaps, 2014

As noted in **Table 1** above, the subject property is currently zoned Volusia County RSF-2 Urban Single-Family Residential Detached District. The purpose, intent and permitted uses of the existing zoning district is as follows:

“RSF-2 Urban Single-Family Residential Detached District”:

Purpose and Intent: The purpose and intent of the RSF-2 Urban Single-Family Residential Detached District is to provide medium residential density for the purpose of preserving the character of existing residential neighborhoods and generally implementing the city's land use plan within, but not necessarily limited to, those areas shown for single-family use.

14-17.2. Permitted Principal Uses and Structures:
Single-family dwelling.

Telecommunication towers and antennas, subject to compliance with section 14-60.1 et seq.

14-17.3. Permitted Accessory Uses and Structures.

Home occupations regulated by section 14-45 and other accessory uses or structures customarily incidental to the permitted principal use or structure.

C. PROPOSED ZONING

The proposed zoning for the subject property is P Public/Quasi Public District. According to the Daytona Beach Shores Land Development Code, the purpose, intent and permitted uses of the proposed zoning district is as follows:

Sec. 14-26. - P Public/Quasi Public.

14-26.1. Purpose and Intent.

The purpose and intent of the Public/Quasi Public District is to best satisfy the internal, recreational and governmental service needs of the entire community. This district has been developed for implementing the City's land use plan within, but not necessarily limited to, those areas shown for Public/Quasi Public.

14-26.2. Permitted Principal Uses and Structures.

Principal uses permitted in the P Public/Quasi Public District include parks, churches and government offices, telecommunication towers and antennas, subject to compliance with [section 14-60.1 et seq.](#), etc.

14-26.2.1 Permitted Accessory Uses.

In the P Public/Quasi Public District counseling services shall be permitted as an accessory use to a church. All other permitted accessory uses shall be consistent with the definition of accessory uses pursuant to Sec. 2-2 of this code.

D. COMPREHENSIVE PLAN

According to the City's Adopted Comprehensive Plan (2030) Future Land Use Map the subject property has a *Low Density Residential* future land use (FLU) classification. This FLU classification allows up to twelve (12) residential units per acre. In addition, Policy 1-1.4.2 of the plan provides that public/quasi public land uses are permitted within all land uses. Therefore, both residential and public/quasi public land uses are permitted on the subject property.

In addition, Objective 1-1.4 of the Comprehensive Plan states that land uses which are inconsistent with the character and overall Future Land Use Plan of the City shall be discouraged through the prohibition of objectionable uses such as industries and warehousing. The proposed zoning is not objectionable or inconsistent with the future land use map and surrounding neighborhood per Objective 1-1.4 of the plan. Therefore, the proposed zoning classification is consistent with the City's Adopted Comprehensive Plan (2030).

E. REVIEW AND COMMENTS

The subject application was initiated by the property owner, Westminster By The Sea Presbyterian Church, Inc. The subject property is located at 3232 La Paloma Avenue and has an acreage of 0.15+/- and a 725sf structure on site. The property has vehicular and pedestrian access to the abutting La Paloma Avenue which connects to S. Peninsula Drive and S. Atlantic Avenue via Westminster Avenue and Glen Myra Avenue, respectively.

As seen in Table 1 above, the proposed zoning change will be consistent with remainder of the church property adjacent to the north and west. According to the property owner, the rezoning is being sought to continue the counseling services offered at the site, which was approved by the City on August 31, 2021. The City was unaware at the time of the error in the zoning map.

Due to the intensity of the use associated with the application in question, the property is exempt from the City's Concurrency Review Process as it does not substantially impact any of the City's public facilities or infrastructure. However, adequate potable water, sewer, solid waste, recreation, and transportation facility capacities are currently available and serve the subject property.

Finally, pursuant to Sec. 559.955, *Florida Statutes* (Exhibit C.1) the prohibition of home-based businesses on a residential zoned properties are precluded by the state, provided certain requirements are met. If the rezoning application was not made by the church but instead by a single-family resident living at the property, said single-family resident would be able to offer counseling services from the property without prohibition or regulation by the City, providing certain requirements are met.

F. FINDING OF FACTS

When considering a request to change zoning, the Planning and Zoning Board shall consider the following criteria pursuant to Section 14-66 of the Land Development Code. Below are staff's

findings considering each criterion outlined in the aforementioned section of the Code. The applicant's responses to the criteria are attached in the **Exhibit B** (owner's application).

1. The proposed zoning will have a favorable or unfavorable impact on the environment and natural resources of the area affected.

The proposed zoning change will not provide an unfavorable impact on the environment or natural resources of the area. The property in question is currently developed with a primary structure. If redeveloped, consistency with the City's Land Development Code will be required. Further, the proposed zoning change would not permit hazardous uses such as industry, which could have an unfavorable impact on the environment and natural resources of the area.

2. The proposed zoning will have a favorable or unfavorable impact on the economy of the area affected.

The proposed zoning will generally have a neutral impact on the economy of the area as the property is currently developed and no redevelopment or change to commercial or retail use is sought. In addition, the proposed counseling office use is accessory to the principal use of the existing church. Further, the proposed zoning change is density neutral.

3. The proposed zoning will efficiently use or unduly burden water, sewer, solid waste disposal or other necessary public facilities, including schools.

The subject property is currently zoned as a single-family residence. The proposed "P" Public/Quasi Public (office) use will not unduly burden public facilities. The subject property is currently being served with or has access to transportation, public schools, water, sewer, and solid waste disposal services. All existing public facilities have adequate capacity and the proposed rezoning will not create more impact than the current public facilities can accommodate (see **Table 2** below). In fact, the only increase in public facility demand is in peak hour trips and such increase is considered di minimis.

Table 2: Impact Analysis (Theoretical Max.)

Development Variable	Current Zoning-RSF-2 (0.2-4 units/acre)	Proposed Zoning-P (0.2-4 units/acre)	Change
Residential Units Allowed	1	NA	-1
Population ¹	1.75	NA	-1.75
AM / PM Peak Hour Trips ²	1.5/2.02	2.5/3.2	+1/1.18
Sanitary Sewer (gallons/day) ³	250	72.5	-177.5
Potable Water (gallons/day) ⁴	192.5	72.5	-120
Solid Waste (lbs./person) ⁵	17.5	7.25	-10.25
Stormwater Drainage ⁶	NA	NA	NA
Recreation/Open Space	Varies	NA	Varies
Public School Student(s)	0.396	NA	-0.396

Notes:

1. Population: 1.75 persons per single-family dwelling

- | | |
|-------------------------|---|
| 2. Transportation: | Rates are for peak hour of adjacent street traffic
Single-family residential unit = 0.75 AM trips, 1.01 PM trips
Medical Office Building (per 1000sf gfa) = 3.5 AM trips, 4.27 PM trips |
| 3. Sanitary Sewer: | Single family: 250 gallons per dwelling unit per day
Commercial: 1/10 gallons per sf per day (Port Orange LOS Std) |
| 4. Potable Water: | Residential: 110 gallons per capita per day
Commercial: 1/10 gallons per sf per day (Port Orange LOS Std) |
| 5. Solid Waste: | Residential: 10 pounds per capita per day
Commercial: 10 pounds/1000 square feet (Port Orange LOS Std) |
| 6. Stormwater Drainage: | LOS standard = 25 year, 24 hour event. If property is redeveloped, drainage system will be designed to meet the requirements of the Land Development Code. |
| 7. Public School: | Generation rates = 0.396 per single-family unit. |

Sources:

2010 US Census
ITE Trip Generation Manual, 9th Edition
Policy 9-1.3 Daytona Beach Shores Comprehensive Plan Update (2030)
Port Orange Land Development Code

4. The proposed zoning will efficiently use or unduly burden transportation facilities.

The proposed zoning will not unduly burden transportation facilities (see Table 2). There is already adequate vehicular access from the abutting S. Peninsula Drive road and the existing system of local, collector and arterial road network. The transportation network within the City currently operates above the adopted level of services. In addition, the owner has indicated in the zoning application that there will be about four (4) visits per day and parking will be on in the church parking lot to the north.

5. The proposed zoning will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.

The proposed zoning change involves a single-family residential property being rezoned to a “P” Public/Quasi Public zoning district classification. Although rezoning will remove a single-family residence from the perceived housing pool within the City, the property is owned by and has been used by the Church since 2007. Hence, this property has not been a part of the existing housing pool within the City for many years. Therefore, the rezoning will not impact the ability of people to find adequate housing since the change will neither create new housing nor eliminate existing housing stock.

6. The proposed zoning is basically consistent with the comprehensive land use plan.

The zoning is consistent with the Daytona Beach Shores Comprehensive Plan as noted in Sec. D of this planning analysis.

7. Have conditions relative to the property in question and the surrounding area so changed as to require zoning classification boundaries be amended to reflect new conditions?

The physical, economic or environmental conditions relative to the property in question and the surrounding area have not changed so as to require a zoning change. The proposed zoning change was made to ensure the Church property's consistency with the larger parent parcel adjacent to the north and west. The Church officially took control of the property in 2007. However, due to a mapping error in 2003, both the Church and the City were under the impression the subject property was always zoned "P", therefore no action was taken by the church at that time as it assumed the land use entitlements were legitimate. Further, the parcel will be combined with the larger parent parcel as part of the unity of title process.

8. Was there a mistake in the original zoning of the property so that such zoning does not properly reflect the actual or developing conditions of the area?

The proposed zoning change was made to ensure the Church property's consistency with the larger parent parcel adjacent to the north and west. The Church officially took control of the property in 2007. However, due to a mapping error in 2003, both the Church and the City were under the impression the subject property was always zoned "P", therefore no action was taken by the church at that time as it assumed the land use entitlements were legitimate. Further, the parcel will be combined with the larger parent parcel as part of the unity of title process.

9. Will the proposed change promulgate or encourage a physical benefit or have a stabilizing effect on the surrounding areas?

Due to the minimal impact of the proposed use noted in these finding of facts, the proposed zoning change should maintain a stabilizing effect on the surrounding areas.

10. Would the proposed changes constitute "spot zoning"?

Spot zoning generally occurs when an individual parcel is assigned a zoning classification that is incompatible with the surrounding area. However, the proposed zoning change is consistent with the existing zoning of the parent property adjacent to the north and west. In addition, the amendment is density neutral and part of the owner's lot combination and unity of title process. Therefore, the proposed change does not constitute spot zoning.

11. Is the proposed change a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, and would such use violate the integrity of the zoning classification?

The proposed zoning change is consistent with the existing zoning of the parent property to the north and west. In addition, the amendment is part of the owner's lot combination and unity of title process. Therefore, the proposed change to the "P" District is not a singling out of a small parcel of land, allowing a use totally different from that of the surrounding area, such that the use would violate the integrity of the zoning classification.

12. Is the change solely for the benefit of the owner and to the detriment of the community?

The proposed change is to rezone the subject property to “P” Public/Quasi Public District, which purpose and intent as seen in Section C of this staff report is to provide uses that serve the entire community.

13. Will the proposed change especially suit the applicant's own special purpose rather than serve the community?

The proposed change is to rezone the subject property to “P” Public/Quasi Public District, which purpose and intent as seen in Section C of this staff report is to provide uses that serve the entire community.

14. Would the requested change materially diminish the value of surrounding properties or substantially alter the characteristics of the neighborhood?

The rezoning will not substantially alter the characteristics of the neighborhood, particularly if the original repurposed single-family structure remains and is adequately maintained. In addition, the rezoning should not materially diminish the value of the surrounding properties due to nature of the office use in question. Further, based on a Zillow.com value analysis of properties in the area (Exhibit C.2), the subject properties have all increased in value.

EHIXIBT C.1
Sec. 559.955, Florida Statutes

The 2021 Florida Statutes

Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 559

REGULATION OF TRADE, COMMERCE, AND INVESTMENTS, GENERALLY

[View Entire Chapter](#)

559.955 Home-based businesses; local government restrictions.—

(1) Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or otherwise regulate a home-based business in violation of this section.

(2) A home-based business that operates from a residential property as provided in subsection (3):

(a) May operate in an area zoned for residential use.

(b) May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government’s jurisdiction, except as otherwise provided in this section.

(c) Is only subject to applicable business taxes under chapter 205 in the county and municipality in which the home-based business is located.

(3) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term “heavy equipment” means commercial, industrial, or agricultural vehicles, equipment, or machinery.

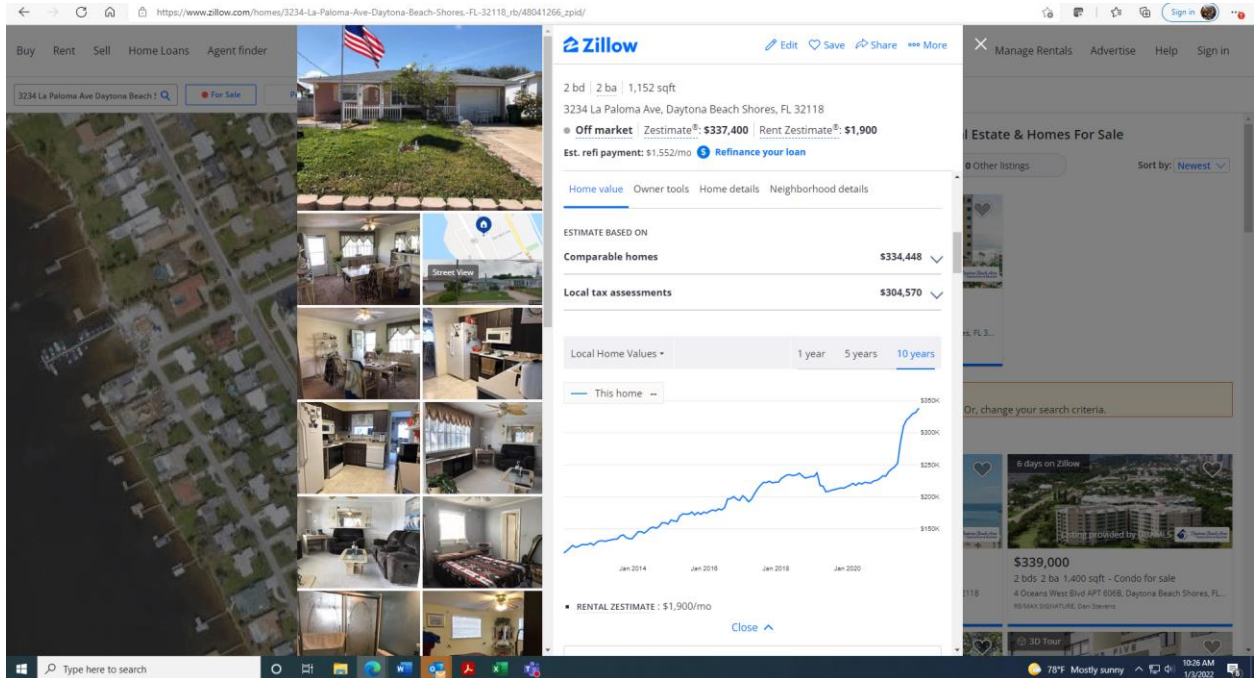
(c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

- (d) The activities of the home-based business are secondary to the property's use as a residential dwelling.
 - (e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.
 - (f) All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted.
 - (4) Any adversely affected current or prospective home-based business owner may challenge any local government action in violation of this section. The prevailing party in a challenge may recover reasonable attorney fees and costs incurred in challenging or defending the action, including reasonable appellate attorney fees and costs.
 - (5) The application of this section does not supersede:
 - (a) Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720.
 - (b) Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509.
- History.—s. 1, ch. 2021-202.

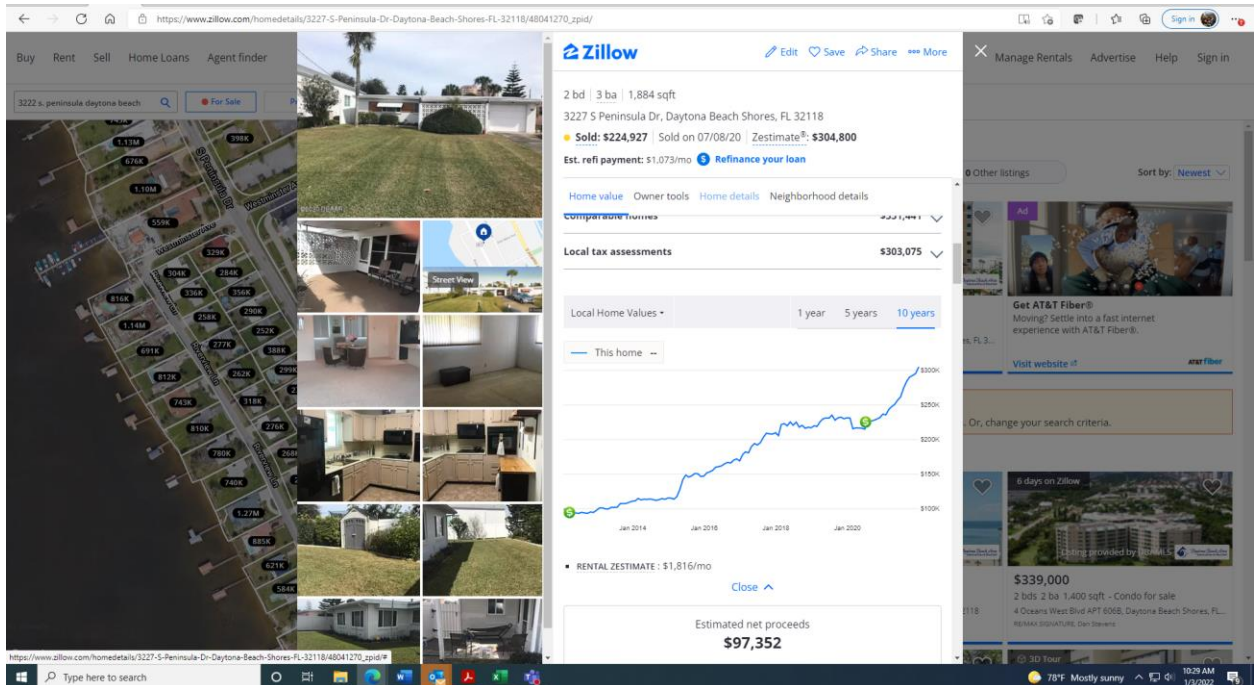
EXHIBIT C.2

Survey of Property Values Abutting 3232 La Paloma Ave Conducted 1-3-21

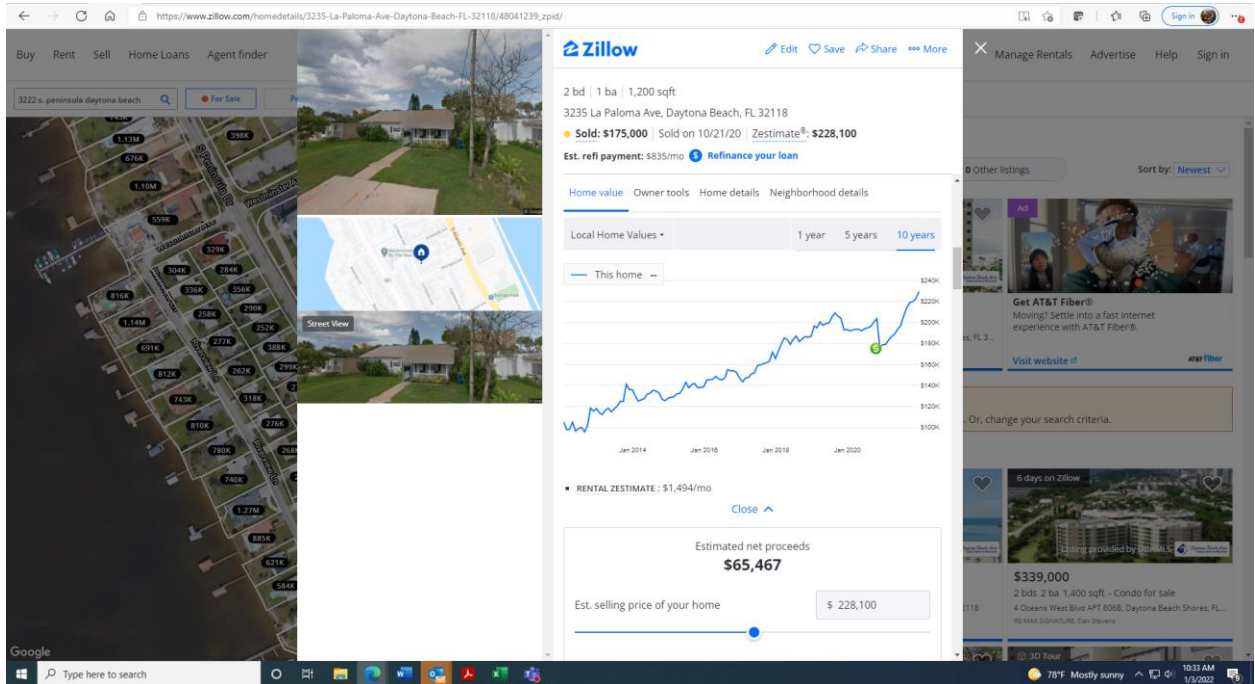
1. 3234 La Paloma



2. 3227 S Peninsula



3. 3235 La Paloma





CITY COUNCIL AGENDA MEMORANDUM FEBRUARY 22, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: John Cary, City Attorney

PREPARED BY: John Cary, City Attorney

SUBJECT: Ordinance 2022-05 Daytona Beach Shores proposed charter amendments

SYNOPSIS:

In March of 2021, the City Council of Daytona Beach Shores held a special meeting to conduct a charter review. The City Council requested the City Attorney draft five charter updates for voter consideration at the November election. The amendments have been codified as ordinance 2022-05.

FISCAL IMPACT STATEMENT:

BACKGROUND:

In March of 2021, the City Council of Daytona Beach Shores held a special meeting to conduct a charter review. The City Council requested the City Attorney draft five charter updates for voter consideration at the November election. The proposed amendments are as follows: 1) Increase from three to four the number of council member votes required to remove a member for misconduct; 2) Eliminate a specific time requirement for council to meet for an organizational meeting; 3) amend the timelines for referenda for citizen-initiated charter amendments; 4) remove purchasing requirements from the charter so that policies can be updated without a referendum; 5) change the name of the City Council to City Commission.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. DBS Charter Amendment Ordinance - 02-16-22

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, PROPOSING AMENDMENTS TO THE DAYTONA BEACH SHORES CITY CHARTER; PROVIDING FOR REFERENDA ON THE PROPOSED CHARTER AMENDMENTS; PROVIDING THE BALLOT TITLES AND BALLOT SUMMARIES FOR SUCH REFERENDA; PROVIDING FOR DIRECTION TO THE CITY CLERK AND COORDINATION WITH THE VOLUSIA COUNTY SUPERVISOR OF ELECTIONS; AND PROVIDING FOR FINDINGS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is advisable to submit the proposed charter amendments set forth herein to the electors of the City of Daytona Beach Shores for their consideration at an upcoming election, pursuant to the City Council’s authority under Section 166.031, Fla. Stat.; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, and ~~striketrough~~ shall constitute deletions to the original text.

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

Section 1. Findings of Fact. The foregoing whereas clauses are hereby adopted as findings of fact and are otherwise fully incorporated herein.

Section 2. Proposed Charter Amendments. The amendments to the City Charter for the City of Daytona Beach Shores, Florida, which are appended and attached as Exhibit “A” to this Ordinance are hereby adopted by reference by the City Council to be submitted to the electors of the City of Daytona Beach Shores for referendum.

Section 3. Referendum Called. Referenda on the proposed adoption of each of the Charter amendments appended hereto and adopted by reference as Exhibit “A” to this Ordinance

shall be placed on the ballot at a special election to be held concurrent with the general election to be held on November 8, 2022. The ballot titles and ballot summaries for the proposed charter amendments are set forth in Exhibit “A”. Each Charter amendment shall become effective upon approval of its corresponding ballot question in such referendum by a majority of the electors voting in such referendum.

Section 4. Direction to City Clerk and Coordination with Supervisor of Elections.

The City Clerk is hereby authorized and directed to coordinate with the Volusia County Supervisor of Elections to include the ballot questions attached hereto as Exhibit “A” on the ballot at the special election to be held concurrent with the general election to be held in the City of Daytona Beach Shores on November 8, 2022. The City Clerk is directed to see to the satisfaction of the requirements of Section 100.342, Fla. Stat., which provides that “there shall be at least 30 days’ notice of the election or referendum by publication in a newspaper of general circulation in the... municipality.... The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held.”

Section 5. Severability. The provisions of this Ordinance are deemed severable. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance is for any reason whatsoever held to be invalid, illegal, unconstitutional, contrary to law, or against public policy, by any court, administrative agency, or other body with competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This Ordinance

shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Ordinance as expressed herein.

Section 6. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective upon final adoption by the City Council.

FIRST READING	
PUBLICATION DATE	
SECOND READING	

PASSED AND DULY ADOPTED, BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, with a quorum present and voting, this ____, day of _____, 2022.

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: _____
John Cary, City Attorney

Passed and adopted on first reading this _____ day of _____, 2022.

Posted this _____ day of _____, 2022.

Exhibit “A”

QUESTION #1

Ballot Proposal: The ballot title and ballot summary for Question #1 are as follows:

CITY CHARTER AMENDMENT INCREASING
NUMBER OF COUNCILMEMBER VOTES
NECESSARY TO REMOVE A
COUNCILMEMBER FOR MISCONDUCT

Shall the City Charter be amended to increase, from three councilmembers to four councilmembers, the number of affirmative councilmember votes necessary to investigate and remove a councilmember for misconduct?

_____ Yes
_____ No

Ballot Language Translation: The Spanish language translation for the ballot title and ballot summary for the aforementioned question are as follows:

TRANSLATED BALLOT TITLE

Translated ballot summary. (To be translated for second reading.)

_____ Sí
_____ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Daytona Beach Shores City Charter are amended to read as follows:

Sec. 2.04 – Forfeiture of office.

...

(f) At the formal hearing provided herein, the charged councilmember shall be permitted to present testimony, evidence, and argument related to, or in rebuttal of, the charges presented in said resolution. At the conclusion of the hearing the council shall, by resolution, make its determination, said determination to be effective immediately. Decisions made by the council under this section to investigate and to remove shall require the affirmative vote of at least four (4) ~~three (3)~~ members of the council, and shall be subject to review by the circuit court, upon appeal by the affected councilmember, for the purpose of determining whether or not substantial, competent grounds existed for the removal as provided herein.

QUESTION #2

Ballot Proposal: The ballot title and ballot summary for Question #2 are as follows:

CITY CHARTER AMENDMENT ELIMINATING A SPECIFIC MEETING TIME FOR CITY COUNCIL ORGANIZATIONAL MEETINGS

Shall the City Charter be amended to remove the requirement that the organizational meeting of the city council must start at 7 pm?

☐ Yes
☐ No

Ballot Language Translation: The Spanish language translation for the ballot title and ballot summary for the aforementioned question are as follows:

TRANSLATED BALLOT TITLE

Translated ballot summary. (To be translated for second reading.)

☐ Sí
☐ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Daytona Beach Shores City Charter are amended to read as follows:

Sec. 2.14 – Meetings of the city council.

The organizational meeting of the city council shall be held ~~at 7:00 p.m.~~ at council chambers or as otherwise designated by motion of the city council at the first regularly scheduled city council meeting after the municipal election. The first order of business shall be the administering of the oath of office to the newly-elected members of the city council and the mayor-councilmember, if applicable, followed by the election of the vice-mayor. Thereafter the city council shall meet at such times as may be prescribed by resolution, except that it shall meet regularly no less than once each month. Special meetings may be called by the mayor or any three councilmembers who are present in a regular or special meeting upon at least forty-eight (48) hours' notice to each member, served personally, or left at his or her usual place of residence with some member of his or her family over the age of fifteen (15). This time requirement may be waived only by the consent of all councilmembers.

The city council shall take all reasonable steps to ensure timely notice to the public of such special meetings which, at least, shall include notification of the local press and posting notice of the meeting in a central location designated by the council for that purpose. Any regular or special meeting, on motion adopted by the city council,

may be adjourned and continued to a time certain provided there is compliance with the requirement for public notice.

All regular and special meetings of the city council, other than the specific exceptions provided by general law, shall be open to the public. All regular meetings shall be held at council chambers or as otherwise designated by motion of the City Council, but special meetings may be scheduled at any location.

QUESTION #3

Ballot Proposal: The ballot title and ballot summary for Question #3 are as follows:

CITY CHARTER AMENDMENT REVISING
TIMELINES FOR REFERENDA ON CITIZEN-
INITIATED CHARTER AMENDMENTS

Shall the City Charter be amended to revise timelines for holding referenda on citizen-initiated charter amendments, to provide that such referenda be held at the next general election if it is within 120 days (rather than 90 days) after certification of petitions, or otherwise within 90 days (rather than 60 days) after certification of petitions?

_____ Yes
_____ No

Ballot Language Translation: The Spanish language translation for the ballot title and ballot summary for the aforementioned question are as follows:

TRANSLATED BALLOT TITLE

Translated ballot summary. (To be translated for second reading.)

_____ Sí
_____ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Daytona Beach Shores City Charter are amended to read as follows:

Sec. 7.01 – Charter amendment.

(b) Initiation by petition. The electors of the city may propose amendments to this charter by petition signed by at least ten (10) per cent of the registered electors and submitted to a vote of the electorate at the next general election, or, if there is no general election scheduled within the next 120 days, in a special election to be called within ninety (90) sixty (60) days following the certification of the initiative petition ~~or at any general election scheduled with ninety (90) days.~~

QUESTION #4

Ballot Proposal: The ballot title and ballot summary for Question #4 are as follows:

CITY CHARTER AMENDMENT PROVIDING
FOR CITY PURCHASING TO BE GOVERNED
BY COUNCIL-APPROVED PURCHASING
POLICIES

Shall the City Charter be amended to remove specific bidding and purchasing procedures from the Charter, and provide that City purchasing, contracting, bidding, and expenditures will be governed by City ordinances, policies, and procedures, as approved and updated by the City Council?

_____ Yes
_____ No

Ballot Language Translation: The Spanish language translation for the ballot title and ballot summary for the aforementioned question are as follows:

TRANSLATED BALLOT TITLE

Translated ballot summary. (To be translated for second reading.)

_____ Sí
_____ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Daytona Beach Shores City Charter are amended to read as follows:

Sec. 7.08 – Bids, contracts, and expenditures.

~~Upon approval of the city council, the following expenditures may be made without competitive bidding;~~

- ~~(a) — All expenditures, including expenditures for real or personal property acquisition, not exceeding twenty-five thousand dollars (\$25,000.00);~~
- ~~(b) — Expenditures for salaries and contracted, professional or personal services;~~
- ~~(c) — Expenditures for work done in the operation of any city department;~~
- ~~(d) — Expenditures for parts, supplies and materials necessary to make emergency repairs, to protect property or preserve the peace in the event of an emergency such as a storm, riot or conflagration.~~

~~All other expenditures shall be authorized and directed by the city council only upon contract to the lowest responsible responsive bidder, and after publication in a newspaper of general circulation one time of a notice calling for such bids, said publication to be not less than ten (10) days before the date of receiving such bids. The council shall reserve the right to reject any and all bids submitted pursuant to this section.~~

- (a) City purchasing, contracting, bidding, and expenditures shall be governed by City ordinances, policies, and procedures, as approved and updated by the City Council.
- (b) All municipal general obligation debt issues shall require the approval of the voters in the form of a referendum held for that purpose, except refunding bond issues that generate an overall savings to the city.

QUESTION #5

Ballot Proposal: The ballot title and ballot summary for Question #5 are as follows:

CITY CHARTER AMENDMENT RENAMING “CITY COUNCIL” TO “CITY COMMISSION”

Shall the City Charter be amended to rename the “city council” to the “city commission”, “city councilmembers” to “city commissioners”, and “mayor-councilmember” to “mayor”, with such changes having no effect on the powers, duties, or compensation of such officials?

_____ Yes
_____ No

Ballot Language Translation: The Spanish language translation for the ballot title and ballot summary for the aforementioned question are as follows:

TRANSLATED BALLOT TITLE

Translated ballot summary. (To be translated for second reading.)

_____ Sí
_____ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Daytona Beach Shores City Charter are amended to read as follows¹:

ARTICLE I. – FORM OF GOVERNMENT AND POWERS

Sec. 1.01 – Purpose.

We, the people of Daytona Beach Shores, do ordain and establish this amendment to the charter of the City of Daytona Beach Shores, Florida, in order to avail ourselves of all municipal home rule powers consistent with the Constitution and Laws of Florida. It is the intent of this amendment to adopt the ~~council~~ commission/manager form of government by assigning all legislative and policymaking authority to the city ~~council~~ commission and all administrative authority to the city manager, except as specifically provided by this charter amendment. This is an amendment to the whole of the existing charter of the City of Daytona Beach Shores, Florida, except the boundaries thereof. Any provision of

¹ If this charter amendment is approved at referendum, then the charter text of any other charter amendment also approved at the same referendum shall be revised by the code codifier to conform to the text changes described in the ballot summary for this charter amendment. The text revisions shown herein are intended to fully implement the text changes described in the ballot summary for this charter amendment, but in the event instances of the described text changes were inadvertently omitted herein, the code codifier is directed to implement the text changes described in the ballot summary, notwithstanding the inadvertent omission.

the existing charter or special acts in conflict with this amendment are hereby repealed. This amendment shall be known as the Revised Charter of the City of Daytona Beach Shores, Florida, of 2008, and shall be the organic authority for the structure and operation of the government of Daytona Beach Shores.

...

ARTICLE II. - LEGISLATIVE: CITY ~~COUNCIL~~ COMMISSION

Sec. 2.01. - Composition; term limits; mayor and city ~~council~~ commission.

There shall be a city ~~council~~ commission consisting of five (5) members, one of whom shall be a mayor, all of whom shall be elected at-large for a four (4)-year term. Unless otherwise provided, reference to the office of ~~councilmember commissioner~~ in this charter shall also apply to the office of mayor. No person shall be elected or appointed to office as a city ~~councilmember commissioner~~ for more than two (2) terms. This section applies to any ~~councilmember commissioner~~ including the mayor and a person shall not circumvent this rule through election or appointment to a different position. For purposes of this limitation, "term" is defined as service on the city ~~council~~ commission for a period longer than one-half of a full term. All terms, including past and present terms, greater than one-half of a full term served by current and former city ~~council~~ commission shall count for the purposes of applying the term limit.

Sec. 2.02. - Eligibility and qualifications.

Members of the ~~council~~ commission shall be registered electors in the municipality and shall have resided within the City at least six (6) months prior to filing for election. The mayor-~~councilmember~~ shall possess all of the qualification of other ~~councilmembers~~ commissioners.

...

Sec. 2.04. - Forfeiture of office.

- (a) Except as provided in Section 2.02, any member of the ~~council~~ commission who shall cease to reside within the city, or to have or to possess any of the qualifications herein imposed for members of the ~~council~~ commission, or who shall, while in office, be convicted of a felony shall forfeit his or her office, the seat shall be deemed to be vacant immediately. Absence from three (3) consecutive regular meetings of the ~~council~~ commission shall operate to vacate the seat of a member unless a leave of absence is first granted by the ~~council~~ commission or such absence is excused by the ~~council~~ commission by motion setting forth the fact of such excuse, duly entered in the minutes.
- (b) Forfeiture of office shall also occur through malfeasance, nonfeasance, neglect of duty, incompetence, and permanent inability to perform the

duties of the office of ~~councilmember~~ commissioner or mayor-~~councilmember~~. The ~~council~~ commission shall be the judge to determine whether sufficient grounds for removal from office shall have occurred. In discharging that responsibility, the ~~council~~ commission shall have the power to subpoena witnesses, administer oaths, and require the production of evidence.

- (c) Charges of conduct constituting grounds for removal from office shall be presented at an official meeting of the ~~council~~ commission. Upon motion duly adopted, an investigation into said charges shall be conducted by a committee of such composition as may be determined by the ~~council~~ commission. The ~~councilmember~~ commissioner moving for the investigation herein provided shall not be a member of the investigation committee.
- (d) Within a period of not less than ten (10) days, or more than thirty (30) days, the investigation committee shall present its findings with respect to such charges to the full ~~council~~ commission. After receipt of the investigation committee's findings, the ~~council~~ commission shall determine, by motion, whether formal charges shall be presented.
- (e) If in the event formal charges are presented, the resolution shall contain sufficient factual allegations to inform the ~~councilmember~~ commissioner charged of the specific conduct or circumstances for which removal is sought. The resolution shall further establish the date, time and place of the formal hearing with respect to said charges. A certified copy of said resolution shall be furnished to the charged ~~councilmember~~ commissioner, and the notice of the hearing set forth therein shall be published in a newspaper of general circulation within the city at least one week prior to the hearing.
- (f) At the formal hearing provided herein, the charged ~~councilmember~~ commissioner shall be permitted to present testimony, evidence, and argument related to, or in rebuttal of, the charges presented in said resolution. At the conclusion of the hearing the ~~council~~ commission shall, by resolution, make its determination, said determination to be effective immediately. Decisions made by the ~~council~~ commission under this section shall require the affirmative vote of at least three (3) members of the ~~council~~ commission, and shall be subject to review by the circuit court, upon appeal by the affected ~~councilmember~~ commissioner, for the purpose of determining whether or not substantial, competent grounds existed for the removal as provided herein.

Sec. 2.05. - Filling of vacancies.

The unexpired term of a vacated seat of a ~~Council Member~~ Commissioner or the Mayor-~~Council Member~~ shall be filled at the next Municipal General Election to

be held by the Volusia County Supervisor of Elections when held in odd years or the next State General Election to be held in November of even years.

For the interim period until the General Election at which a vacancy in the office of a ~~Council Member~~ Commissioner or a Mayor-~~Council Member~~, vacancies in the office of ~~Council Member~~ Commissioner or a Mayor-~~Council Member~~ shall be filled within thirty (30) days by the appointment of a successor by the majority vote of the remaining members of the City ~~Council~~ Commission. If the majority of the remaining members of the City ~~Council~~ Commission fail to fill the vacancy through appointment within the thirty-day period, a special election to fill the vacancy shall be called and held in a manner coordinated by the City Clerk with the Supervisor of Election and adopted by resolution of the City ~~Council~~ Commission.

Should the City ~~Council~~ Commission fail to provide for an election within the time required by this Charter, such election may be ordered by any court of competent jurisdiction.

The qualifying for candidates for a special election to fill a vacancy shall be the same as provided for regular elections in this Charter.

Any successor who fills a vacancy, whether by appointment or election, must have and possess all of the qualifications established by this Charter for the office being filled.

Sec. 2.06. - Extraordinary vacancies.

If at any time the membership of the city ~~council~~ commission is reduced to less than three (3), the governor shall be requested to make interim appointments to fill such vacancies, and the city ~~council~~ commission shall forthwith call a special election to be scheduled not sooner than ninety (90) days or more than one hundred twenty (120) days following the appointments by the governor.

Sec. 2.07. - Ineligibility for appointment.

No ~~councilmember~~ commissioner during the term for which he or she has been elected or appointed, or, for one year thereafter, shall hold any salaried city office.

Sec. 2.08. - Oath of office.

All ~~councilmembers~~ commissioners, the mayor, and vice-mayor of the city shall, before entering upon their duties, subscribe orally and in writing to an oath or affirmation pledging support to the Constitution and Laws of the United States and of Florida, faithful observance of the provisions of the Daytona Beach Shores charter and ordinances, and faithful discharge of their office. The oath or affirmation shall be substantially the form prescribed for state officers by the Constitution and Laws of Florida, and the written form shall be filed and maintained as a permanent official record to the city.

Sec. 2.09. - Recall.

The mayor—~~councilmember~~ or any other member of the city ~~council~~ commission may be recalled and removed from office as provided by general law.

Sec. 2.10. - Compensation.

The city ~~council~~ commission may determine the compensation and benefits of the mayor—~~councilmember~~ and other ~~councilmembers~~ commissioners, but no ordinance increasing salary amounts or expense allowances shall become effective until the date of commencement of the terms of ~~councilmembers~~ commissioners elected at the next regular election, provided that such election follows the adoption of the salary ordinance by at least ninety (90) days. The city ~~council~~ commission shall have the authority to establish a salary and expense allowance for the mayor—~~councilmember~~ in excess of that authorized for other ~~councilmembers~~ commissioners, not to exceed one hundred dollars (\$100.00) per month more than the compensation received by other ~~councilmembers~~ commissioners.

Sec. 2.11. - General powers and duties.

All powers of the city shall be vested in the city ~~council~~ commission except as otherwise provided by law and this charter. The city ~~council~~ commission shall be responsible for the reasonable exercise of those powers, and shall be required to provide for the performance of all duties and obligations imposed on the city by law.

Sec. 2.12. - Duties of the mayor- ~~councilmember~~.

The mayor—~~councilmember~~ shall preside at all meetings of the ~~council~~ commission and shall perform such other duties consistent with his or her office as may be imposed by the ~~council~~ commission, and he or she shall have a voice and vote in the proceedings of the ~~council~~ commission, but no veto power. The mayor shall have the authority to issue proclamations, and he or she shall be considered as the official head of the city for ceremonial purposes, and shall be so recognized by the courts for the purpose of serving civil processes, and by the state and federal governments in the exercise of military law. The mayor—~~councilmember~~ shall have no other powers and duties beyond those conferred by this charter or by the ~~council~~ commission in accordance with provisions of this charter.

Sec. 2.13. - Vice-mayor.

In the absence of the mayor, the vice-mayor shall perform the duties of the mayor. In case of a vacancy in the office of mayor—~~councilmember~~, the vice-mayor shall serve as mayor until the vacancy has been filled as provided in Section 2.05. The vice-mayor shall be elected by the ~~council~~ commission for a two-year term at the organizational meeting of the city ~~council~~ commission from the membership of the ~~council~~ commission, other than the mayor—~~councilmember~~.

In the absence or disability of both mayor and the vice-mayor, the city ~~council~~ commission shall designate one of their number to act temporarily in the capacity of the mayor.

Sec. 2.14. - Meetings of the city ~~council~~ commission.

The organizational meeting of the city ~~council~~ commission shall be held at 7:00 p.m. at ~~council~~ commission chambers or as otherwise designated by motion of the city ~~council~~ commission at the first regularly scheduled city ~~council~~ commission meeting after the municipal election. The first order of business shall be the administering of the oath of office to the newly-elected members of the city ~~council~~ commission and the mayor-~~councilmember~~, if applicable, followed by the election of the vice-mayor. Thereafter the city ~~council~~ commission shall meet at such times as may be prescribed by resolution, except that it shall meet regularly no less than once each month. Special meetings may be called by the mayor or any three ~~councilmembers~~ commissioners who are present in a regular or special meeting upon at least forty-eight (48) hours' notice to each member, served personally, or left at his or her usual place of residence with some member of his or her family over the age of fifteen (15). This time requirement may be waived only by the consent of all ~~councilmembers~~ commissioners.

The city ~~council~~ commission shall take all reasonable steps to ensure timely notice to the public of such special meetings which, at least, shall include notification of the local press and posting notice of the meeting in a central location designated by the ~~council~~ commission for that purpose. Any regular or special meeting, on motion adopted by the city ~~council~~ commission, may be adjourned and continued to a time certain provided there is compliance with the requirement or public notice.

All regular and special meetings of the city ~~council~~ commission, other than the specific exceptions provided by general law, shall be open to the public. All regular meetings shall be held at ~~council~~ commission chambers or as otherwise designated by motion of the City ~~Council~~ Commission, but special meetings may be scheduled at any location.

Sec. 2.15. - Minutes and records.

The city ~~council~~ commission shall keep minutes of its proceedings and shall arrange for the electronic recording of those proceedings. Any person shall have access to the minutes at all reasonable times. The city shall set forth detailed policy and procedures, by ordinance, for ensuring the maintenance of a permanent record of all ~~council~~ commission meetings and actions in such a form that they are readily accessible and easily understood by the public.

Sec. 2.16. - Rules.

The city ~~council~~ commission 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.

Sec. 2.17. - Quorum and voting.

Three (3) members of the city ~~council~~ commission shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of three (3) members of the city ~~council~~ commission shall be necessary to adopt any ordinance. The affirmative vote of a majority of the quorum present at a meeting shall be necessary to approve any motion or resolution.

All members in attendance, including the presiding officer, shall vote for or against the motion on all ~~council~~ commission actions. When there is, or appears to be, a possible conflict of interest as defined under general law with respect to a particular ~~councilmember~~ commissioner, the action prescribed by general law shall govern. Final action on motions, resolutions and ordinances shall be taken by roll call and listed in the minutes.

Sec. 2.18. - Ordinances, resolutions, and motions.

- (a) The city ~~council~~ commission shall act only by ordinance, resolution or motion. Except as otherwise provided by this charter, the procedures and requirements of general law for the enactment of ordinances or resolutions shall govern. It is the purpose of this section, however, to implement the home-rule powers of general law which permit this charter to specify additional requirements for the enactment of ordinances or resolutions and to define procedures in greater detail beyond the minimum standards set by general law.
- (b) All ordinances and resolutions shall embrace but one subject and the matter properly connected therewith. The subject shall be clearly stated in the title, but no ordinance or resolution shall be held invalid because of a defective title.
- (c) The enacting clause of all ordinances shall be: "Be [it] enacted by the City ~~Council~~ Commission of the City of Daytona Beach Shores, Florida."
- (d) In addition to acts required by law or by specific provision of this charter to be done by ordinance, the following actions of the city ~~council~~ commission shall be by ordinance:
 - (1) To adopt or amend an administrative code or establish, alter or abolish any city department or administrative entity;
 - (2) To establish a rule or regulation, the violation of which carries a penalty;

- (3) To grant, renew or extend a franchise;
 - (4) To set service or user charges for municipal services or grant administrative authority for such charges;
 - (5) To authorize the borrowing of money, consistent with the limitations imposed by the Constitution and general law of Florida;
 - (6) To convey or lease lands of the city;
 - (7) To amend or repeal an ordinance previously adopted, except as otherwise provided herein; or
- (e) To meet a public emergency affecting the life, health, property or the public peace and safety, the city ~~council~~ commission may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise; set service or user charges for any municipal services; authorize the borrowing of money except as an emergency appropriation; or enact or amend a land use plan or rezone private real property. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendments or rejected at the meeting at which it is introduced, but the affirmative vote of at least four (4) members of the city ~~council~~ commission shall be required for adoption. After its adoption, the ordinance shall be printed and published as prescribed for other adopted ordinances. It shall become effective upon enactment by the ~~council~~ commission or at such time as specified in the ordinance, and shall expire as provided therein, but not to exceed sixty (60) days after the passage. This shall not prevent reenactment of the ordinance under regular or emergency procedures, as the situation may warrant.
- (f) Except as provided in paragraph (e), a proposed ordinance shall be advertised and read by title, or in full, in accordance with the provisions set forth within Section 166.041 Florida Statutes, as may be amended. The proposed ordinance shall, prior to adoption, be certified by the city attorney as meeting the requirements of law and form. The ~~council~~ commission, prior to taking final action, shall provide the opportunity for all persons present to be heard on the proposed ordinance. Nothing herein contained shall limit the right of the ~~council~~ commission to amend such proposed ordinance prior to adoption, consistent with the general law.
- (g) All ordinances passed by the city ~~council~~ commission shall become effective upon final adoption, unless otherwise provided therein, with the stipulation that prior to becoming effective, the ordinance shall be posted at city hall and a certified copy shall be deposited in the U.S. Mail for filing with the State of Florida as provided by law.

Sec. 2.19. - Authentication, codification and publication of ordinances and resolutions.

The mayor, city manager, city attorney and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the city ~~council~~ commission and the city clerk shall record in full in a properly indexed book kept for that purpose all such ordinances and resolutions.

Sec. 2.20. - Motions.

All actions of the city ~~council~~ commission which are not required to be by ordinance, and which are not taken by resolution, shall be taken by motion.

ARTICLE III. – ADMINISTRATIVE OFFICES AND DEPARTMENTS

Sec. 3.01. - Establishment of the office of city manager.

There shall be a city manager who shall be the chief administrative officer of the city. The manager shall be responsible to the city ~~council~~ commission for the administration of all affairs of the city.

Sec. 3.02. - Appointment and removal of the city manager.

The city manager shall be chosen on the basis of professional training, executive and administrative experience, and other qualifications. The city manager shall be appointed by a vote of four-fifths of the full ~~council~~ commission for an indefinite term, and may be removed at any time by four-fifths vote of the full ~~council~~ commission, subject to contract provisions. Action by the ~~council~~ commission to remove the city manager shall be considered final, and the manager shall have no vested rights in his or her office other than those specifically provided in this charter. Notwithstanding the action taken by the ~~council~~ commission to remove the manager, the ~~council~~ commission shall hold a public hearing if so requested in writing by the manager.

Sec. 3.03. - Compensation and annual evaluation of manager.

The city ~~council~~ commission shall establish the salary and other benefits of the city manager, and shall at least annually review the salary. On the occasion of the annual salary review the ~~council~~ commission shall make a systematic evaluation of the performance of the manager which shall be made a matter of public record.

Sec. 3.04. - Acting city manager.

The city manager shall designate in writing, and provide notice to the city ~~councilmembers~~ commissioners identifying a qualified city administrative officer or employee to exercise the powers and perform the duties of city manager during his or her temporary absence or disability. During such absence or disability, the ~~council~~ commission may revoke such designation at any time and appoint another officer or employee of the city to serve until the city manager shall return or his or her disability shall cease.

Sec. 3.05. - Powers and duties of city manager.

The city manager shall have the power and shall be required to:

- (1) See that all laws, provisions of this charter, and acts of the ~~council~~ commission subject to enforcement by him or her, or by officers and employees subject to his or her direction and supervision, are faithfully executed.
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as provided in Article IV of this charter.
- (3) Appoint all officers and employees of the city and, when necessary for the good of the city, remove all officers and employees of the city, except as otherwise provided by this charter and the rules and regulations promulgated by the personnel ordinance adopted pursuant to this charter which may permit the manager to delegate to an administrative officer the exercise of these powers with respect to subordinates in that officer's administrative unit. The city clerk shall be an officer of the city, shall be the custodian of the records and the seal of the municipality.
- (4) Plan and prepare the budget annually for action by the city ~~council~~ commission and submit to the ~~council~~ commission a budget message and capital program in a format to be prescribed by ordinance; and to be responsible for the administration of the budget once it is officially adopted.
- (5) Prepare and submit monthly to the city ~~council~~ commission and the public a complete report on finances and administrative activities of the city during the previous month.
- (6) Keep the city ~~council~~ commission and public advised of the financial condition of the city, and to make such recommendations to meet future needs as he or she may deem advisable for consideration by the ~~council~~ commission.
- (7) Prepare the agenda and attend all meetings of the ~~council~~ commission with the right to take part in the discussion but without having a vote.
- (8) Review, approve and sign, together with the mayor-~~council member~~ and the city attorney, contracts on behalf of the city pursuant to the provisions of the appropriate ordinances.
- (9) Perform such other duties as are mandated by this charter or required by the city ~~council~~ commission, provided, however, the ~~council~~ commission shall not direct the manager to take any action contrary to the provision of this charter.

Sec. 3.06. - Noninterference by city ~~council~~ commission.

Except for purposes of investigation, inquiry, and information, the ~~council~~ commission and committees or individual members thereof shall deal with the city officers and employees of the city solely through the manager, and neither the ~~council~~ commission nor its members shall give orders to such officer or employee, either publicly or privately. Any such action shall constitute malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution. This prohibition

shall in no way restrict the right of individual ~~councilmembers~~ commissioners, to observe personally and scrutinize closely all aspects of city government in order to obtain independent information for use by the ~~council~~ commission in discharging its responsibility to formulate sound policies, to hold the administration accountable to the people, and to increase the efficiency and economy of city government, wherever possible.

Sec. 3.07. - Departments of the city.

The city shall have an executive department, community services department, finance department, and a public safety department. However, the city ~~council~~ commission may by a vote of four-fifths of the full ~~council~~ commission establish, reorganize, abolish or provide for the transfer of responsibilities between departments. The city manager shall have the authority, with ~~Council~~ Commission approval, to create other executive offices or positions or, except as otherwise provided in this charter, to reorganize, consolidate, or abolish existing executive offices or positions.

Sec. 3.08. - Department heads.

Department heads shall be appointed or removed by the city manager. Removal of a department head, however, shall be for just cause, and after the department head has been provided with both notice and an opportunity to be heard with respect to the grounds for removal. Removal of a department head hereunder shall be subject to review by the circuit court, upon appeal by the affected department head, for the purpose of determining whether or not substantial, competent evidence existed for the removal. The city ~~council~~ commission by ordinance shall set the procedures for appointments, promotions, and removal of department heads, which procedures shall govern.

Sec. 3.09. - Administrative code.

The city manager shall propose and the city ~~council~~ commission shall amend and adopt, by a vote of four-fifths of the full ~~council~~ commission an administrative code which shall set forth the departmental organization for the city government, including charts showing the chain of command and the allocation of responsibilities and duties, definitions of the nature and scope of each department, and all required rules and procedures for operating said departments.

ARTICLE IV. – CITY ATTORNEY

Sec. 4.01. - Duties and responsibilities.

The city ~~council~~ commission shall appoint a city attorney who shall act as the legal adviser to, and attorney and counselor for the city and all of its elected and appointed officers, all departments and divisions of the city government, and all regulatory and advisory boards in all legal matters relating to their official duties. The city attorney shall prepare and/or review all contracts, bonds, and other

instruments in which the municipality is concerned, and shall endorse on each his or her approval of the form and correctness thereof.

Sec. 4.02. - Assistant city attorneys and city prosecutor.

The city ~~council~~ commission may authorize the city attorney to employ one or more assistants, a city prosecutor, and to engage special counsel where the circumstances of a particular case warrant, subject to the approval of the terms of the contract by the ~~council~~ commission as to compensation and the services to be rendered.

Sec. 4.03. - Qualification and appointment of city attorney.

The city attorney and any assistant city attorney shall be licensed to practice law in the State of Florida, and shall be a member of the Volusia County Bar Association in good standing. He or she shall not be required to be a registered elector residing in the municipality. He or she shall be appointed by the city ~~council~~ commission for an indefinite term by a four-fifths vote of the ~~council~~ commission; shall serve at the pleasure of the city ~~council~~ commission and shall be compensated as determined by the ~~council~~ commission. In addition to the specific duties imposed under this article, the city ~~council~~ commission may assign additional professional duties to the city attorney so long as they are not inconsistent with general law or this charter. The city attorney may be removed at any time by four-fifths vote of the full ~~council~~ commission.

ARTICLE VI. – NOMINATIONS AND ELECTIONS

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Sec. 6.03. - Nonpartisan elections.

All qualifications and elections for the office of mayor—~~councilmember~~ or ~~councilmember~~ commissioner shall be conducted on a nonpartisan basis without regard for or designation of political party affiliations of any nominee on the ballot. Reference in general law to political parties and party primaries shall not be applicable in the elections of the mayor and members of the city ~~council~~ commission.

Sec. 6.04. - Procedure for filing as a candidate for mayor—~~councilmember~~ and ~~councilmember~~ commissioner.

- (a) A person meeting the qualifications of office provided in Section 2.02 of this charter and seeking to become a candidate for the office of mayor-~~councilmember~~ or ~~councilmember~~ commissioner may do so by filing a sworn qualification statement with the city clerk which shall state the following:

- (1) The name and occupation of the person whose name is presented for a place on the election ballot; and the address of his or her place of residence in the city;
 - (2) That he or she is a candidate for the office of ~~councilmember~~ commissioner, designating the seat number of the position being sought, or that he or she is a candidate for the office of mayor-~~councilmember~~ for the city;
 - (3) That he or she is a qualified elector of the City of Daytona Beach Shores; and
 - (4) That he or she shall be willing to serve if elected.
- (b) Such qualification statement shall be filed with the city clerk during the qualification period as defined by the charter in a form prescribed by the city clerk.
- (c) No person shall be a candidate for mayor—~~councilmember~~ and ~~councilmember~~ commissioner at the same time, and no person shall occupy both offices at the same time.

...

Sec. 6.06. - Canvassing board.

The city ~~council~~ commission shall certify election results.

ARTICLE VII. – MISCELLANEOUS

Sec. 7.01. - Charter amendment.

This charter may be amended in two (2) ways:

- (a) Initiation by ordinance. The ~~council~~ commission may propose, by ordinance, amendments to any part or all of this charter, except those prohibited by the Constitution and Laws of Florida; and upon passage of the initiating ordinance ~~council~~ commission shall submit the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for that purpose. Amendment of boundaries resulting from annexation done in accordance with general law shall be by ordinance and shall not be subject to a vote of the electors except as provided by general law.
- (b) Initiation by petition. The electors of the city may propose amendments to this charter by petition signed by at least ten (10) per cent of the registered electors and submitted to a vote of the electorate in a special election to be called within sixty (60) days following the certification of the initiative petition or at any general election scheduled with ninety (90) days.

Sec. 7.02. - Investigations by ~~council~~ commission.

The ~~council~~ commission shall have power to inquire into the conduct of any office, department, agency or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor.

Sec. 7.03. - Bonds of officers and employees.

All such officers and employees of the city as determined by the ~~council~~ commission shall give bond in such amount and with such surety as may be approved by the ~~council~~ commission. The premiums on such bonds shall be paid by the city.

Sec. 7.04. - Political activities of municipal officers and employees.

No officer or employee of the city shall:

- (a) Use his or her official authority or influence for the purpose of interfering with an election, or a nomination for office, or affecting the results thereof; or
- (b) Directly or indirectly coerce or attempt to coerce or command any other officer or employee to pay, lend, or contribute any part of his or her salary or anything else of value to any party, committee, organization, agency, or perform for political purposes; or
- (c) Directly or indirectly coerce or attempt to coerce or commend [command] any such officer or employee as to where he or she might purchase a commodity or to interfere in any other way with the personal life of said officer or employee.

The provisions of this section shall not be construed so as to prevent any person from becoming a candidate for and actively campaigning during private off-duty hours for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. No employee of the city may coerce or intimidate any candidate for the office of mayor-~~councilmember~~ or ~~councilmember~~ commissioner.

...

Sec. 7.06. - Resolving conflicts within charter.

Should there be a conflict or apparent conflict in the provisions of any one section of this charter, or between two (2) or more sections thereof, then the city attorney upon request by the ~~council~~ commission shall resolve such conflict or apparent conflict by a written ruling which shall be legal and binding unless invalidated by a court of competent jurisdiction.

...

Sec. 7.08. - Bids, contracts and expenditures.

Upon approval of the city ~~council~~ commission, the following expenditures may be made without competitive bidding;

- (a) All expenditures, including expenditures for real or personal property acquisition, not exceeding twenty-five thousand dollars (\$25,000.00);
- (b) Expenditures for salaries and contracted, professional or personal services;
- (c) Expenditures for work done in the operation of any city department;
- (d) Expenditures for parts, supplies and materials necessary to make emergency repairs, to protect property or preserve the peace in the event of an emergency such as a storm, riot or conflagration.

All other expenditures shall be authorized and directed by the city ~~council~~ commission only upon contract to the lowest responsible responsive bidder, and after publication in a newspaper of general circulation one time of a notice calling for such bids, said publication to be not less than ten (10) days before the date of receiving such bids. The ~~council~~ commission shall reserve the right to reject any and all bids submitted pursuant to this section.

All municipal general obligation debt issues shall require the approval of the voters in the form of a referendum held for that purpose, except refunding bond issues that generate an overall savings to the city.



**CITY COUNCIL AGENDA MEMORANDUM
FEBRUARY 22, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Discussion on the Bank of America property that is for sale.

SYNOPSIS:

Mayor Miller requested this item be placed on the agenda for discussion.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



**CITY COUNCIL AGENDA MEMORANDUM
FEBRUARY 22, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Rezoning Application RZ12021040: Coby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

SYNOPSIS:

NOTE: This item will be continued.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Continue if requested.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



**CITY COUNCIL AGENDA MEMORANDUM
FEBRUARY 22, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Rezoning Application RZ12021043: Larry & Barbara Pollack - 3102 Liberty Street, Annexed Property

SYNOPSIS:

NOTE: This item will be continued.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Continue if requested.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



**CITY COUNCIL AGENDA MEMORANDUM
FEBRUARY 22, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, City Planner

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Future Land Use Map Amendment CPA12021041: Colby & Jennifer Caldwell - 6 Carter Terrace, Annexed Property

SYNOPSIS:

NOTE: This item will be continued.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Continue if requested.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None



**CITY COUNCIL AGENDA MEMORANDUM
FEBRUARY 22, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM:

PREPARED BY: Cheri Schwab, City Clerk

SUBJECT: Future Land Use Map Amendment CPA12021044: Larry & Barbara Pollack - 3102
Liberty Street, Annexed Property

SYNOPSIS:

NOTE: This item will be continued.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

Continue if requested.

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: None