



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING JULY 26, 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 July 12, 2022
- 7. CONSENT AGENDA:**
 - A. Community Services Department Monthly Report - June 2022

- B. Public Safety June monthly report

8. REPORTS OF THE CITY ATTORNEY:

- A. City Attorney Report July 26, 2022

9. REPORTS OF THE CITY MANAGER:

- A. July 26, 2022 City Manager Report

10. OLD BUSINESS:

- A. Ordinance 2022-13 City of Daytona Beach Shores Procurement Policy
- B. Ordinance 2022-12 Smoking Prohibition in City parks.
- C. Resolution 2022-4 Setting a park list and fine amount for smoking prohibition in the Parks

11. NEW BUSINESS:

- A. Ordinance 2022-14: Amendment Of Monument Sign Regulations Regarding Nonconforming Freestanding Signs On Multifamily Residential Properties
- B. Resolution 2022-5 Fiscal Year 2022-2023 Proposed Millage Rate

12. Quasi-Judicial

- A. Regular Site Plan Application RSP 12022005 - Surf Style at Daytona Beach Shores, 2226 S. Atlantic Avenue
- B. Regular Site Plan RSP12021034: Villa Cardinal Townhomes, 3723 Cardinal Boulevard

13. COUNCIL COMMENTS:

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

16. 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
July 12, 2022
3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

1. CALL TO ORDER BY MAYOR

Present: Vice Mayor Mel Lindauer, councilmember Chris Conomos, Mayor Nancy Miller, Councilmember Richard Bryan, Councilmember Michael Politis
Staff: City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney John Cary, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, 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:

6. APPROVAL OF MINUTES

A. City Council Minutes June 28, 2022

VICE MAYOR MEL LINDAUER moved, seconded by COUNCILMEMBER MICHAEL POLITIS to Approve the City Council Minutes of June 28, 2022.

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

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, councilmember Chris Conomos

7. CONSENT AGENDA:

A. Firehouse Sub Grant Approval/Acceptance

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Approve the consent agenda.

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

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, councilmember Chris Conomos

8. REPORTS OF THE CITY ATTORNEY:

A. City Attorney Report

Attorney John Cary reviewed his report to the council. There were no additional questions.

9. REPORTS OF THE CITY MANAGER:

A. July 12th Report

City Manager Kurt Swartzlander informed the council that two meeting dates would need to be changed. The first is the meeting scheduled for Sept. 13th. This meeting needs to be changed every year during the budget hearings. The School Board meets at the same time and is in conflict with us. He would like to change that to Monday, September 12th. The second meeting is scheduled for November 8th. That is election day and the Council Chambers is used as the polling place. Moving the meeting to Wednesday, November 9th will allow the council to ratify the results. This meeting will need to be held at 7:00 pm per the charter.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to approve the meeting changes for September 12th and November 9th.

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

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, councilmember Chris Conomos

An update on the Treasure Island property was added. The 150-day mark for demolition was yesterday and the grounds are substantially complete except for minor asphalt removal. Director Cruz explained that the stairs leading to the beach can't be completed until November after the turtle season is finished. The final demolition on the curbs and retaining wall are waiting on utility locates to be finished.

10. OLD BUSINESS:

11. NEW BUSINESS:

A. Ordinance 2022-12 Smoking Prohibition in City parks.

The City Attorney read the ordinance by title. Staff will be posting signs in all the city park and recreation areas. There was a brief discussion regarding the discipline for offenders. Most likely it would be a verbal warning. CMBR Conomos inquired if repeat offenders could be issued a written warning similar to a trespass. There will be a Resolution drafted that will provide these details.

COUNCILMEMBER RICHARD BRYAN moved, seconded by COUNCILMEMBER CHRIS CONOMOS to Approve Ordinance 2022-12 on first reading.

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

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, councilmember Chris Conomos

B. Park list for future resolution and proposed fines related to smoking prohibition in city parks.

City Manager Swartzlander explained that a Resolution will be on the next agenda with proposed fines for violating Ordinance 2022-12. The list of city parks and recreation areas were given approval by the council. It was decided that a fine of \$100 for a citation would be used. Once the signs were placed in the various areas, there would be a 30-day grace period before any fines were given.

C. Ordinance 2022-13 City of Daytona Beach Shores Procurement Policy

The City Attorney read the ordinance by title. Finance Director Lory Irwin presented the procurement policy. She explained that with a Charter Amendment question going on the ballot regarding procurement, staff wanted to have an updated policy in place. This policy has not been amended since 2008. The major change in the policy, is the amount that the CM can approve without bringing it before council. The current limit is 25k and the proposed amount is 50k.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve Ordinance 2022-13 on first reading.

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

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, councilmember Chris Conomos

D. Non-Conforming Sign Removal Incentive Grant Application 12022019: Tropic Shores Condominium Association (Timeshare) - 3111 S. Atlantic Avenue

Community Services Director Stewart Cruz requested the council provide direction to staff regarding the grant payment. The application process requests three bids. If the applicant chooses the highest bid, does the council wish to pay the 15% on that amount or only on the lowest bid. The payment is from \$2,000 to \$3,000. CMBRS Bryan, Lidauer and Conomos felt

it should be on the lowest conforming bid. CMBR Politis felt the business owner should be able to choose which bid they liked and receive 15% of that cost with the cap of \$3,000. He stated the sign should represent the business. The city has spent a lot on the underground utilities and streetscape along S. Atlantic Avenue, the signs should also reflect the best for their business. Director Cruz had a listing of six businesses that were within a window of the old sign grant program ending and the new one that began in April. He requested direction on whether to allow the businesses to apply for a sign grant. The council gave their consent. Fred Rispoli, president of the condominium board spoke to the council regarding the sign bids. He explained that the board had good reserves and wanted a certain look to their sign to represent their condo.

COUNCILMEMBER MICHAEL POLITIS moved, seconded by VICE MAYOR MEL LINDAUER to Approve Grant Application 12022019 for 15% of the actual cost with a cap of \$3,000.

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

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, councilmember Chris Conomos

- E. Regular Site Plan Application RSP 21022005 - Surf Style at Daytona Beach Shores, 2226 S. Atlantic Avenue

Community Services Director Stewart Cruz explained that there is a minor issue with the storm water retention area. The engineers are working with the City of Daytona Beach to resolve the problem.

COUNCILMEMBER RICHARD BRYAN moved, seconded by VICE MAYOR MEL LINDAUER to Continue the Site Plan Application RSP 21022005 until the meeting on July 26, 2022.

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

Yes: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Councilmember Richard Bryan, Councilmember Michael Politis, councilmember Chris Conomos

12. COUNCIL COMMENTS:

CMBR Conomos stated that it was an honor to serve on the council and he looked forward to the next four years. Mayor Miller reminded the audience of the upcoming Coffee with the Mayor being held the next day. There will be representatives from Halifax ExpressCare as the guest speakers. She also reminded everyone that there would be a Budget Workshop before the next meeting at 5:00pm.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Charlene Darby, a resident of Daytona Beach, inquired if hotel management could caution their guests regarding the use of fireworks. It seemed that guests were lighting them in the parking lot near her home. She also felt the city could use more street lights and crosswalks for safety reasons.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the agenda.

15. ADJOURNMENT:

The meeting ended at 7:06 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – June, 2022

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 2
 Submitted this Fiscal Year: 10
 Approved by Staff this Month: 0
 Approved by Staff this Fiscal Year: 1
 Approved by City Council this Month: 0
 Approved by City Council this Fiscal Year: 0
 Amendments Approved by Staff this Fiscal Year: 1

Building Division

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

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Daytona Seabreeze	3125 South Atlantic Avenue	6/1	Replace HVAC system for main lobby	\$10,895.00	\$110.50
Grand Coquina	3333 South Atlantic Avenue	6/2	Miscellaneous site, pool fence, and gates	\$29,954.00	\$238.30
Beaulieu Residence	3315 South Atlantic Avenue, Unit 1705	6/2	Remodel kitchen and bathrooms, cabinets, and tops	\$45,000.00	\$323.64
Maragiri Residence	2055 South Atlantic Avenue, Unit 206	6/2	Install 3 hurricane shutters	\$13,753.00	\$146.20
Sours Residence	2545 South Atlantic Avenue, Unit 1406	6/3	Tile bathroom walls, replace cabinet doors	\$21,850.00	\$193.73
Maronda Homes LLC	3833 Cardinal Boulevard	6/3	New single family home	\$455,567.00	\$2,197.50
Cooke Residence	3831 South Atlantic Avenue, Unit 404	6/3	Relocate wiring, boxes, outlets, switches, and lighting	\$10,000.00	\$64.00
Oceans Three Condo	3043 South Atlantic Avenue	6/6	Concrete restoration	\$325,000.00	\$1,535.96
Grand Coquina	3333 South Atlantic Avenue	6/7	Concrete and stucco repairs	\$225,600.00	\$1,140.09
Leonard Residence	3426 South Atlantic Avenue, Unit 2006	6/8	Replace 17 windows and 2 sliding glass doors	\$31,000.00	\$244.00

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Danis Residence	2837 South Atlantic Avenue	6/9	Add second floor bedroom, bath, and kitchen in chateau	\$323,000.00	\$1,527.97
Danis Residence	2837 South Atlantic Avenue	6/9	Install electrical in chateau part of house	\$50,000.00	\$91.00
Danis Residence	2837 South Atlantic Avenue	6/9	Install new A/C unit and elevator for chateau	\$28,000.00	\$150.40
Danis Residence	2837 South Atlantic Avenue	6/9	Install new plumbing for chateau part of house	\$40,000.00	\$50.50
Laurinaitis Residence	3057 Brookfair Crescent	6/10	Re roof shingle and flat roofs	\$12,900.00	\$137.65
Rogers Residence	3703 South Atlantic Avenue, Unit 902	6/13	Replace counter tops	\$21,182.00	\$193.73
Brestan Residence	2403 South Atlantic Avenue, Unit 1005	6/13	Replace cabinets and counter tops	\$67,953.00	\$454.47
Brestan Residence	2403 South Atlantic Avenue, Unit 1005	6/13	Master bath and kitchen remodel	\$16,598.00	\$47.50
Keene Residence	2926 Sea Oats Circle	6/14	Remodel kitchen and 3 baths, cabinets, tops, showers	\$100,000.00	\$1,357.53
Oceans Seven Condo	2947 South Atlantic Avenue	6/15	New circuits, disconnects, conduit, receptacles, fixtures	\$22,850.00	\$47.50
Hyatt Place	3161 South Atlantic Avenue	6/24	Install (5) 5 ton split systems	\$41,940.00	\$324.09
Pendergrass Residence	3333 South Atlantic Avenue, Unit 1102	6/24	Replace 2 windows, 2 sliding glass doors, exterior door	\$16,400.00	\$166.82
Bigley Residence	4 Oceans West Boulevard, Unit 404A	6/27	Replace 8 windows and 1 sliding glass door	\$13,995.00	\$146.20
Thomas Residence	4 Oceans West Boulevard, Unit 102C	6/27	Replace 2 sliding glass doors	\$14,477.00	\$154.75
Hoover Residence	2055 South Atlantic Avenue, Unit 1006	6/28	Install 3 motorized hurricane shutters	\$14,093.00	\$154.75
Gibson Residence	2 Oceans West Boulevard, Unit 1401	6/29	Remodel kitchen and 2 bathrooms	\$30,000.00	\$236.50
LaGrassa Residence	4 Oceans West Boulevard, Unit 707B	6/29	Remodel guest bathroom, new shower, vanities, tile	\$13,000.00	\$137.65
McGuinness Residence	2855 South Atlantic Avenue, Unit 101	6/30	Remodel shower for wheelchair accessibility	\$18,500.00	\$177.58
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$2,013,507.00	\$11,750.51

Building Division Revenue by Permit Category:

PERMIT TYPE	JUNE 2022	FISCAL YEAR-TO-DATE 2021 TO 2022	JUNE 2021	LAST FISCAL YEAR-TO-DATE 2020 TO 2021
BUILDING	\$13,466.35	\$110,174.28	\$10,297.19	\$148,651.47
ROOF	\$271.50	\$7,225.78	\$604.00	\$14,997.65
DEMOLITION	\$0.00	\$1,655.60	\$0.00	\$563.90

ELECTRICAL	\$1,454.50	\$19,956.56	\$4,505.03	\$24,925.34
MECHANICAL	\$4,314.79	\$31,020.23	\$1,916.95	\$32,972.35
PLUMBING	\$2,592.60	\$25,307.15	\$2,566.56	\$32,825.87
SIGN	\$125.50	\$1,865.56	\$138.50	\$2,234.50
POLITICAL SIGN BONDS	\$220.00	\$220.00	\$0.00	\$220.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$298.50	\$2,183.20	\$110.00	\$786.50
DEVELOPMENT FEES	\$1,717.50	\$14,620.80	\$110.00	\$1,915.00
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$24,461.24	\$214,229.16	\$20,138.23	\$260,092.58

Building Division Activities:

ACTIVITY	JUNE 2022	FISCAL YEAR-TO-DATE 2021 TO 2022	JUNE 2021	LAST FISCAL YEAR-TO-DATE 2020 TO 2021
INSPECTIONS	298	2,603	287	2,757
FINAL CERTIFICATES OF OCCUPANCY ISSUED	2	29	0	1
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	1	2	0	2
FINAL INSPECTIONS	203	1,734	184	1,660
FAILED INSPECTIONS	16	143	17	203

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

Projects Begun Current Fiscal Year-to-Date – 2021 to Present: \$26,265,099.00

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

COMMUNITY SERVICES DEPARTMENT

MONTHLY REPORT - JUNE 2022

FACILITIES MAINTENANCE DIVISION:

Currently one full time position.

Normal monthly duties:

This division is responsible for the upkeep and maintenance of city buildings. The facilities staff assesses problems reported with the buildings and repairs as needed and within the staff's capabilities. The facilities staff has an HVAC certification therefore related repairs can be performed inhouse. Staff replaces light bulbs, cleans window exterior, paints and performs any other general maintenance needed with the city buildings and city owned properties.

Additionally, this month:

- Public Safety Building/Community Center: Met with contractors, for AC and door problems and plumbers to coordinate repairs
- Public Safety: Worked on broken gate ram
- City Hall/Facilities: Continued removing rust and painting walls and vents

PARKS / STREETS DIVISION:

This division typically has eleven maintenance positions and one electrician position. One position routinely assists the facility maintenance position and the electrician when needed.

Normal monthly duties:

This division performs maintenance, upkeep and general appearance of all the parks, streets, sidewalks and medians daily, including, but not limited to, mowing, changing out lights, restocking supplies, replacing

plants as needed, replacing or repairing street signs, checking and clearing storm drains, as well as any other related issue that may arise in the City. Per the City-County Park Maintenance Agreement, this division also is responsible for the cleaning and upkeep of the new county parks. Although there are two units (parks & streets) within the division, all personnel share in the normal monthly duties.

Additionally, this month:

- Installed another new fountain at the pickleball courts
- Changed out the street banners for upcoming July 4th holiday
- Set up and removal of grand opening for Peck's park event
- Repaired sprinkler well pump on Oceans West Boulevard
- Filled in holes and rough areas at the dog park
- Patched, painted made small repairs to City Manager and Finance Directors' offices

Electrician:

- Repairs at station 8 and 9
- Replaced more decorative lights to LED
- Fixed lights at mechanic shop
- Repaired rope light in the pavilion
- Assisted Musco Lighting in repairs at the pickle ball courts
- Performed 29 electrical line locates

SEWER DIVISION:

Currently four positions.

Normal monthly duties:

This division maintains and inspect all the sewer stations daily, performs all the general maintenance of the sewer stations, generators and the station properties, including, but not limited to, mowing and general

outside maintenance, cleaning pump areas, wet wells and floats. The division also maintains and inspects city manholes, delivers past due sewer bill notices for finance every month, perform cooling tower readings, and quarterly grease trap inspections. Two (2) employees in the division are animal control officers and these duties are performed as needed.

Additionally, this month:

- Fixed phone line at Master Station
- Animal Control call - 4
- Sewer line locates - 44
- Fixed water line at Station 11
- Read cooling tower meters
- Checked all grease traps in the city



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 JUNE 2022 *SD 7.16.22*

	Jun-22	22/YTD	Jun-21	21/YTD
Police Related Calls	2,846	13,823	2,692	14,053
Fire Related Calls	56	214	47	287
Rescue Related Calls	152	756	128	601
Fire Related Alarms Sounding	32	204	19	82
Traffic Citations	610	1,859	719	1,645
Written Warnings	68	369	42	206
Building Inspections	36	203	30	260
Arrests: Adults	67	236	53	225
Juveniles	1	7	0	2
City Ordinance Charges	0	1	0	0
Florida State Statute Charges	123	393	82	371
Accidents: Total	34	161	48	142
Street/Highway	17	84	33	71
Parking Lot	17	77	16	71

Stephan Dembinsky, Public Safety Director

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-06-01 through 2022-06-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
TRAFFIC STOP	TS	767	26.95 %	25.57
MISCELLANEOUS LE CALL	MISC	429	15.07 %	14.30
EXTRA PATROL	EP	397	13.95 %	13.23
PROPERTY CHECK	PRC	380	13.35 %	12.67
SUSP VEHICLE	SVEH	66	2.32 %	2.20
SUSP PERSON	SPER	55	1.93 %	1.83
TELEPHONE HANDLE	THC	50	1.76 %	1.67
MEDICAL EMERGENCY	MED1	43	1.51 %	1.43
DIRECTED PATROL REQUEST	DPR	41	1.44 %	1.37
FIRE ALARM	ALARMF	30	1.05 %	1.00
RADAR	RADAR	30	1.05 %	1.00
SUSP INCIDENT	SINC	30	1.05 %	1.00
INVESTIGATION	INV	26	0.91 %	0.86
ILLEGAL PARKING	PARK	24	0.84 %	0.80
SUSPECT STOP	SS	23	0.81 %	0.77
FLAG DOWN	FLAG	21	0.74 %	0.72
MEDICAL NON-EMERG	MED	19	0.67 %	0.66
NARCOTICS	NARC	19	0.67 %	0.66
TRESPASSERS	TRES	18	0.63 %	0.62
MVA	MV	17	0.60 %	0.59
DISTURBANCE	DIST	16	0.56 %	0.55
911 CK/OPEN LINE	911CK	15	0.53 %	0.52
FOUND PROPERTY	PROPF	14	0.49 %	0.50
NOISE	NOISE	14	0.49 %	0.50
CIVIL COMPLAINT	CIVIL	11	0.39 %	0.40
DOMESTIC DISTURBANCE	DV	11	0.39 %	0.40
FALL- NON EMERGENCY	TRAU3	11	0.39 %	0.40
RECKLESS DRIVER	RD	11	0.39 %	0.40
TOWED VEHICLE	TOW	11	0.39 %	0.40
WALKUP	WALKUP	11	0.39 %	0.40
ELEVATOR CALL	ELEV	10	0.35 %	0.38
THEFT	THEFT	9	0.32 %	0.35
WARRANT	WAR	9	0.32 %	0.35
ASSAULT/BATTERY	ABAT	8	0.28 %	0.32
HIT&RUN MVA	MVHR	8	0.28 %	0.32
TEST LE CALL	TEST	8	0.28 %	0.32
FIGHT	FIGHT	7	0.25 %	0.30
MISSING PERSON	MP	7	0.25 %	0.30
SUICIDAL PERSON	SP	7	0.25 %	0.30
DISABLED VEHICLE	DAV	6	0.21 %	0.27
DRUNK DRIVER	DUI	6	0.21 %	0.27
MENTALLY ILL PER	MIP	6	0.21 %	0.27
MVA W/ INJURIES	MVI	6	0.21 %	0.27
SPECIAL DETAIL	SDL	6	0.21 %	0.27
TRAUMA CRITICAL	TRAUE	6	0.21 %	0.27
UNCONSCIOUS	UNC	6	0.21 %	0.27

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-06-01 through 2022-06-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
WELL BEING CHECK	WBC	6	0.21 %	0.20
ATT TO CONTACT	ATC	5	0.18 %	0.17
CITY ORDINANCE VIOLATION	COV	5	0.18 %	0.17
FLEEING DRIVER	FLEE	5	0.18 %	0.17
MISC FIRE SERVICE CALL	MISCF	5	0.18 %	0.17
TRAUMA EMERGENCY	TRAU1	5	0.18 %	0.17
REPOSSESSED VEH	REPO	4	0.14 %	0.13
STROKE / CVA	CVA	4	0.14 %	0.13
ANIMAL COMPLAINT	AC	3	0.11 %	0.10
BUSINESS ALARM	ALARMB	3	0.11 %	0.10
CARBREAK	CB	3	0.11 %	0.10
ESCORT	ESCORT	3	0.11 %	0.10
JUVENILE	JUV	3	0.11 %	0.10
MEDICAL UNKNOWN	ALARMM	3	0.11 %	0.10
THREATENING CALL	TCALL	3	0.11 %	0.10
TRAFFIC CONTROL	TC	3	0.11 %	0.10
WATER RESCUE	WATER	3	0.11 %	0.10
ZONE ACCOUNTABILITY PATR	ZAP	3	0.11 %	0.10
ASSIST AGENCY	ASSIST	2	0.07 %	0.06
BURGLARY	BURG	2	0.07 %	0.06
BURGLARY ALARM	ALARM	2	0.07 %	0.06
DEAD PERSON	DEAD	2	0.07 %	0.06
DROWNING	DROWN	2	0.07 %	0.06
FIREWORKS	FIREWK	2	0.07 %	0.06
LOST PROPERTY	PROPL	2	0.07 %	0.06
MVA MAJOR	MVMI	2	0.07 %	0.06
OPEN DOOR	OPD	2	0.07 %	0.06
PANIC ALARM	ALARMP	2	0.07 %	0.06
RECOVERED SIG 10	SVR	2	0.07 %	0.06
SHOPLIFTING	SHOP1	2	0.07 %	0.06
VANDALISM	VAND	2	0.07 %	0.06
WEAPONS COMPL	WC	2	0.07 %	0.06
WELL BEING CHECK MEDICAL	WBCF	2	0.07 %	0.06
ALCOHOL VIOL	ALC	1	0.04 %	0.03
ASSIST	ASST1	1	0.04 %	0.03
BURG/BUSINESS	BURGB	1	0.04 %	0.03
BURG/IN PROG	BURGIP	1	0.04 %	0.03
BURG/RESD	BURGR	1	0.04 %	0.03
CARDIAC ARREST	CPR	1	0.04 %	0.03
DRUNK PERSON	IP	1	0.04 %	0.03
FAILURE TO PAY	FTP1	1	0.04 %	0.03
FRAUD	FRAUD	1	0.04 %	0.03
LASER	LASER	1	0.04 %	0.03
MENTALLY/EMOTIONAL	MIP1	1	0.04 %	0.03
OVERDOSE/POISONING	OD	1	0.04 %	0.03
PRISONER TRANS	PT	1	0.04 %	0.03

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2022-06-01 through 2022-06-30

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
RIP CURRENT WATER	WATERR	1	0.04 %	0.03
SEX OFFENSE	SO	1	0.04 %	0.03
SMOKE IN STR COMM/HIRISE	SMISCH	1	0.04 %	0.03
STOLEN TAG	TAGS	1	0.04 %	0.03
STOLEN VEHICLE	SV	1	0.04 %	0.03
TRAUMA NON EMERG	TRAU	1	0.04 %	0.03
VEH FIRE	VF	1	0.04 %	0.03
VESSEL FIRE	BOATF	1	0.04 %	0.03
WALK & TALK	WT	1	0.04 %	0.03
TOTAL CALLS:		2,846	100.00%	94.87

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

JUNE 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	1	0	2	1	0	1
HAZARDOUS CONDITIONS	0	1	0	20	4	2	17	4	0
VEHICLE FIRES	1	0	0	1	0	0	1	1	1
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	0	0	0	5	2	3	8	1	0
VEHICLE CRASHES W/ENGINE RESPONSE	1	0	0	3	1	1	5	2	2
SERVICE CALLS	16	0	0	89	5	2	151	13	2
FIRE ALARMS	32	0	0	101	2	1	89	2	0
CANCELLED EN ROUTE	2	2	1	22	11	13	30	12	17
TOTALS	52	3	1	242	25	24	302	35	23

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	4	3	19	27	34	43
HOTEL/MOTEL	1	1	21	13	23	18
ASSEMBLY	0	0	0	2	2	1
MERCANTILE	1	0	28	6	19	3
RESTAURANT	3	2	15	7	9	1
BUSINESS	8	0	55	7	56	6
OTHER	9	0	23	1	15	2
CONSTRUCTION	2	1	25	8	32	5
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	1	0	28	4	15	7
TOTALS	29	7	214	75	205	86

PLANS EXAMINATION HOURS: 1 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

JUNE 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	13	1	265	306	5	248	34	5
BLS CALLS	70	12	2	283	44	6	201	33	9
TOTALS	126	25	3	548	350	11	449	67	14



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 JUNE 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 serpentine belt	veh #159
Repair battery charging issues	veh #M-3
Replace wiper blades	veh #151
Replace wiper blades	veh #155
Replace front & rear brakes	veh #154
Replace front & rear brakes	veh #128



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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 June 2022

<i>Kathryn Gotz</i>	<i>6/3</i>	<i>Breath Test Operator Refresher DSC</i>
<i>Steven Faron John Pagano</i>	<i>6/6-7</i>	<i>De-Escalation Techniques DSC</i>
<i>Molly Billue Jacob Franklin Jack Ransom</i>	<i>6/6-8</i>	<i>DWI Detection & Standardized Field Sobriety Testing Groveland PD</i>
<i>Ray Kalmar</i>	<i>6/6-10</i>	<i>Vehicle Machinery Rescue Orlando</i>



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
JULY 26, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
COPIES TO: Kurt Swartzlander, City Manager
Cheri Schwab, City Clerk
FROM: John Cary, City Attorney
DATE: July 19, 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 July 12, 2022. Please advise if you have any questions, comments or concerns relative to these matters.

(1) *Christmas Parade*

Continued working with staff on the rules and application for the 2022 Christmas parade.

(2) *Fire Truck Ladder Warranty*

Spoke with staff and evaluated the warranty documents in light of the problems with the equipment and provided advice to staff.

(3) *Smoking in Parks*

Drafted resolution to accompany smoking ordinance on second reading in accordance with City Council direction.

(4) *Personnel Situation*

Drafted a letter for the City Manager and spoke with opposing counsel.

(5) Sign Code Ordinance

Reviewed a proposed ordinance to the sign code and provided legal advice to staff.

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: July 20, 2022

TO: City Council: Mayor Nancy Miller, Vice Mayor Mel Lindauer, Council Member Richard Bryan, Council Member Chris Conomos, and Council Member Michael Politis

FROM: Kurt D. Swartzlander, City Manager

SUBJECT: City Manager's Report – July 26, 2022

Treasure Island

Items removed since last City Council meeting: majority of debris, asphalt, planter curbing boxes, all electric components (except transformer which will be removed at a later date but is not required to be removed by agreement). Note: Western portion of the curb remains in place to prevent erosion and sidewalk damage.

Outstanding Items:

- Beach stairs (to be completed after turtle nesting season)
- Pool enclosure and pool cover – August 9th deadline
- Hydroseeding in recently cleared areas
- Few minor nonfunctional elements in transitional areas

Fencing:

- Required Fencing (Fraile/Armstrong and West A1A): Installed. Final inspection pending
- Non required Fencing (East A1A lots) : 70 percent installed

Peck Park Crosswalk

Staff has reached out to FDOT and have been told that it is being handled through their "Pushbutton" projects of which their work program just opened on June 1. Once a work order is issued the contractor will have 90 days to complete construction.



**CITY COUNCIL AGENDA MEMORANDUM
JULY 26, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Lory Irwin, Finance Director
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: Ordinance 2022-13 City of Daytona Beach Shores Procurement Policy

SYNOPSIS:

The City Council is having the question of amending the City Charter Section 7.08 - Bids, contracts, and expenditures on the November 2022 ballot to allow city purchasing to be governed by council-approved purchasing policies. Ordinance 2022-13 is a comprehensive procurement policy that would go into effect after the election if approved by council and the voters.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The City Charter governs specific bidding and purchasing procedures under Section 7.08. The City Council is having the question of city purchasing to be governed by council-approved purchasing policies put on the November 2022 ballot, question #4. Ordinance 2022-13 is a comprehensive procurement policy, if approved by council, would go into effect after the November 2022 election if passed by voters.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Adopt on second reading of Ordinance 2022-13.

SUGGESTED MOTION:

Motion to adopt Ordinance 2022-13 as written.

ATTACHMENT: 1. Ord 2022-13 Procurement

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, ESTABLISHING A PURCHASING POLICY FOR THE CITY; AMENDING THE *MUNICIPAL CODE OF ORDINANCE*, SECTION 2-9 HURRICANE EMERGENCY AND RENAMING SECTION 2-9 AS PROCUREMENT; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING CITY PROCUREMENT POLICIES; PROVIDING PROCESSES AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND CORRECTIONS OF SCRIVERNRE'S ERRORS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 287.001, Florida Statutes, recognizes the importance of fair and open competition as a basic tenant of public procurement; and

WHEREAS, the City Council of the City of Daytona Beach Shores desires to codify processes for the procurement of goods, supplies and other services; and

WHEREAS, the City Manager is the chief administrative officer of the city, responsible to the City Council for the administration of all city affairs placed in the City Manager's charge by or under the Charter; and

WHEREAS, the City of Daytona Beach Shores desires to amend the City of Daytona Beach Shores Code of Ordinances to establish policies for the procurement of equipment, services, materials, and supplies for the operation of municipal government.

WHEREAS, the City desires to enhance and further its goals as outlined herein and has determined that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the health, safety and welfare of the public.

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

WHEREAS, for purposes of this Ordinance, when text is being amended, strikethrough text

represents deletions from the current text of the Code of Ordinances of the City of Daytona Beach Shores while underlined text represents deletions.

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

SECTION ONE: LEGISLATIVE FINDINGS AND INTENT.

The City Council of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the recitals (whereas clauses), City staff report and City Council agenda memorandum relating to this Ordinance as the legislative and administrative findings and intent of the City Council.

SECTION TWO: AMENDMENT TO CHAPTER 2 ADMINISTRATION ARTICLE I. IN GENERAL HURRICANE EMERGENCY. Section 2-9(a)-(d)(3), *Code of Ordinances of the City of Daytona Beach Shores*, Florida is deleted in its entirety and replaced with the following:

Sec. 2-9. - ~~Hurricane emergency.~~ Procurement

~~(a) Definition. "Hurricane emergency" shall be defined as such weather conditions that result in the establishment of a tropical storm or hurricane watch by the National Weather Service for the City of Daytona Beach Shores and the County of Volusia.~~

~~(b) The city council hereby declares that a state of emergency shall become effective for all purposes when weather conditions constitute a hurricane emergency, subject to the issuance of a written declaration by the city manager.~~

~~(c) The city council hereby authorizes effective upon issuance of a written declaration of hurricane emergency the following:~~

- ~~(1) An amendment to the current fiscal year budget and an appropriation of funds in an amount not to exceed the unencumbered reserve account of the City of Daytona Beach Shores. Said funds shall be budgeted for the purchase of parts, supplies, materials and services, contracted or departmental, necessary to make emergency repairs to protect property or preserve the peace and to otherwise maintain the operations and services of the municipal government.~~
- ~~(2) The city manager shall be authorized to cancel regular or special council meetings with the concurrence of the mayor.~~
- ~~(3) The city manager shall be authorized to act consistent with the charter of the City of Daytona Beach Shores in any manner necessary to provide for the safety, protection and preservation of lives and property located within the City of Daytona Beach Shores.~~
- ~~(d) Throughout a declared hurricane emergency the following purchasing procedures shall apply:~~
- ~~(1) The city manager shall be empowered to secure any needed emergency parts, supplies, materials, or services, contracted or departmental, using the most efficient and effective procurement methods in each procurement as determined by the city manager.~~
- ~~(2) With the approval of the city manager, or finance director if so designated by the city manager, the head of any department may purchase any needed emergency parts, supplies, materials or services, contracted or departmental, using the most effective procurement methods in each procurement, as determined by the city manager or finance director. The head of the department shall provide to the finance director a requisition and a copy of the~~

~~delivery record together with a full written report of the circumstances which made the emergency purchases necessary.~~

~~(3) The city manager or finance director, if so designated by the city manager, may request another municipality to purchase for the city any needed emergency parts, supplies, materials or services, contracted or departmental, or the city may purchase from another municipality any needed emergency parts, supplies, materials or services, contracted or departmental, that the municipality has available.~~

Sec. 2-9 (a) In general.

The general purchasing policy of the City of Daytona Beach Shores is that the acquisition of all goods and services shall be conducted on the basis of full and open competition, to the greatest extent possible, with the contract award being made to:

- 1) The best value proposer under qualitative solicitations that involve pricing as a competitive selection factor.
- 2) The highest ranked technical proposer with whom a fair and reasonable price may subsequently be negotiated under solicitations that do not involve pricing as an initial competitive selection factor.
- 3) That all specifications or statements of work included in City purchasing actions accurately describe the essential needs of the city and contain no artificial or arbitrary requirements that limit competition.
- 4) That each purchasing action is conducted in accordance with the best interests of the City, and with the highest level of integrity and fairness to all involved parties throughout the procurement cycle.
- 5) That all City purchasing operations be conducted in compliance with federal, state, and local

laws, as applicable, and ensure the highest degree of ethical standards.

- 6) That transparency be sustained throughout the purchasing process.

Sec. 2-9 (b) Purchasing agent. The city manager is the purchasing agent for the city, with ultimate responsibility for all procurement, purchasing, and contracting functions. The city manager may delegate some or all purchasing authority, except the authority to make the final decision regarding administrative actions such as bid protests, to any city employee. The city manager shall have the authority to do as follows:

- (1) Serve as the chief procurement officer of the city.
- (2) Adopt operational procedures governing the internal function of procurement.
- (3) Purchase or contract for the purchase of commodities, services, or construction for the city.
- (4) Negotiate and recommend execution of contracts for the purchase of commodities, services, or construction.
- (5) Act to procure for the city the needed quality in commodities, services, or construction at best value.
- (6) Discourage uniform bidding and encourage full and open competition on all purchases.
- (7) Prepare revisions and amendments to the purchasing ordinances set forth herein, as necessary, and recommend such revisions and amendments to the city council.
- (8) Adopt policies and procedures governing the procurement, management, and control of commodities, services, and construction procured by the city.
- (9) Keep informed of current developments in the field of procurement, purchasing, prices, market conditions and new processes.

- (10) Prescribe and maintain such forms as may be reasonably necessary for procurement and other rules and regulations.
- (11) Establish and maintain programs for the inspection, testing, and acceptance of commodities, services, and construction purchased to ensure conformance with specifications.
- (12) Transfer surplus tangible personal property between city departments or facilities as needed.
- (13) Sell, trade, or otherwise dispose of surplus tangible personal property which has become unnecessary or unfit for the city's use.
- (14) Ensure compliance with this Code and other policies and procedures by reviewing and monitoring procurements conducted by any designee, department, or city employee.

Sec. 2-9 (c) Quotes and Formal Solicitations.

- (1) **Informal quotes (\$5,000.00 to \$30,000.00).** Except as provided in this policy, procurement of goods or services (including leases) with an estimated value greater than or equal to \$5,000.00 but less than or equal to \$30,000.00 require two or more written quotes in accordance with the procedures adopted by the City.
- (2) **Formal request (\$30,000.01 to \$50,000.00).** Except as otherwise provided in this policy, procurement of goods or services (including leases) with an estimated value greater than or equal to \$30,000.01 but less than or equal to \$50,000.00 require a formal request for quotes which shall be posted for a minimum of two weeks on the City's website in an attempt to obtain two or more written quotes. The requesting department shall submit the required specifications to the City Clerk.
- (3) **Request for formal sealed competitive solicitation (\$50,000.01 or greater).** Except as otherwise provided in this policy, procurement of goods or services (including leases) with an

estimated value greater than or equal to \$50,000.01 shall require a formal sealed competitive solicitation. Such solicitations may be in the form of an invitation to bid (ITB), request for proposal (RFP), request for statement of qualifications (RFSQ), request for information (RFI) or any other formal solicitation process.

- (4) Correction or withdrawal of inadvertently erroneous bids are permitted up to the time of bid opening. After bid opening, no changes in bid prices or other provisions are permitted.
- (5) Purchases may not be divided to avoid the monetary threshold for competitive solicitation.
- (6) The solicitation of competitive bids or proposals for professional services covered by the Consultants Competitive Negotiation Act (CCNA) shall be accomplished in accordance with the provisions of Florida Statutes.
- (7) The solicitation of competitive bids or proposals for any City construction project that is projected to cost more than \$200,000.00 shall be accomplished in accordance with the provisions of Florida Statutes.
- (8) The solicitation of competitive bids or proposals for City utility projects shall be accomplished in accordance with the provisions of Florida Statutes.

Sec. 2-9 (d) Grants. Grants may be used to procure goods and services.

- 1) All grant applications must be approved by the city manager prior to submission.
- 2) Matching grants must have matching funds budgeted for in year of grant award.

Sec. 2-9 (e) Waiver of irregularities. The city council grants the city manager the authority to waive any and all non-substantial or minor irregularities in any and all formal bids. Any waiver will be noted in any award recommendation to the council.

Sec. 2-9 (f). Integrity of the competitive solicitation process; no-contact period;

public records and meetings. From the time a competitive solicitation is posted until such time as the contract is awarded by the city or the solicitation is cancelled, all bidders, offerors, respondents, including their employees, representatives, and other individuals acting on their behalf, shall be prohibited from lobbying city officers, city employees, and evaluation committee members. Violation of this section may result in rejection/ disqualification from award of the contract arising out of the competitive solicitation. All questions regarding the competitive solicitation must be directed to the city manager or designee, who will respond in writing and post such response to ensure that all respondents receive the same information during the No - Contact Period. The penalty for violating the No - Contact Period may include suspension or debarment.

Sec. 2-9 (g). Authority to debar or suspend.

(1) Debarment or suspension. After reasonable notice to the vendor involved and reasonable opportunity for that vendor to be heard, the purchasing agent is authorized to debar or suspend a vendor for cause from further consideration for award of contracts with the city. The debarment or suspension shall not be for a period of more than three (3) years.

(2) The causes for debarment or suspension include one of the following:

a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.

b) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification, or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects responsibility as a city vendor.

c) Conviction under state or federal anti- trust statutes arising out of the submission of bids or proposals.

d) Violation of contract provisions, as set forth below, of a character which is regarded by the purchasing agent to be so serious as to justify debarment action:

i) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; and

ii) Recent failure to perform or unsatisfactory performance in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the vendor shall not be considered to be a basis for debarment.

e) Any other cause the purchasing agent determines to be so serious and compelling as to affect responsibility as a city vendor, including debarment or suspension by another governmental entity for any cause listed in this section.

Sec. 2-9 (h). Debarment procedures

- 1) The city manager shall issue a written decision to debar. The decision shall state the reasons for the action taken and inform the debarred vendor of the right to appeal to the city council. A copy of the decision of the city manager shall be mailed or furnished immediately to the debarred vendor and the city council.
- 2) A decision to debar shall be final and conclusive unless within ten days after receipt of the decision the debarred vendor files a written notice of appeal to the city council.
- 3) Upon a written notice of appeal to the city council, the city manager shall schedule a hearing before the city council as soon as reasonably possible, and shall provide written notice of the

date and time of the hearing to the debarred vendor. The debarred vendor shall have the opportunity to be heard by the city council.

- 4) The decision of the city manager shall be deemed final and conclusive if affirmed by the City Council by a majority vote of the members present.

Sec. 2-9 (i). Exemptions to quotes and formal solicitations

- (1) *Small purchases.* All purchases of goods or services under \$5,000.00.
- (2) *Emergency purchase.* An emergency exemption occurs when:
 - a) certain conditions might adversely affect the life, health, safety and welfare of City employees, or citizens of the City,
 - b) when City property or equipment are endangered,
 - c) when it is necessary to maintain or restore vital services, or
 - d) situations arise which may cause major financial impact to the City should immediate action not be taken.

In the case of an emergency, the City Manager, or designee may authorize certain imminent needs purchases. Those delegated the authority to implement emergency purchases are authorized to waive the bid process within their authority. A report listing all emergency purchases and the circumstances of the emergency shall be submitted to the City Council at the next Council meeting after the purchase and the termination of the emergency. It shall be the responsibility of all authorized personnel implementing this exemption to ensure such emergency purchase is accomplished in accordance with City policy and that emergency purchase procedures are invoked properly and not used solely to circumvent the regular established purchasing procedures.

- (3) *Piggybacking*. Piggybacking is a procedure of procuring goods or services without the formal solicitation process by means of utilizing another public entities' award of an invitation for bid or request for proposal. This procedure includes but is not limited to piggybacks of State contracts with the State of Florida, Department of Management Services, and Division of Purchasing, and Federal GSA contracts.
- (a) The City may forego the formal solicitation process by piggybacking. The award will be in accordance with all the terms and conditions, prices, time frames, and other criteria as included in the other public entities' invitation for bid or request for proposal. Additional options may be included in a procurement unless the total dollar value of the options is in excess of the City's bid limit. *Expired bids cannot be piggybacked.*
- (b) The City Manager, or his designee may make purchases/awards, utilizing other public bids, provided the contract being piggybacked is approved by City Council, if applicable, the amounts are within the City Council approved budget and the purchase is made in the best interests of the City. For amounts within the City Manager's approval authority, the City Manager must approve the piggyback or contract after review by the Finance Director. For amounts within the Department Head's approval authority, the Department Head must approve the piggyback or contract after review by the Finance Director.
- (4) *Sole source*. Sole source purchasing is when there is only one person or company that can provide the goods and/or services needed because of the specialized or unique characteristics of the goods and/or services.
- (a) The following criteria must be met in order to procure goods and services that are a sole source.
1. It is the only item that will produce the desired results (or fulfill the specific need) and,

2. The item is available from only one source of supply, or
 3. The item is available from more than one vendor, but due to other circumstances (such as exclusive sales territory by manufacturer, prohibitive delivery time and cost, etc.), only one vendor is suited to provide the goods or services.
- (b) Any purchase of goods and/or services with an estimated value greater than the limits set by Section 13 of this ordinance that is intended to be purchased from a sole source, must be electronically posted for at least fifteen business days, in accordance with Florida Statutes. The notice must include a request that potential vendors provide information regarding their ability to supply the goods and/or services described.
- (c) Purchases of goods and/or services from a sole source are exempt from competitive requirements upon written approval of the City Manager, or designee and other appropriate City personnel within their expenditure authority.
- (d) The request for sole source purchases shall set forth the purpose and need, an explanation why the item will exclusively produce the desired results (or fulfill the specific need) and the criteria. Compatibility to existing equipment shall be an acceptable justification for this exemption, provided the item is only available from a sole source of supply.
- (e) The requesting department and/or the buyer shall attempt to locate competition (alternate sources of supply).
- (f) The requesting department shall keep a log of sole source purchases, which includes the vendor's name, the amount, item description, justification, and the purchase order number, which shall be reported quarterly to the City Council.

- (g) The requesting department shall conduct negotiations, as appropriate, as to price, delivery, and terms.
- (5) *Cooperative purchasing.* The city manager may elect to purchase through or join with other governmental units in cooperative purchasing ventures when the best interest of the city would be served thereby, provided the same is in accordance with all applicable laws. If the city manager should elect to purchase through or join with other governmental agencies in cooperative purchasing ventures, all purchases in excess of \$50,000.00 would require council approval before the purchasing contracts are entered into.
- (6) *Direct Purchase.* Procurement of supplies or materials may be made without competitive selection where the supplies or materials are procured by the city as an owner direct purchase for incorporation into a public work as defined by applicable state law, and the contract for the project was previously awarded by the city and included the cost of the supplies or materials. In such event, the city will procure the supplies or materials in accordance with Florida Statutes and regulations related to owner direct purchases by governmental entities.
- a) The city council finds that an exception is warranted for the city manager's purchase order authority when it is necessary to purchase materials pursuant to the direct purchase sales tax savings of a public works construction project.
- b) The city manager shall have the authority to issue a purchase order for materials that will be incorporated into a public works project of the city, the purchase is pursuant to the owner direct purchase sales tax savings and the funds for the project, including the materials to be purchased, are included in the city's budget for the project.

- c) The city manager will report all purchase orders to the city council that are issued pursuant to this exception at the next council meeting.
- (7) *Special circumstances.* Under circumstances where, after competitive bidding, no bids meeting bid requirements are received, all bids are rejected for failure to meet bid requirements, or no bids are submitted the city council may re-solicit bids, solicit competitive proposals, or make the required purchase by any other legal means.
- (8) *Additional exemptions.* The purchase of the following goods and services is exempt from quotes and formal solicitations:
- (a) Water, sewer, gas, electrical and other utility services; telecommunication services including, but not limited to, cable television, telephone lines, internet connectivity, data and voice circuits, voice over internet protocol ("VOIP"), cellular/wireless phones, wide area network ("WAN") connectivity, pagers, and wireless adapters for cellular data ("air cards").
 - (b) Postage.
 - (c) Advertisements.
 - (d) Membership fees.
 - (e) Subscriptions.
 - (f) Any items covered under the City's travel policy.
 - (g) Software/technology maintenance and support renewal fees for existing software or technology licenses. (Does not include new purchases.)
 - (h) Goods and/or services provided by governmental entities.

- (9) Competition is favored even though this section may allow an exemption. Such exemptions shall be submitted as formal requests from the requesting department and include a detailed justification for the exemption. The city manager may establish procedures that support the competitive process regardless of the exemption status.

Sec. 2-9 (j) Single response to solicitation. If only one response is received for a solicitation, then an award may be made to such respondent pursuant to the following requirements:

The city manager will determine:

- (1) That the price and other terms as submitted are fair and reasonable
- (2) That other prospective respondents had a reasonable opportunity to respond; and
- (3) That the purchase is in the best interest of the city.

Sec. 2-9 (k) Contract Renewals. The city manager shall have the authority to exercise, in subsequent years, any renewal options initially included in the bid solicitation, provided they are approved by council at the initial award of the contract, and the terms and conditions as well as current market conditions are favorable for the city. Such renewals are subject to the availability of funds. This shall include all contracts executed by city council prior to adoption of this ordinance.

Sec. 2-9 (l). Alterations or modifications of contracts.

- (1). Where in the opinion of the department head it becomes necessary for the prosecution of any work or improvement under contract to make alterations or modifications in such contract, such alterations or modifications may only be affected as follows:

(a) *Unforeseen conditions allowance.* The city manager, or his designee as set forth in writing, shall have the authority to approve expenditures up to the total amount of the allowance for unforeseen conditions if established upon award of the contract.

(b) *Change orders by city manager authority.* The city manager, or his designee as set forth in writing, shall have the authority to approve change orders up to (10%) of the original contract amount or \$50,000.00 per occurrence if an allowance is not included in the contract, but not to go over his authority threshold. Any change order above the city manager's approval threshold must be approved by council.

(c) *Emergency event.* The city manager or his designee as set forth in writing, shall have the authority to approve and execute change orders that increase the contract price beyond the unforeseen conditions allowance only for an emergency event that occurs during the performance of the contract and requires immediate resolution to avoid one or more of the following:

- (i) Additional costs that were not reasonably anticipated;
- (ii) Delay to the project that increases costs; or
- (iii) Endangerment to the public.

Each change order issued because of an emergency event shall be brought to the city council for ratification at the next available meeting if the approval authority of the city manager has been exceeded or if the allowance has been exceeded.

(d) *Scope and time.* City council approval shall be required for changes in project time over thirty (30) days

(2) Except as expressly modified in a change order, all other terms and conditions of the modified contract shall remain in full force and effect.

Sec. 2-9 (m). Approval requirements

- (1) City Council approval shall be required for all contracts and bid awards, piggybacking awards, and sole source awards with an estimated value greater than \$50,000.00.

- (2) The City Manager or designee shall have approval authority as follows:
 - (a) Any purchases less than or equal to \$50,000.00; or
 - (b) Any purchases of capital items, goods, and services pursuant to contracts and bid awards, piggybacking awards, and sole source awards approved by City Council and/or as set out in the annual budget as adopted by the City Council.
- (3) Department heads or their designee shall have authority to approve purchases of capital items, goods, and services up to and including the amount approved by the City Manager, where such purchase does not exceed the item and/or department budget limit.
- (4) Emergency purchases shall be accomplished in accordance with section 3(b).

Sec. 2-9 (n) Performance and payment bonds.

- 1) A contractor or vendor may be required to provide a corporate surety bond from a surety company authorized to do business in Florida to guarantee the full and faithful performance of the contract obligations and the payment of labor and material expended pursuant to the contract whenever and in such amounts as are deemed necessary by the city manager. All such bonds shall be approved as to form by the city attorney.
- 2) The city council delegates to the city manager the authority to waive in whole or in part, the payment and performance bond requirements on city projects for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work, unless otherwise required by law, and when the cost of the work to be completed is estimated to be less than or equal to the City Manager's authority threshold.

Sec. 2-9 (o) Disposal of surplus property.

- 1) The city manager has authority to dispose of surplus city tangible personal property by trade, sealed bid, donation, or sale at public auction depending on the item, its value, or other factors

all as may be in accordance with law and City policy.

- 2) If the surplus property is determined to be only of scrap value or have no commercial value, the city manager is authorized to sell the surplus property as scrap if possible or dispose in any other manner.
- 3) The city manager may transfer surplus items to another department which has need of it.
- 4) City council approval is required prior to disposal of any real property. Council shall adopt an ordinance to convey or lease or authorize the conveyance or lease of any city real property. Council may authorize the city manager to dispose of the surplus real property by the method or methods deemed most advantageous, convenient, and economical.

Sec. 2-9(p) Bid Protest Procedures.

1. In any case where a bidder or interested bidder wishes to protest either the results of or intended disposition of any bid, the following action is required:

(a) The bidder or interested bidder must file a written notice with the City Clerk explaining in detail the nature of the protest and the grounds on which it is based. This notice must be received by the City Clerk no later than three (3) business days after the City's Notice of Intent to Award. At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed.

(b) The City Clerk shall respond in writing to the written protest in a timely manner, determine whether the protest is with or without merit, and revise the administrative decision or recommendation, if necessary.

2. In any case where a bidder, or interested bidder wishes to appeal the determination by the City Clerk, the following action is required:

(a) The bidder or interested bidder must file a written appeal to the City Manager explaining in detail the nature of the appeal and the grounds on which it is based. This notice must be received by

the City Manager no later than three (3) business days after the City Clerk's written response. At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed. Each written appeal must be accompanied by a bid protest appeal bond in the form of a certified check, cashier's check or money order made payable to the City of Daytona Beach Shores, in the amount not less than five percent (5%) of the lowest responsible bid and in an amount to secure any City damages or costs arising from the appeal, to be determined by the City Clerk.

(b) Upon timely receipt of the formal written protest and bid protest appeal bond, the City Manager shall respond in writing to the written appeal, determine whether the appeal is with or without merit, and revise the administrative decision or recommendation, if necessary.

3. In any case where a bidder, or interested bidder wishes to appeal the determination by the City Manager, the following action is required:

(a) The bidder or interested bidder must file a written appeal to City Council, addressed to the City Clerk, explaining in detail the nature of the appeal and the grounds on which it is based. This notice must be received by the City Clerk no later than three (3) business days after the date of the City Manager's written response. At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed.

(b) The City Clerk shall schedule the bid protest appeal to be heard at an upcoming City Council meeting and provide all relevant documents in the agenda package.

(c) The bidder or interested bidder must attend the scheduled City Council meeting. City staff and the bidder or interested bidder will be provided an opportunity to present evidence related to the bid protest appeal.

(d) At the scheduled City Council meeting, City Council will determine whether the appeal is with or without merit, and revise the administrative decision or recommendation, if necessary.

4. The bid bond protest bond shall be forfeited to the City if one of the following occurs:

(a) The bid protest appeal is determined to be without merit or non-valid by the City Manager and no further appeal is filed.

(b) The bid protest appeal is determined to be without merit or non-valid by the City Council, or

(c) The bidder or interested bidder who filed the appeal did not attend the scheduled City Council meeting.

Sec. 2-9 (q). Procurement by lease and multi-year procurements.

1) A procurement contract may be entered into for any period of time deemed to be in the best interest of the city unless otherwise prohibited by law. Threshold spending limits are based on the life of the contract (excluding extensions) not on the individual annual amounts.

2) Unless the city council expressly approves otherwise or the contract states otherwise, every contract for procurement of goods by lease will provide the city the right to terminate without cause on 90 or fewer days' notice or the right to terminate based on non-appropriation.

3) Unless the city council expressly approves otherwise or the contract states otherwise, every contract for a multi-year procurement will provide the city the right to terminate without cause on 90 or fewer days' notice, or the right to terminate based on non-appropriation; and will further provide that in the event of termination as described above the maximum reimbursement available to the contractor will be the reasonable value of goods and services delivered and accepted through the termination date.

Sec. 2-9 (r) Indefinite quantity contracts. The city council may award indefinite quantity contracts whenever it is impractical to determine in advance the precise quantities of goods or services needed. In approving an indefinite quantity contract, the city council may authorize the city manager to make expenditures up to a maximum stated amount or to expend such sums as may be budgeted and appropriated for purchase orders under the contract.

Sec. 2-9 (s). Conflicts of interest. No employee of the city shall contract with or for any business dealing with the city whereby he may derive income or benefits other than those provided as remuneration from the city for his employment except when the city council has made a prior determination that such dealings are in the best interest of the city.

Sec. 2-9 (t). Encumbrance of funds. Except in cases of emergency, the city manager shall not issue any order for delivery on a contract or purchase, unless there is to the credit of the department concerned a sufficient funds on deposit to defray the amount of such an order, or a budget amendment/transfer is in process for approval by the city council.

Sec. 2-9 (u). Appropriations lapse at end of year. All appropriations shall lapse at the end of the budget year to the extent they shall not have been expended.

SECTION THREE: Severability. If for any reason any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

SECTION FOUR: Codification. This Ordinance shall be incorporated into the City of Daytona Beach Shores Code. Any section, paragraph number, letter and/or any heading may be changed or modified by the code codifier as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alternations, and omissions not affecting the construction of meaning of this Ordinance or the City Code may be freely made.

SECTION FIVE: Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SIX: Effective Date. This Ordinance shall become effective upon passage of charter amendment and adoption by the City Council.

CITY OF DAYTONA BEACH, FLORIDA

NANCY MILLER, MAYOR

KURT D. SWARTZLANDER, 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.



**CITY COUNCIL AGENDA MEMORANDUM
JULY 26, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Kurt Swartzlander, City Manager
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: Ordinance 2022-12 Smoking Prohibition in City parks.

SYNOPSIS:

At the direction of the City Council the attached ordinance is being brought back for first reading and consideration

FISCAL IMPACT STATEMENT:

Not Applicable

BACKGROUND:

With recent legislative changes at the state level the city is now able to regulate smoking within city owned and controlled parks. This proposed ordinance is in response to those changes. If adopted upon second reading a city resolution will be needed to provide the list of locations and applicable fines.

LEGAL REVIEW:

Approved as to form and legality.

RECOMMENDATION:

Adopt second reading of Ordinance 2022-12

SUGGESTED MOTION:

Motion to adopt Ordinance 2022-12 as written.

ATTACHMENT: 1. Ord 2022-12 Smoking prohibition in parks and beaches

ORDINANCE 2022-12

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, ADOPTING NEW SECTIONS 16 AND 17, “SMOKING AT PARKS PROHIBITED EXCEPT FOR UNFILTERED CIGARS”, AND “SMOKING ON THE BEACH PROHIBITED EXCEPT FOR UNFILTERED CIGARS - TRIGGER BASED ON COUNTY ORDINANCE”, RESPECTIVELY, OF ARTICLE I, “IN GENERAL”, OF CHAPTER 16, “OFFENSES MISCELLANEOUS”, OF THE CODE OF ORDINANCES OF THE CITY OF DAYTONA BEACH SHORES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Section 386.209, *Florida Statutes*, (2022) permits the City of Daytona Beach Shores to adopt and enforce restrictions as to smoking within the boundaries of any public beaches and public parks that the city owns, except that the city may not further restrict the smoking of unfiltered cigars; and to further restrict smoking within the boundaries of public beaches and public parks that are within the city’s jurisdiction but are owned by Volusia County, unless such restriction conflicts with a county ordinance, except that the city may not further restrict the smoking of unfiltered cigars.

WHEREAS, Section 20-6 of the Volusia County Code currently “preempts all municipal regulation governing individual conduct on the beach and approaches; [and] all municipal regulation of general application that permits or prohibits individual conduct on the beach or approaches that is regulated by this chapter;” therefore, unless the preemption by Volusia County as to municipal regulation of smoking on the beach is amended to allow regulation by the city, the City of Daytona Beach Shores is unable to prohibit smoking on the beach in the city limits of Daytona Beach Shores; and

WHEREAS, the City Council of the City of Daytona Beach Shores desires to prohibit smoking on the beach in the city’s jurisdiction, so a portion of this ordinance has a “trigger” provision which would immediately prohibit smoking on the beach in the city limits if and when Volusia County amends its ordinances in a manner that would allow Daytona Beach Shores to prohibit smoking on its beach; and

WHEREAS, the City Council of the City of Daytona Beach Shores finds that the provisions of this ordinance are in the best interest of the citizens of and visitors to the City of Daytona Beach Shores, and that such restrictions are necessary for the health, safety and welfare of the citizens of and visitors to the City of Daytona Beach Shores.

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

SECTION ONE: The City Council of the City of Daytona Beach Shores hereby adopts a new Sec. 16, “Smoking at parks prohibited except for unfiltered cigars”, of Article I, “In General”, of Chapter 16, “Offenses Miscellaneous”, of the *Code of Ordinances of the City of Daytona Beach Shores* to read as follows:

CHAPTER 16. Offenses Miscellaneous

Article I. In General

Sec. 16, Smoking at parks prohibited except for unfiltered cigars

Pursuant to Florida Statutes, Sec. 386.209, smoking is prohibited and unlawful within the boundaries of any public park within the city. The city council shall adopt by resolution a complete listing of all public parks within the city that are subject to this provision. A violation of this provision may be enforced by citation by any law enforcement officer or by any code enforcement officer. Fines applicable to citations under this section shall be as set by resolution of the city council. In addition, the city may enforce this prohibition by any lawful means available to the City under the controlling provisions of State law and Section 1.8 of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.

Sec. 17, Smoking on beach prohibited except for unfiltered cigars – trigger provision

Pursuant to Florida Statutes, Sec. 386.209, smoking is prohibited and unlawful within the boundaries of any public beach within the city. The city council shall adopt by resolution a complete listing of all public beaches within the city that are subject to this provision. A violation of this provision may be enforced by citation by any law enforcement officer or by any code enforcement officer. Fines applicable to citations under this section shall be as set by resolution of the city council. In addition, the city may enforce this prohibition by any lawful means available to the City under the controlling provisions of State law and Section 1.8 of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*. This ordinance shall only become enforceable if and when Volusia County amends its ordinance(s) to eliminate the preemption that currently (at the time of the enactment of this section) prevents the city from prohibiting smoking, except for unfiltered cigars, on the beach in the city.

SECTION TWO: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or

other appropriate word; provided, however, that Sections Two, Three, Four, and Five shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

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

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

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

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, 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.



**CITY COUNCIL AGENDA MEMORANDUM
JULY 26, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, Community Services Director

PREPARED BY: Kurt Swartzlander, City Manager

SUBJECT: Resolution 2022-4 Setting a park list and fine amount for smoking prohibition in the Parks

SYNOPSIS:

As required under ordinance 2022-12 staff has crafted a resolution providing both a list of parks where smoking will be prohibited and the fine for violation of the policy.

FISCAL IMPACT STATEMENT:

N/A

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. RESOLUTION 2022-4 Smoking in Parks

RESOLUTION NO. 2022-4

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA LISTING THE PARKS SUBJECT TO THE “SMOKING AT PARKS PROHIBITED EXCEPT FOR UNFILTERED CIGARS” ORDINANCE; PROVIDING THE DESIGNATED FINE FOR VIOLATING SUCH ORDINANCE; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, PROVIDING FOR A SAVINGS PROVISION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Daytona Beach Shores City Council adopted Ordinance No. 2022-12 on July 26, 2022 (“the Ordinance”); and

WHEREAS, the Ordinance adopted a new Sec. 16, “Smoking at parks prohibited except for unfiltered cigars”, of Article I. “In General”, of Chapter 16, “Offenses Miscellaneous” of the Code of Ordinances of the City of Daytona Beach Shores; and

WHEREAS, the Ordinance provides that the city council shall adopt by resolution a complete listing of all public parks within the city that are subject to the provisions of the Ordinance; and

WHEREAS, the Ordinance provides that the city council shall adopt by resolution the fines applicable to violations of the Ordinance.

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

SECTION ONE. WHEREAS PROVISIONS ADOPTED. The City Council of the City of Daytona Beach Shores hereby adopts the above Whereas provisions as if they were an integral part of this Resolution.

SECTION TWO. PARKS SUBJECT TO ORDINANCE. The City Council hereby declares that the following public parks within the City of Daytona Beach Shores are subject to the Ordinance:

Andrinopoulos Park
Beachcomber Park
Larry Fornari Sr. Park
Veteran's Park
City Tennis Courts
McElroy Park (including pickleball courts)
Van Alder Dog Park
Court of Flags/Shores Pavillion

2849 S. Atlantic Avenue Park (north of St. Kitts Condo)

SECTION THREE. FINES. The City Council hereby declares that the fine for citations for violations of the Ordinance are set at \$100 per violation.

SECTION FOUR. PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS – SIGNS AND GRACE PERIOD. The City Council hereby directs the City Manager, or designee, to have installed appropriate signs placed in each of the Parks listed hereinabove notifying members of the public of the new prohibition. Only verbal or written warnings shall be given for violations of the Ordinance within the first thirty (30) days after the posting of signs. Thereafter, at the reasonable discretion of the enforcing officer, a citation may be issued with the fine as set forth hereinabove.

SECTION FOUR. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION FIVE. SEVERABILITY. If any Section or portions of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION SIX. EFFECTIVE DATE. This Resolution shall take effect August 1, 2022.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Mayor, Nancy Miller

ATTEST:

By: _____
Kurt Swartzlander, City Manager

By: _____
Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Gretchen R. H. “Becky” Vose, City Attorney

Passed and adopted on this 26th day of July, 2022.

Posted this ____ day of July, 2022.



CITY COUNCIL AGENDA MEMORANDUM JULY 26, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, Community Services Director

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Ordinance 2022-14: Amendment Of Monument Sign Regulations Regarding Nonconforming Freestanding Signs On Multifamily Residential Properties

SYNOPSIS:

Ordinance 2022-14, if adopted, would exempt nonconforming freestanding signs on multifamily residential properties from having to meet the prescribed nonconforming sign removal deadline of April 11, 2023. However, all new or reconstructed freestanding signs on multifamily residential properties are still required to be consistent with the existing monument sign regulations. There are currently a total of 17 nonconforming freestanding signs on multifamily residential properties that would be impacted positively by the adoption of this ordinance.

FISCAL IMPACT STATEMENT:

BACKGROUND:

In 2006 the citizens of Daytona Beach Shores voted to implement a \$30 million citywide underground utility and streetscape project. The goal of this project was to improve hurricane resiliency and beautify the city's streetscape for the betterment of city residents, businesses, and visitors. The project was completed in 2011. Shortly thereafter, to complement and enhance the project's goals and benefits, the Daytona Beach Shores City Council approved Ordinance 2012-02, which established monument sign standards. The also monument sign standards sought to reduce the negative safety impacts of visual clutter associated with tall and congested aerial signage. Finally, the law created a deadline of April 9, 2022 for property owners to remove or replace existing nonconforming pole signs with shorter freestanding monument signs. This deadline was recently extended by the City Council to April 11, 2023.

As is normal after the implementation of an ordinance, staff recently reviewed the sign regulations and their impact on the streetscape and built environment to determine if goals and objectives and original intent of the ordinance have been met. In doing so, staff determined the following:

1. Existing nonconforming multifamily residential freestanding signs make up twenty-seven percent of nonconforming freestanding signage.
2. Existing nonconforming multifamily residential freestanding signs fit into their surrounding built and natural environment and do not conflict with the city's streetscape.
3. Existing nonconforming multifamily residential freestanding signs do not pose a threat to the health, safety and welfare of the community.
4. Existing owners of nonconforming multifamily residential freestanding signs have not been beneficiaries of the Daytona Beach Shores Nonconforming Sign Removal Incentive Grant Program.

Consequently, staff is proposing the subject ordinance for City Council consideration.

LEGAL REVIEW:

RECOMMENDATION:

Planning Staff recommends approval as presented.

SUGGESTED MOTION:

A City Council Member may motion as follow:

1. "I move to approve Ordinance 2022-14 as presented."
- OR
2. "I move to approve Ordinance 2022-14 with the following amendment(s)..."
- OR
3. "I move to deny Ordinance 2022-14 on the basis of..."

- ATTACHMENT:**
1. Ord 2022-14-Monument Sign RMF Exemption-7-15-22
 2. NC Multifamily Residential Signs Exhibit

ORDINANCE 2022-14

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO FREESTANDING SIGNS; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 6 ENTITLED “SIGNS AND ADVERTISING,” BY EXEMPTING NONCONFORMING FREESTANDING SIGNS ON MULTIFAMILY RESIDENTIAL PROPERTIES FROM THE PRESCRIBED SIGN REMOVAL REQUIREMENT AND AMORTIZATION PERIOD; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Section 163.3202, *Florida Statutes*, provides that the City of Daytona Beach Shores shall adopt and enforce land development regulations for the purpose of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, existing nonconforming multifamily residential freestanding signs make up twenty-seven percent of nonconforming freestanding signage in the City of Daytona Beach Shores; and

WHEREAS, existing nonconforming multifamily residential freestanding signs fit into their surrounding built and natural environment within the City of Daytona Beach Shores; and

WHEREAS, existing nonconforming multifamily residential freestanding signs do not pose a threat to the health safety and welfare of the citizens of Daytona Beach Shores; and

WHEREAS, existing the owners of nonconforming multifamily residential freestanding signs have not been beneficiaries of the Daytona Beach Shores Nonconforming Sign Removal Incentive Grant Program; and

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

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

WHEREAS, the recitals to this Ordinance (whereas clauses) are adopted as the legislative findings and intent of the City Council of the City of Daytona Beach Shores; and

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

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

SECTION ONE: Section 6-7, *Land Development Code*, Chapter 6, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Removal of abandoned, deteriorated, and other nonconforming signs,” is amended to read as follows:

CHAPTER 6. - SIGNS AND ADVERTISING

Sec. 6-7. - Removal of abandoned, deteriorated, and other nonconforming signs.

5. Amortization Period for Nonconforming Ground and Pole Signs: All nonconforming ground, pole, or low profile signs shall be removed, modified, or altered to comply with this ordinance no later than one (1) year from the effective date of this ordinance. Notwithstanding the foregoing, the following signs lawfully located on the effective date of the ordinance from which this chapter derives at the following parcels shall not be subject to removal and amortization; provided, however, that the signs shall not be enlarged or altered in any way to increase their nonconformity: the Aku Tiki, the Sun Viking Lodge, multifamily residential properties and the Oceans PUD signs. Notwithstanding the aforementioned exempt signs, all new signage within the City shall comply with the sign standards established in this code.

Sec. 6-7.1. - Repairs, maintenance, and improvements of nonconforming signs.

Nonconforming Signs. Except for the exempt signs outlined in Sec. 6-7.1.5 of this code, repairs, ~~Repairs~~ and improvements of nonconforming signs are prohibited. Provided

however, ordinary maintenance and sign copy changes are allowed so long as the sign's nonconformity is not increased.

SECTION TWO: ENFORCEMENT AND PENALTIES.

(a). It is prohibited and unlawful for any person to fail to comply with the requirements of this Ordinance.

(b). The City may enforce the provisions of this Ordinance by any lawful means available to the City under the controlling provisions of State law and Section 1.8 of the *Code of Ordinances of the City of Daytona Beach Shores, Florida*.

(c). The penalties for violation of this Ordinance shall be as set forth in the code enforcement method asserted by the City under the *Code of Ordinances of the City of Daytona Beach Shores, Florida* or as may be available under the controlling provisions of State law.

SECTION THREE: SAVINGS. The prior actions of the City of Daytona Beach Shores relating to the regulation of the matters and uses which are the subject of this Ordinance are hereby ratified and affirmed.

SECTION FOUR: CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* and the Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Two, Three, Four, Five, Six, and Seven shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION FIVE: CONFLICTS. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

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

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

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, 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.

Nonconforming Multifamily Residential Freestanding Signs

Date: 7-15-22

ID	Business Name	Address	LDC Inconsistency
1	Ocean Vistas Condominium	1925 S. Atlantic Avenue	Dimension
2	Towers Grande Condominium	2055 S. Atlantic Avenue	Sign Type
3	Caribbean Condominium	2425 S. Atlantic Avenue	Dimension
4	Peninsula Condominium	2545 S. Atlantic Avenue	Sign Type
5	Sherwin Condominium	2555 S. Atlantic Avenue	Sign Type
6	Oceans Six Condominium	2967 S. Atlantic Avenue	Sign Type
7	DiMucci Twin Towers Condominium	3311/3313 S. Atlantic Ave.	Sign Type
8	Surfside Club Condominium	3601 S. Atlantic Avenue	Sign Type
9	Curran Shores South Condominium	3641 S. Atlantic Avenue	Sign Type
10	Royal Atlantic Condominium	3743 S. Atlantic Avenue	Sign Type
11	Colony Villas Condominium	3750 S. Atlantic Avenue	Sign Type
12	The Ashley Condominium	3757 S. Atlantic Avenue	Dimension
13	Sanibel Condominium	3799 S. Atlantic Avenue	Dimension
14	Captiva Condominium	3807 S. Atlantic Avenue	Dimension
15	Sea Fern Condominium	3807 S. Atlantic Avenue	Sign Type
16	Palmas de Mallorca Condominium	3811 S. Atlantic Avenue	Dimension
17	Kingston Condominium	3851 S. Atlantic Avenue	Dimension

Examples of Nonconforming Multifamily Residential Freestanding Sign
Date: 7-15-22

DIMENSIONAL INCONSISTENCY

Ocean Vistas Condo: 1925 S. Atlantic Ave.



SIGN TYPE INCONSISTENCY

Towers Grande: 2055 S. Atlantic Ave.



Peninsula Condo: 2545 S. Atlantic



Royal Atlantic Condo: 3743 S. Atlantic Ave.



Kingston Tower: 3851 S. Atlantic





**CITY COUNCIL AGENDA MEMORANDUM
JULY 26, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council
FROM: Lory Irwin, Finance Director
PREPARED BY: Lory Irwin, Finance Director
SUBJECT: Resolution 2022-5 Fiscal Year 2022-2023 Proposed Millage Rate

SYNOPSIS:

The City Charter requires the City Manager to submit a proposed budget to the City Council. A budget workshop allowed city staff and council to discuss the proposed Fiscal Year 2022-2023 proposed budget and to give staff direction on the operating budget and tentative property tax millage rate.

FISCAL IMPACT STATEMENT:

BACKGROUND:

The budget is based upon long-term financial trends that are regularly monitored, including consumer price indices for inflation on operating expenses and health insurance rates which impact the budget. The budget workshop discussed the tax rate incorporated in the proposed budget of 4.6389 which reflects a 6.01% decrease in tax rate from FY 2021-2022. With the increase in Daytona Beach Shores' property values certified by the Volusia County Property Appraiser the proposed tax rate is 4.51% above the rolled back rate.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of a proposed millage rate for fiscal year 2022-2023 based on the budget workshop discussion.

SUGGESTED MOTION:

Adopt Resolution 2022-5 as written or amended by Council discussion at budget workshop.

ATTACHMENT: 1. Resolution 2022-05 Proposed Budget

RESOLUTION 2022-05

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SETTING THE PROPOSED MILLAGE RATES FOR THE CITY FOR FISCAL YEAR 2022-2023; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Statutes, including Chapter 200.065(2)(e)1., provide that the City Council shall adopt a proposed millage rate, and;

WHEREAS, the Volusia County Property Appraiser has certified a rolled-back rate of \$4.4389 per \$1,000 of taxable value for the City of Daytona Beach Shores.

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

SECTION ONE: The millage rate for the current fiscal year 2021-2022 is \$4.9356 per \$1,000 of taxable value for the general operating budget.

SECTION TWO: There is hereby adopted a proposed millage rate of \$4.6389 per \$1,000 of taxable value for the general operating budget for the fiscal year 2022-2023. This proposed millage rate is 4.51% above the rolled-back rate of \$4.4389 mills.

SECTION THREE: The date and time of the Tentative Millage Rate hearing shall be Monday, September 12, 2022 at 6:00 pm in the Council Chambers located at 3000 Bellemead Drive, Daytona Beach Shores, Florida 32118 and shall be followed immediately by the Tentative Budget Hearing.

SECTION FOUR: This Resolution shall be effective immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FL

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

JOHN CARY, CITY ATTORNEY

Passed and Adopted on this _____ day of _____, 2022



**CITY COUNCIL AGENDA MEMORANDUM
JULY 26, 2022 AGENDA**

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, Community Services Director

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Regular Site Plan Application RSP 12022005 - Surf Style at Daytona Beach Shores,
2226 S. Atlantic Avenue

SYNOPSIS:

NOTE: This item will be continued due to some outstanding issues, which were anticipated to be addressed prior to issuance of this agenda. Due to prior advertising, the subject item is included on the agenda.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

Motion to continue RSP 12022005 to the August 23, 2022 City Council meeting.

ATTACHMENT: None



CITY COUNCIL AGENDA MEMORANDUM JULY 26, 2022 AGENDA

TO: Honorable Mayor and Members of the City Council

FROM: Stewart Cruz, Community Services Director

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Regular Site Plan RSP12021034: Villa Cardinal Townhomes, 3723 Cardinal Boulevard

SYNOPSIS:

On November 4, 2021, owner/applicant, KLDBS, LLC, submitted Regular Site Plan application RSP121021034 (**Exhibit A**), which, if approved, would permit the development of a 4-unit multifamily residential townhome complex located at 3723 Cardinal Boulevard, which is currently vacant.

FISCAL IMPACT STATEMENT:

BACKGROUND:

A. Background

Owner/applicant, KLDBS, LLC, is proposing to develop a 4-unit multifamily residential townhome complex located at 3723 Cardinal Boulevard, which is currently vacant. The units would be sold fee simple. Therefore, prior to the issuance of a certificate of occupancy, the applicant/owner will present a plat (subdivision) plan for City Council approval.

B. Staff Review

The proposed establishment would be located 3723 Cardinal Boulevard, which is in the RMF-2 Multifamily Residential (Medium Density) District on a 0.238 acre parcel. As seen in **Exhibit B** and **Exhibit C**, the proposed site plan meets all the city's Land Development Code zoning and landscaping requirements, respectively.

The City Engineer, Fire Division and Community Services Department have all reviewed and approved the proposed site plan. Therefore, the proposed development meets all the city's city engineering, public safety and public facilities concurrency requirements, including traffic, water, sewer and stormwater.

Finally, the development is consistent with the Daytona Beach Shores Comprehensive Plan.

C. Public Notice

Due public notice pursuant to Sec. 2-2 LDC has been provided by the applicant, evidence of such has been provided to the city.

D. Planning and Zoning Board

On July 18, 2022, the Daytona Beach Shores Planning and Zoning Board heard the application and unanimously recommended approval.

LEGAL REVIEW:

RECOMMENDATION:

Planning Staff recommends approval of RSP12021034 as presented.

SUGGESTED MOTION:

A City Council Member may motion as follows:

1. "I move to approve RSP12021034 as presented."

- ATTACHMENT:**
1. Exhibit A-Villa Cardinal-Site Plan Application
 2. Exhibit B-SITE DEVELOPMENT REVIEW-Villa Cardinal
 3. Exhibit C-LANDSCAPE AND IRRIGATION REVIEW-Villa Cardinal
 4. Villa Cardinal-Rendering 1-Cardinal Blvd View



City of Daytona Beach Shores

Building & Codes Division
Department of Community Services
Telephone: (386) 763-5377
Fax (386) 763-5370

SPR#: _____
FEE _____
Amt: _____
Reviewed By: _____
Date: _____

SITE PLAN REVIEW APPLICATION

12021034

RECEIVED

NOV 04 2021

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Project Name: CARDINAL TOWNHOMES

Project Location (Address): 3723 CARDINAL BLVD.

Parcel #/ #'s: 630205080110

236853

Property Owner's Name: KLDBS LLC
(If Applicant is not owner, attach authorization affidavit)

Applicant/Developer Name: KLDBS LLC

Mailing Address: 4017 ORIOLE AVENUE; PORT ORANGE, FL 32127

Phone: 386-527-5089

Fax: _____

Project Coordinator: NOEL BARNETT, PE

Mailing Address: 5048 POINTE EMERALD LANE; BOCA RATON, FL 33486

Phone: 561-465-5949

Fax: _____

APPLICATION TYPE:

- ☐ Conceptual Plan Review
☐ Administrative Site Plan Review (Projects must be 5000 sq. ft. GFA or Less)
☒ Regular Site Plan Review (Projects must be greater than 5000 sq. ft. GFA)
☐ Follow up review of previously submitted site plan/ and or amendments to site plan
☐ Site Plan Extension

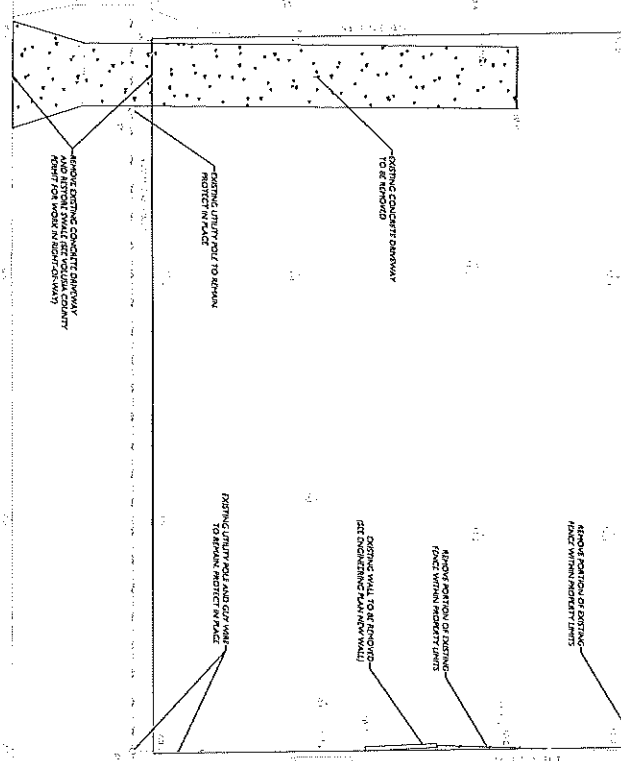
Proposed Use: MULTI-FAMILY RESIDENTIAL (4 TOWNHOUSE UNITS)

Property Size (Acres & Square Footage): 10,362 SF (0.238 AC)

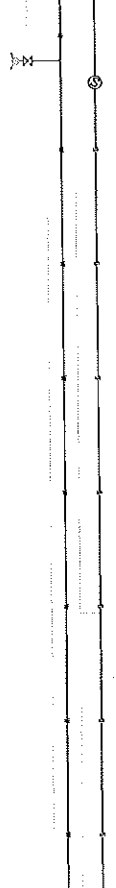
Proposed GFA (Gross Floor Area) of project: 10,434 SF

Submitted By: NOEL BARNETT, PE Date: 11/04/2021

No applications, drawings, etc. will be accepted until all application fees are paid.



CARDINAL BOULEVARD



REVISIONS		
REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

BARDEZ
 5048 POINTE EMERALD LANE; BOCA RATON, FL 33486
 (0) 561-465-5949 | (e) nbarnett@bardezco.com

PROJECT DESCRIPTION
VILLA CARDINAL
 ADDRESS: 3723 CARDINAL BOULEVARD
 DAYTONA BEACH SHORES
 PARCEL ID NUMBER: 619205080110
 PREPARED FOR: KLDOS, LLC

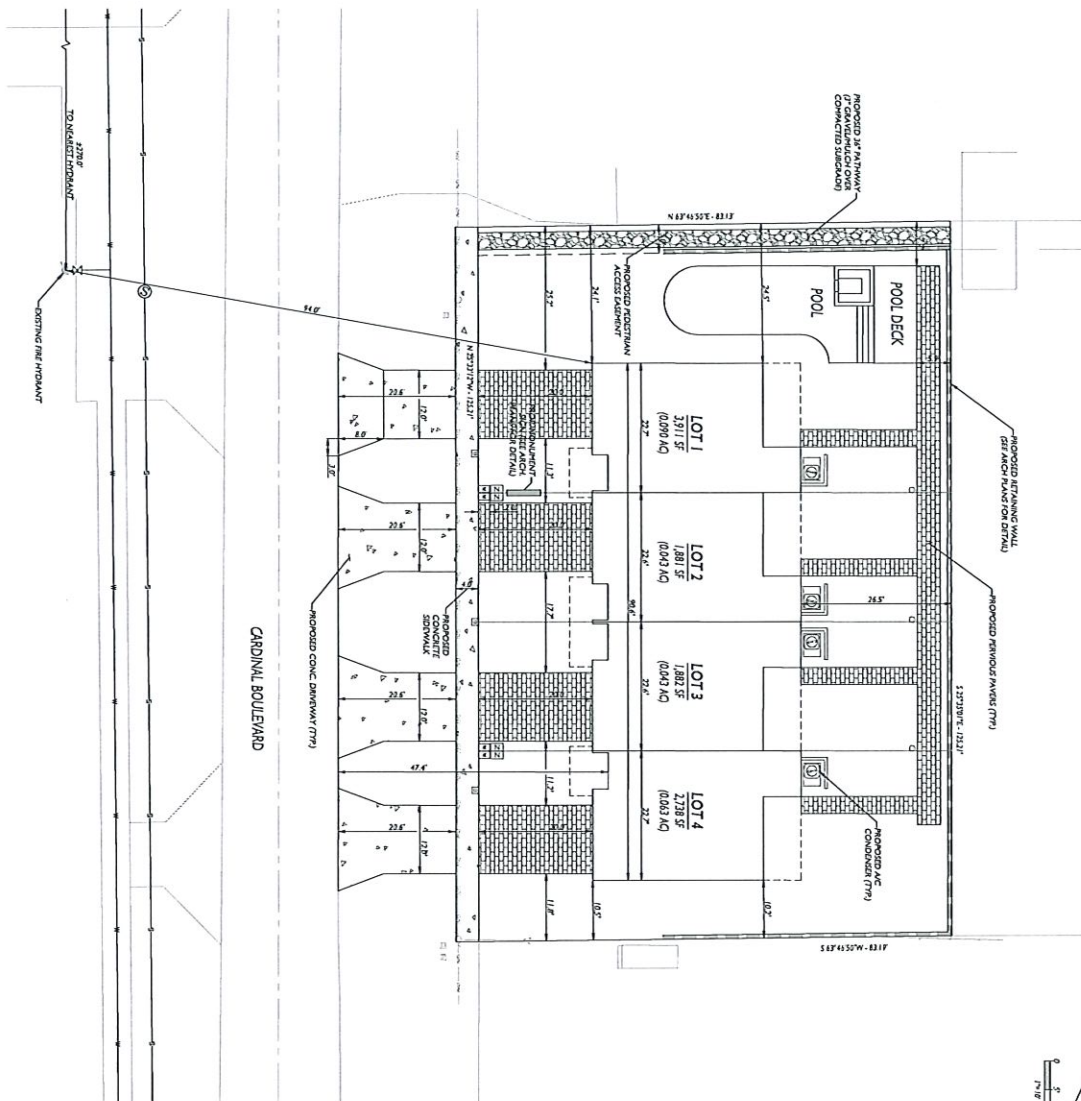
CERTIFICATION

CERTIFICATION
 I hereby certify that the information furnished on this sheet is true and correct to the best of my knowledge and belief, and that I am a duly Licensed Professional Engineer in the State of Florida.
 NOEL BARNETT
 PROFESSIONAL ENGINEER
 FL LICENSE NO. 7888
 EXPIRATION DATE 12/31/23

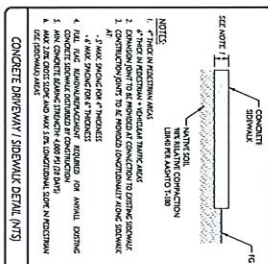
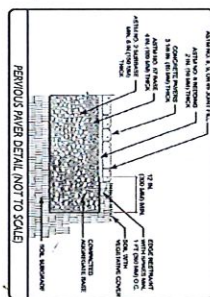
CERTIFICATION
 I hereby certify that the information furnished on this sheet is true and correct to the best of my knowledge and belief, and that I am a duly Licensed Professional Engineer in the State of Florida.
 NOEL BARNETT
 PROFESSIONAL ENGINEER
 FL LICENSE NO. 7888
 EXPIRATION DATE 12/31/23

SHEET TITLE
DEMOLITION
PLAN

SHEET ID
C-2.1



PROPERTY INFORMATION	
STATUS	1. AVAILABLE
OWNER	MR. OSCAR J. ARNETT
MAIL ADDRESS	1711 CAROLINA SQUARE DAYTON, OHIO 45421, U. S. A.
MAILING ID	4388888118
DESCRIPTION	CITY OF DAYTON, OHIO - INDUS.
PARTICULAR NO.	MP 718318A
CURRENT USE	VACANT
PROPOSED USE	RESIDENTIAL (1 TOWNHOUSE UNIT)
CHANGED	YES
PROPERTY AREA	0.41 (0.10) AC.
DEVELOP	YES
DEVELOP TYPE	1. 10000 SQ. FT. (10000 SQ. FT.)

[illegible]

REVISIONS		
REV	DATE	DESCRIPTION
1	-	-
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6	-	-
7	-	-
8	-	-
9	-	-
10	-	-

BARDEZ

5048 POINTE EMERALD LANE; BOCA RATON, FL 33486
(0) 561-465-5949 | (e) nbarnett@bardezco.com

PROJECT DESCRIPTION

VILLA CARDINAL

ADDRESS: 3723 CARDINAL BOULEYARD
DAYTONA BEACH SHORES
PARCEL ID NUMBER: 630205080110
PREPARED FOR: KLDOS, LLC

E-CERTIFICATION

Digitally signed by No Barnett, PE
Date: 2022.05.13 13:06:43

CERTIFICATION



NOEL BARNETT
PROFESSIONAL ENGINEER
P.L. LICENSE NO. 72006
FL. BUSINESS CA. NO. 32222

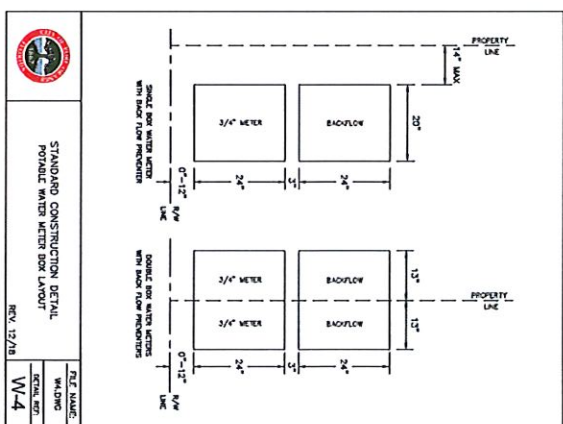
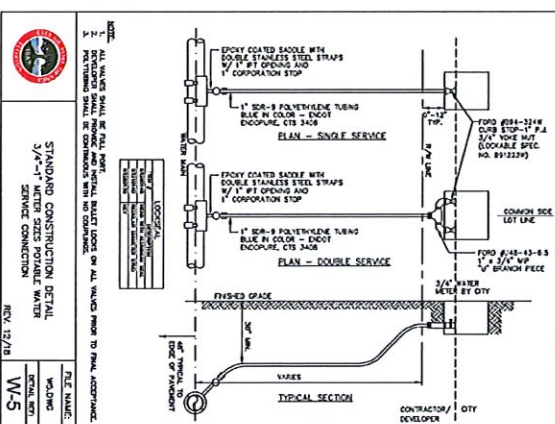
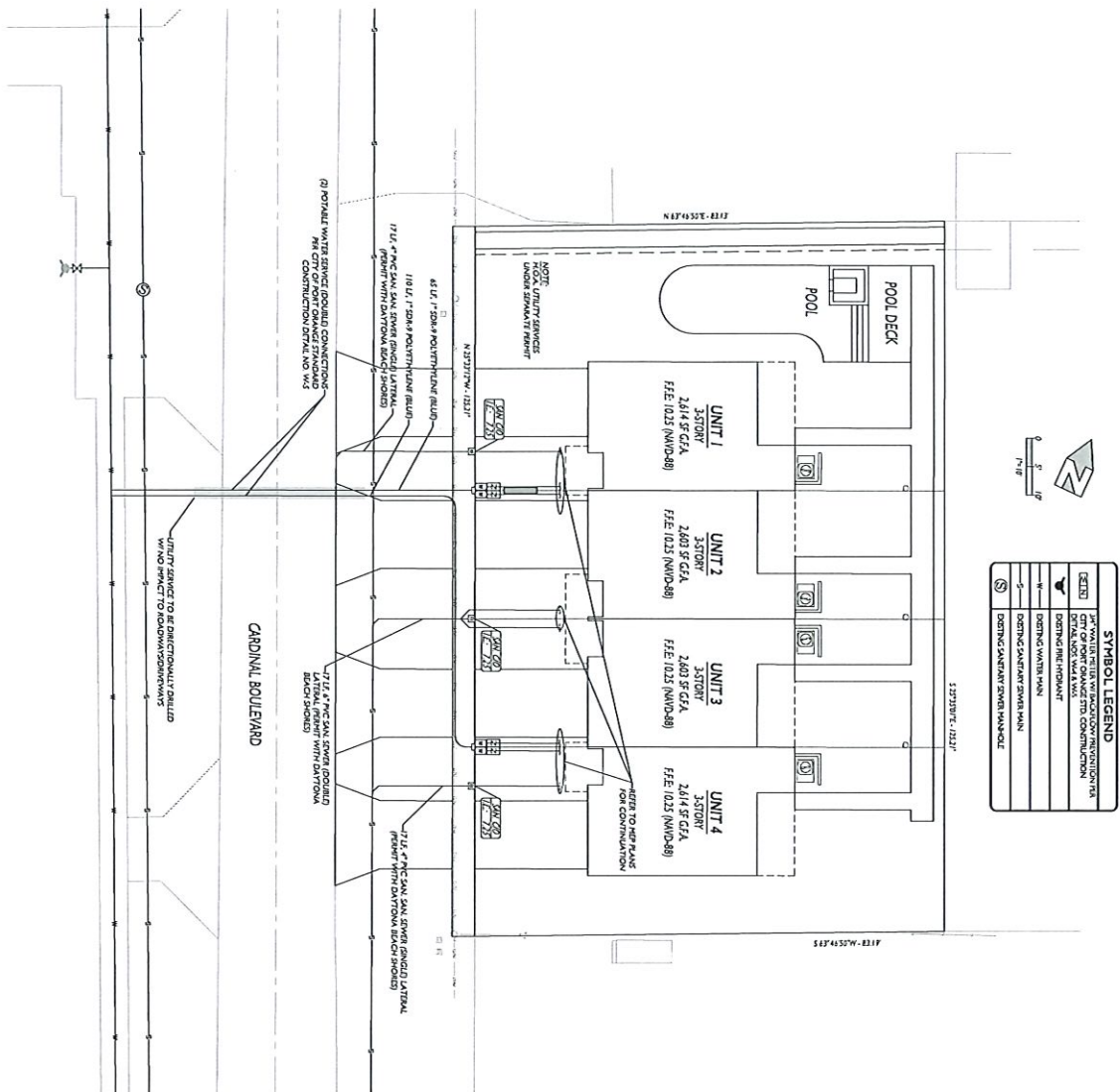
SITE PLAN

SHEET ID

C-3.0



Page 79 of 86



PROJECT DESCRIPTION
VILLA CARDINAL
ADDRESS: 3723 CARDINAL BOULEVARD
DAYTONA BEACH SHORES
PARCEL ID NUMBER: 630205080110
PREPARED FOR: KLOBS, LLC

BARDEZ
5048 POINTE EMERALD LANE; BOCA RATON, FL 33486
(561) 465-5949 | (e) nbarnett@bardezco.com

REVISIONS

REV	DATE	DESCRIPTION
1		
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CERTIFICATION
I, **NOEL BARNETT**,
Professional Engineer,
FL License No. 7884,
do hereby certify that I am the
author of the design and
construction of the above
project.

UTILITY PLAN
SHEET TITLE
C-5.0

DATE 12/18/2020
PROJECT VILLA CARDINAL
CLIENT KLOBS, LLC
DESIGNER NOEL BARNETT
CHECKER NOEL BARNETT
DATE 12/18/2020



SITE DEVELOPMENT PLAN REVIEW

Review Date: 07/11/2022 City Council Hearing Date: July 26, 2022

Name Of Project Villa Cardinal (Townhomes)
 Address & Parcel # 3723 Cardinal Boulevard, Daytona Beach Shores, FL
 PID: 6302-05-08-0110
 Owner: KLDBS, LLC
 Applicant: KLDBS, LLC
 Project Coordinator: Bardez, LLC – Noel Barnett, PE

	Status	Date
Statement of Ownership & Control	<u>OK</u>	<u>07/11/2022</u>
Proposed Address: <u>3723 Cardinal Boulevard</u>	<u>OK</u>	<u>07/11/2022</u>
Zoning Classification: <u>RMF-2</u>	<u>OK</u>	<u>07/11/2022</u>
FLU Classification: <u>Multifamily Residential (Medium Density)</u>	<u>OK</u>	<u>07/11/2022</u>
Use – Existing: <u>Vacant</u>	<u>OK</u>	<u>07/11/2022</u>
Proposed: <u>Multifamily Townhomes</u>	<u>OK</u>	<u>07/11/2022</u>
Subject to Development Agreement & Waivers (DA)	<u>NA</u>	<u>07/11/2022</u>
Subject to Variances/Special Exceptions	<u>NA</u>	<u>07/11/2022</u>
Lot Size and Area – <u>appx. 83'*125' / 0.239 acres</u>	<u>OK</u>	<u>07/11/2022</u>
Min. Width <u>NA</u> , Shown <u>83' feet</u>	<u>NA</u>	<u>07/11/2022</u>
Min. Sq. Ft. <u>9,696</u> , Shown <u>10,412</u>	<u>OK</u>	<u>07/11/2022</u>
Density – Based on Usable Land		
Units Per Acre Allowed <u>35</u> ,	<u>OK</u>	<u>07/11/2022</u>
Max # Units <u>4</u> , # Units Shown <u>4</u>	<u>OK</u>	<u>07/11/2022</u>
Building Setbacks – Direction		
Front: <u>West</u> Required <u>20 ft.</u> , Shown <u>20 ft.</u>	<u>OK</u>	<u>07/11/2022</u>
Side: <u>North</u> Required <u>10 ft.</u> , Shown <u>24.1 ft.</u>	<u>OK</u>	<u>07/11/2022</u>
Side: <u>South</u> Required <u>10 ft.</u> , Shown <u>10.2 ft.</u>	<u>OK</u>	<u>07/11/2022</u>
Rear: <u>East</u> Required <u>20 ft.</u> , Shown <u>20 ft.</u>	<u>OK</u>	<u>07/11/2022</u>
Underground Garage Setbacks – Direction		
Front: <u>East</u> Required <u>ft.</u> , Shown <u>ft.</u>	<u>NA</u>	<u>07/11/2022</u>
Side: <u>North</u> Required <u>ft.</u> , Shown <u>ft.</u>	<u>NA</u>	<u>07/11/2022</u>
Front: <u>West</u> Required <u>ft.</u> , Shown <u>ft.</u>	<u>NA</u>	<u>07/11/2022</u>
Side: <u>South</u> Required <u>ft.</u> , Shown <u>ft.</u>	<u>NA</u>	<u>07/11/2022</u>
Lot Coverage – Max <u>35%</u> , Shown <u>33.2%</u>	<u>OK</u>	<u>07/11/2022</u>
Landscape/Green Area – Min <u>NA%</u> , Shown <u>44.5%</u>	<u>OK</u>	<u>07/11/2022</u>
Open Space (PUDs only) – Min <u>__%</u> , Shown <u>__%</u>	<u>NA</u>	<u>07/11/2022</u>
Common Open Space (PUDs only)	<u>NA</u>	<u>07/11/2022</u>
Retail/Commercial (MXDs only) – Max <u>%</u> , Shown <u>%</u>	<u>NA</u>	<u>07/11/2022</u>

Building Height (Building El. ____ - Road El. ____')	OK	07/11/2022
Max <u>35</u> ft., Shown <u>34.6</u> ft.	NA	07/11/2022
Building Width – Max <u>ft.</u> , Shown <u>ft.</u>	NA	07/11/2022
Building Separation	NA	07/11/2022
Breezeway – Min <u>%</u> , Shown <u>%</u>	NA	07/11/2022
Landscaping Plan	OK	07/11/2022
Irrigation Plan	OK	07/11/2022
Sidewalks Provided	OK	07/11/2022
Public Beach Access Provided	NA	07/11/2022
Balcony Overhangs	NA	07/11/2022
Parking Spaces – Required <u>6</u> , Shown <u>8</u>	OK	07/11/2022
Parking Stalls – meet minimum dimensions?	OK	07/11/2022
Handicap Parking / Site Accessibility Access	OK	07/11/2022
Curb Cuts – Allowed <u>4</u> , Shown <u>4</u>	OK	07/11/2022
Visual Obstructions (corner lots only)	NA	07/11/2022
Profile of Garage Ramp with Degree of Slope Shown	NA	07/11/2022
Off Street Loading Spaces – Required <u>NA</u> , Shown <u>0</u>	NA	07/11/2022
Off Street Dumpster Loading	OK	07/11/2022
Elevations	OK	07/11/2022
Color Renderings Provided	NA	07/11/2022
Fences, Walls and Hedges	OK	07/11/2022
Accessory Structures	OK	07/11/2022
Location of Utilities	OK	07/11/2022
Location of Proposed Signs	OK	07/11/2022
Property Boundary Changes	NA	07/11/2022
Joint Driveway/Cross Access Agreements	NA	07/11/2022
Nonconformities formed on adjacent properties	NA	07/11/2022
Sea Turtle Lighting Requirement Letter Received	NA	07/11/2022
Location of Construction Parking for Duration of Project	OK	07/11/2022
Proposed Utility Easements Identified On Plan	NA	07/11/2022
Proposed Utility Easement Documents Received	NA	07/11/2022
Notice of Requisite Permit Applications Received	OK	07/11/2022
Reviewed and Approved by Fire Division	OK	07/11/2022
Potable Water Availability Letter Received	OK	07/11/2022
Sewer Treatment Capacity	OK	07/11/2022
Sewer Availability Confirmed by Concurrency Manager	OK	07/11/2022
Notice of Stormwater Maintenance Agreement	OK	07/11/2022
Beach and Dune Assessment Report Received	NA	07/11/2022
Stormwater Drawings Approved	OK	07/11/2022
School Concurrency	OK	07/11/2022
Transportation Impact Analysis/Study Submitted	OK	07/11/2022
De Minimis Impacts Recorded	OK	07/11/2022
Transportation Improvements Needed (PFShare)?	NA	07/11/2022
Concurrency Certification Received	OK	07/11/2022
Reviewed and Approved by Planning and Zoning Board	OK	07/18/2022

COMMENTS:

SITE DEVELOPMENT PLAN REVIEWED BY:

Stewart Cruz

Stewart Cruz, AICP 191244
Community Services Director

SITE DEVELOPMENT PLAN ACTION BY CITY COUNCIL

Check One Only.

Denial: ☐
Approval: ☐
Approval with conditions: ☐ _____
Other: ☐

Planning & Zoning Board Chair

Date

21LANDSCAPING AND IRRIGATION REVIEW

Date 7/11/2022

Planning and Zoning Board: July 18, 2022

Name Of Project Villa Cardinal (Townhomes)
Address & Parcel # 3723 Cardinal Boulevard, Daytona Beach Shores, FL
PID: 6302-05-08-0110
Owner: KLDBS, LLC
Applicant: KLDBS, LLC
Project Coordinator: Bardez, LLC – Noel Barnett, PE

	Status	Date
Drawings Show Site Location & North Arrow	<u>OK</u>	<u>07/11/2022</u>
Lot Size <u>appx. 83'*125'</u>	<u>OK</u>	<u>07/11/2022</u>
Land Area <u>10,412 s.f. or 0.239 acres</u>	<u>OK</u>	<u>07/11/2022</u>
Green Area – Min Req <u>0</u> %, Shown <u>44.5</u> %	<u>OK</u>	<u>07/11/2022</u>
Trees – Min Req <u>4</u> , # Shown <u>13</u>	<u>OK</u>	<u>07/11/2022</u>
Tree breakdown <u>8 palms, 11 non palms</u>		
Tree Mixture – Min Req <u>1</u> # Shown <u>3</u>	<u>OK</u>	<u>07/11/2022</u>
Specimen Trees – No <u>X</u> Yes <u> </u> Protected <u> </u>	<u>OK</u>	<u>07/11/2022</u>
Drawings Meet/Exceed City's Tree Ordinance	<u>OK</u>	<u>07/11/2022</u>
Parking Area Landscaping		
Alternative Landscaping: <u>NA</u>	<u>NA</u>	<u>07/11/2022</u>
Min Interior Req <u>NA</u> sf, Shown <u>NA</u>	<u>NA</u>	<u>07/11/2022</u>
Terminal/Interior Islands	<u>NA</u>	<u>07/11/2022</u>
Lot Perimeter Landscaping	<u>OK</u>	<u>07/11/2022</u>
Plants – Salt Tolerance Rating		
High <u>X</u> Moderate <u>X</u> Slight <u> </u>	<u>OK</u>	<u>07/11/2022</u>
Provisions For Irrigation	<u>OK</u>	<u>07/11/2022</u>

COMMENTS

LANDSCAPING/IRRIGATION PLAN REVIEWER

Stewart Cruz

Stewart Cruz, AICP 191244
Community Services Director

LANDSCAPING/IRRIGATION PLAN APPROVED BY PLANING & ZONING BOARD

With Modifications Indicated Without Modifications

Planning and Zoning Board Chair

Date

