



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COMMISSION MEETING MARCH 28, 2023

**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 Commission 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:**
 - A. Employee Service Awards
Wayne Delin Maintenance Worker III 20 years
Matt Thomas D.D. Building & Codes 15 years
- 6. APPROVAL OF MINUTES**
 - A. City Commission Minutes March 14, 2023
- 7. CONSENT AGENDA:**

- A. Public Safety February report
- B. Community Services Department Monthly Report - February 2023
- C. City Owned Public Beach Access: Granting of Temporary Access and Construction Easement To Volusia County For The Installation Of Temporary Armoring & Sand Placement

8. REPORTS OF THE CITY ATTORNEY:

9. REPORTS OF THE CITY MANAGER:

- A. CM Report 3-28-23

10. OLD BUSINESS:

11. NEW BUSINESS:

- A. Resolution 2023-07: Hurricane Damaged Permanent Seawall Reconstruction Building Permit Fee Waiver
- B. Ordinance 2023-01: Repeal of the Supplemental Economic or Tourism Development Incentive Program (AKA The ATR Program)

12. COUNCIL COMMENTS:

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

15. ADJOURNMENT:

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION 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 COMMISSION MEETING
March 14, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

Present: Commissioner Mel Lindauer, Mayor Nancy Miller, Vice Mayor Michael Politis, Commissioner Richard Bryan, Commissioner Chris Conomos

Staff: City Manager Kurt Swartzlander, City Attorney Becky Vose, Community Services Director Stewart Cruz, Finance Director Lory Irwin, Economic Development and Public Affairs Director Nancy Maddox, and Public Safety LT. Michael Schoenbrod.

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Proclamation for Finance Professionals Week

Mayor Miller read a Proclamation stating that the week of March 20th was Finance Professionals Week.

6. APPROVAL OF MINUTES

A. City Commission Minutes February 28, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER RICHARD BRYAN to Approve the City Commission Minutes of February 28, 2023.

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

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

7. CONSENT AGENDA:

- A. Approval to award Towing Services Bid
- B. Approval to award Public Safety Annex Building Roof Bid
- C. Acceptance of a \$130,000 grant from the Department of Environmental Protection Resilient Florida Program
- D. Approval of the East Central Florida Regional Planning Council (ECFRP) as a sole source vendor for the FDEP Resiliency Grant.
- E. Approval of Mutual Aid Agreement between Public Safety and FDLE regarding the Central Florida Child Abduction Response Team
- F. MOU with Volusia Sheriff regarding registration of Sexual Offenders/Predators

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to approve the consent agenda.

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

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

Audience Member Amanda Balboa spoke about the towing contract item. She passed out a document showing towing costs that included supplemental and administrative costs. She felt the amount submitted by Volusia County Towing was too high as the most a tow could cost was \$125 per occurrence.

8. REPORTS OF THE CITY ATTORNEY:

The City Attorney had nothing to report.

9. REPORTS OF THE CITY MANAGER:

- A. CM Report March 14,2023

City Manager Kurt Swartzlander reviewed his report to the commission. He asked LT. Michael Schoenbrod to provide an update on bike week statistics. Overall, the event was well attended with a slight increase in visitors this year. Community Services Director Stewart Cruz provided an update on seawall repair permits. There are 8 currently in the process of obtaining a city permit. After a brief discussion, there was a consensus by the commission to waive permit fees for seawall repair. It will be placed on the next agenda. It was discussed that the city would host an open house for the County of Volusia on Monday, March 20th to obtain easements from properties located on the east side of S. Atlantic Avenue that had damage.

10. QUASI-JUDICIAL HEARING

- A. Ordinance 2022-26: Rezoning application for recently annexed property located at 3615 Cardinal Boulevard

City Attorney Vose read the ordinance by title. Vice Mayor Politis swore in all witnesses for the hearing. City Planner Noel Eaton gave a brief presentation stating that this was a requirement for the newly annexed property. The ordinance would assign a city zoning classification to the property. All due public notice had been met.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER CHRIS CONOMOS to adopt Ordinance 2022-26 on second reading.

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

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

11. OLD BUSINESS:

- A. Ordinance 2022-25: Comprehensive Plan Future Land Use Map amendment for recently annexed single-family residential property located at 3615 Cardinal Boulevard

Attorney Vose read the ordinance by title. City Planner Noel Eaton gave a brief presentation to the commission. This ordinance would provide the land use designation for the recently annexed property. All due public notice requirements had been met.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER CHRIS CONOMOS to adopt Ordinance 2022-25 on second reading.

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

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

12. NEW BUSINESS:

- A. Resolution 2023-05 Elected Officials Travel Policy

Attorney Vose read the resolution by title. In 2012, a City Manager Policy was created for travel that includes elected officials' travel. It was decided that a resolution was the proper direction to address elected officials' travel. All planned travel will still be a part of the budget process. This is for any travel outside normal events.

COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to adopt Resolution 2023-05 on first reading.

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

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

B. Resolution 2023-06 Emergency Pay Policy

Attorney Vose read the resolution by title. It was explained that a City Manager Policy was in place for emergency pay that outlined when and who were paid during any emergency situation. This resolution would update that policy to ensure future reimbursement when possible through FEMA.

VICE MAYOR MICHAEL POLITIS moved, seconded by COMMISSIONER MEL LINDAUER to adopt Resolution 2023-06 on first reading.

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

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

C. Discussion to allow a stand alone restaurant on the east side of S. Atlantic Avenue

City Manager Kurt Swartzlander explained that this item was requested to be placed on the agenda at the last meeting. Staff looked into the restaurants (Landshark and Crabby's) on the east side of Atlantic Avenue in Daytona Beach and they are part of a larger planned development. Our current code states that no stand-alone restaurant could be built on the east side. It was researched why the previous council made that rule. The biggest reason is the tax revenue that would be generated between a condominium and a restaurant. Using our tax guidelines, the difference between a Landshark or the Aruba condominium is from \$34,000 to \$175,000. COMM Conomos inquired why that couldn't happen in our city. It was explained that it could, if the property were large enough. One potential property is where the previous Treasure Island Motel stood. The property could request a rezoning for the land use. Both the Mayor and the City Manager agreed that a hotel or condo with a restaurant was possible. It would just take a code amendment. In the past, most developers wanted to build what would produce the most revenue for them, which has been residential units.

D. Discussion on the Alternate Tax Relief (ATR) as a continuing incentive for Economic Development

Mayor Miller began the discussion stating that the commission was very interested in economic development and had several ways to entice new businesses. One item was a lease subsidy that has been working well. Another tool was the ATR, Alternate Tax Relief that would focus development on the east side of S. Atlantic Avenue. Currently, there are only a few prime properties left available and she felt a developer wouldn't need an incentive to

purchase it. She would like to sunset, or do away with this incentive. VM Politis stated that the city was not giving up income. Instead, the city gives up taxable revenue. He would like it kept to be used on a case-by-case basis. Mayor Miller asked the City Attorney if it was removed from the code, could the ATR be included in a Development Agreement, and the answer was yes. The remaining commission members were in agreement to remove it from the code and utilize it on a case by case basis inside a development agreement. An ordinance will be prepared for the next meeting.

13. COUNCIL COMMENTS:

The commission were very appreciative of Public Safety for maintaining a good presence during Bike Week. Mayor Miller reminded everyone that Coffee with the Mayor would be the next day. Guest speakers were staff from Volusia County. There is a free concert on March 31st. Commissioner Bryan would like a workshop to discuss seawalls. He felt that all properties should have temporary armoring or a cofferdam. The workshop would allow property owners to share information on the design and cost of seawalls and temporary measures. It would benefit them to work together and perhaps reduce price gouging. City Manager Swartzlander explained when the city hosted the earlier meeting, no one really knew how to get a permit, who to speak with or costs. Now, there are properties moving forward and people have experience in the permitting process. There are still a lot of people who have done nothing. He agreed, if neighbors could work together, the seawall they build would be stronger and could save them time and money. The commission provided consensus to move forward with a workshop.

14. AUDIENCE REMARKS/PUBLIC COMMENTS:

John Nissenzone felt the dog park had been going downhill. The grass is dead, it needs an irrigation system and more attention. Broken or used tennis balls need to be removed on a regular basis.

15. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

The ordinance to repeal ATR.

16. ADJOURNMENT:

The meeting ended at 7:17 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB



**CITY COMMISSION AGENDA MEMORANDUM
MARCH 28, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Joanne Sweeney, Admin Asst

SUBJECT: Public Safety February report

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. February



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 FEBRUARY 2023

	Feb-23	23/YTD	Feb-22	22/YTD
<i>Police Related Calls</i>	1,813	3,593	1,828	3,991
<i>Fire Related Calls</i>	69	132	27	63
<i>Rescue Related Calls</i>	45	100	100	218
<i>Fire Related Alarms Sounding</i>	18	35	10	124
<i>Traffic Citations</i>	132	301	153	307
<i>Written Warnings</i>	43	72	46	105
<i>Building Inspections</i>	65	115	52	96
<i>Arrests: Adults</i>	44	83	25	57
<i>Juveniles</i>	1	1	0	0
<i>City Ordinance Charges</i>	0	0	0	0
<i>Florida State Statute Charges</i>	73	138	37	98
<i>Accidents: Total</i>	6	14	13	29
<i>Street/Highway</i>	6	9	8	12
<i>Parking Lot</i>	0	5	5	17

Michael Fowler, Public Safety Director

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

FEBRUARY 2023 STATISTICS

FIRE CALLS	CURRENT MONTH			YEAR TO DATE			PRIOR YEAR		
ENGINE RESPONSE	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
STRUCTURE FIRES	0	0	0	0	0	1	1	0	1
HAZARDOUS CONDITIONS	5	0	0	7	0	1	7	2	1
VEHICLE FIRES	1	0	0	1	0	0	0	0	0
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	0	0	1	2	0	1	2	0	2
VEHICLE CRASHES W/ENGINE RESPONSE	1	0	0	3	0	0	2	0	0
SERVICE CALLS	37	8	1	77	8	2	25	4	1
FIRE ALARMS	17	1	0	34	1	0	22	1	1
CANCELLED EN ROUTE	10	2	3	18	2	8	9	3	3
TOTALS	71	11	5	142	11	13	68	10	9

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	5	5	11	4	6
HOTEL/MOTEL	5	3	11	7	8	6
ASSEMBLY	0	0	0	0	0	1
MERCANTILE	7	0	12	0	12	1
RESTAURANT	1	1	2	1	3	0
BUSINESS	5	7	15	8	12	1
OTHER	19	1	24	3	0	0
CONSTRUCTION	0	0	0	0	8	2
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	2	2	10	3	14	3
TOTALS	43	19	79	33	61	20

PLANS EXAMINATION HOURS: 0 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

FEBRUARY 2023 STATISTICS

EMS CALLS

CURRENT MONTH

YEAR TO DATE

PRIOR YEAR

	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ALS CALLS	25	0	0	61	0	0	103	12	0
BLS CALLS	16	3	1	60	2	3	90	12	1
TOTALS	41	3	1	121	2	3	193	24	1

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2023-02-01 through 2023-02-28

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
EXTRA PATROL	EP	372	20.52 %	13.25
MISCELLANEOUS LE CALL	MISC	308	16.99 %	11.00
TRAFFIC STOP	TS	259	14.29 %	9.25
PROPERTY CHECK	PRC	147	8.11 %	5.25
DIRECTED PATROL REQUEST	DPR	119	6.56 %	4.25
SUSP VEHICLE	SVEH	59	3.25 %	2.11
SUSP PERSON	SPER	49	2.70 %	1.75
TELEPHONE HANDLE	THC	32	1.77 %	1.14
SUSPECT STOP	SS	30	1.65 %	1.07
RADAR	RADAR	22	1.21 %	0.79
MEDICAL EMERGENCY	MED1	21	1.16 %	0.75
FIRE ALARM	ALARMF	20	1.10 %	0.71
SUSP INCIDENT	SINC	20	1.10 %	0.71
ZONE ACCOUNTABILITY PATR	ZAP	18	0.99 %	0.64
NARCOTICS	NARC	16	0.88 %	0.57
CIVIL COMPLAINT	CIVIL	14	0.77 %	0.50
WALKUP	WALKUP	13	0.72 %	0.46
RECKLESS DRIVER	RD	12	0.66 %	0.43
TRESPASSERS	TRES	12	0.66 %	0.43
SPECIAL DETAIL	SDL	11	0.61 %	0.39
WALK & TALK	WT	11	0.61 %	0.39
FALL- NON EMERGENCY	TRAU3	10	0.55 %	0.36
DISTURBANCE	DIST	9	0.50 %	0.32
WARRANT	WAR	9	0.50 %	0.32
WELL BEING CHECK	WBC	9	0.50 %	0.32
911 CK/OPEN LINE	911CK	8	0.44 %	0.29
ELEVATOR CALL	ELEV	8	0.44 %	0.29
FLAG DOWN	FLAG	8	0.44 %	0.29
FOUND PROPERTY	PROPF	8	0.44 %	0.29
NOISE	NOISE	8	0.44 %	0.29
BUSINESS ALARM	ALARMB	7	0.39 %	0.25
ESCORT	ESCORT	7	0.39 %	0.25
INVESTIGATION	INV	7	0.39 %	0.25
MVA	MV	7	0.39 %	0.25
TEST LE CALL	TEST	7	0.39 %	0.25
ASSAULT/BATTERY	ABAT	6	0.33 %	0.21
DRUNK PERSON	IP	6	0.33 %	0.21
MENTALLY ILL PER	MIP	6	0.33 %	0.21
TOWED VEHICLE	TOW	6	0.33 %	0.21
DOMESTIC DISTURBANCE	DV	5	0.28 %	0.18
DRUNK DRIVER	DUI	5	0.28 %	0.18
MEDICAL NON-EMERG	MED2	5	0.28 %	0.18
SCHOOL ZONE	SZ	5	0.28 %	0.18
STROKE / CVA	CVA	5	0.28 %	0.18
THEFT	THEFT	5	0.28 %	0.18
UNCONSCIOUS	UNC	5	0.28 %	0.18

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2023-02-01 through 2023-02-28

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
MVA W/ INJURIES	MVI	4	0.22 %	0.14
HAZARDOUS COND	HZM	3	0.17 %	0.11
INFORMATION GIVEN	INFO	3	0.17 %	0.11
JUVENILE	JUV	3	0.17 %	0.11
MEDICAL UNKNOWN	ALARMM	3	0.17 %	0.11
ROAD OBSTRUCTION	RDOB	3	0.17 %	0.11
WATER RESCUE	WATER	3	0.17 %	0.11
911 CK/OPN LINE/MED HAZ	911MED	2	0.11 %	0.07
ANIMAL COMPLAINT	AC	2	0.11 %	0.07
ASSIST AGENCY	ASSIST	2	0.11 %	0.07
BLS - MED/TRAUMA	BLS3	2	0.11 %	0.07
CARDIAC ARREST	CPR	2	0.11 %	0.07
CITY ORDINANCE VIOLATION	COV	2	0.11 %	0.07
CIVIL SERVICE	CIVILS	2	0.11 %	0.07
DANGEROUS COND FD	DCFD	2	0.11 %	0.07
DEAD PERSON	DEAD	2	0.11 %	0.07
DISABLED VEHICLE	DAV	2	0.11 %	0.07
FLEEING DRIVER	FLEE	2	0.11 %	0.07
LOST PROPERTY	PROPL	2	0.11 %	0.07
MISC FIRE SERVICE CALL	MISCF	2	0.11 %	0.07
ABANDONED VEH	AV	1	0.06 %	0.04
ATT TO CONTACT	ATC	1	0.06 %	0.04
BURG/IN PROG	BURGIP	1	0.06 %	0.04
BURGLARY	BURG	1	0.06 %	0.04
BURGLARY ALARM	ALARM	1	0.06 %	0.04
CARBREAK	CB	1	0.06 %	0.04
DROWNING	DROWN	1	0.06 %	0.04
FIGHT	FIGHT	1	0.06 %	0.04
FRAUD	FRAUD1	1	0.06 %	0.04
HARRASSING CALLS	HCALL	1	0.06 %	0.04
HIT&RUN MVA	MVHR	1	0.06 %	0.04
HOLD UP ALARM	ALARMH	1	0.06 %	0.04
ILLEGAL PARKING	PARK	1	0.06 %	0.04
MISSING PERSON	MP	1	0.06 %	0.04
NE ASST- FIRE REQ	LEO2	1	0.06 %	0.04
OPEN DOOR	OPD	1	0.06 %	0.04
REPOSSESSED VEH	REPO	1	0.06 %	0.04
SEXUAL OFFENDER	SXF	1	0.06 %	0.04
SHOPLIFTING	SHOP	1	0.06 %	0.04
SMOKE IN STR COMM/HIRISE	SMISCH	1	0.06 %	0.04
SMOKE IN STRUCTURE	SMIS	1	0.06 %	0.04
SOLICITORS	SOL	1	0.06 %	0.04
STOLEN TAG	TAGS	1	0.06 %	0.04
STOLEN VEHICLE	SV	1	0.06 %	0.04
SUSPICIOUS VEHICLE	SVEH1	1	0.06 %	0.04
TRAUMA CRITICAL	TRAUE	1	0.06 %	0.04

POLICE CALLS TOTALS BY TYPE

DB SHORES POLICE

DATES: 2023-02-01 through 2023-02-28

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
TRAUMA EMERGENCY	TRAU1	1	0.06 %	0.04
VEH FIRE	VF	1	0.06 %	0.04
WELL BEING CHECK MEDICAL	WBCF	1	0.06 %	0.04
TOTAL CALLS:		1,813	100.00%	64.75

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
Office of Director Michael Fowler
3050 S. Atlantic Ave.
Daytona Beach Shores, FL 32118
Office 386-763-5333

TRAINING SEMINARS ATTENDED

Month of February 2023

Molly Billue

2/23-24/23

*Advanced Roadside
Impaired Driving- Titusville*



Daytona Beach Shores Department of Public Safety
Office of Director Michael Fowler
3050 S. Atlantic Ave.
Daytona Beach Shores, FL 32118
Office 386-763-5333

MONTHLY REPORT FOR FEBRUARY 2023

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 fuel pump & air filter	veh # Honda Generator
Replace battery	veh # 144
Replace battery	veh # 148
Replace battery	veh # 164
Replace battery	veh # 158
Replace water pump & gasket	veh # 97
Replace pull start	Cement mixer



**CITY COMMISSION AGENDA MEMORANDUM
MARCH 28, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Community Services Department Monthly Report - February 2023

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT:

1. CSD Planning & Building Divisions Montly Report - February 2023
2. CSD Public Works & Sewer Divisions Montly Report -February 2023

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – February, 2023

Planning Division

Site Plans - Submittals and Approvals:

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

Building Division

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

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Sand & Surf Condo	2535 South Atlantic Avenue	2/1	Install and support East building structure	\$26,700.00	\$5.39
Godin Residence	2987 South Atlantic Avenue, Unit 506	2/1	Replace sliding glass door	\$13,040.00	\$146.20
Schromm Residence	3 Oceans West Boulevard, Unit 1C6	2/1	Replace 2 windows and 3 sliding glass doors	\$10,583.00	\$120.55
Sargovetz Residence	2 Oceans West Boulevard, Unit 1100	2/2	Install 3 roll down hurricane shutters	\$19,300.00	\$182.96
Lindquist Residence	2 Oceans West Boulevard, Unit 1102	2/2	Install 3 roll down hurricane shutters	\$14,000.00	\$146.20
Mayfield Residence	2 Oceans West Boulevard, Unit 501	2/2	Install 2 roll down hurricane shutters	\$16,800.00	\$166.82
Szymanski Residence	2 Oceans West Boulevard, Unit 301	2/2	Install 3 roll down hurricane shutters	\$18,500.00	\$177.58
Ford Residence	2 Oceans West Boulevard, Unit 2002	2/2	Install 3 roll down hurricane shutters	\$16,400.00	\$166.82
Arrilola Residence	3047 South Atlantic Avenue, Unit 1604	2/2	Remodel kitchen and bathrooms, cabinets, and tops	\$23,650.00	\$204.49
Patenuosto Property	219 Bonner Avenue	2/3	Install roof mounted solar panels on 4 units	\$85,719.00	\$556.79
Clary Residence	3703 South Atlantic Avenue, Unit 407	2/3	Change out cool split system	\$12,969.00	\$123.70

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Aku Tiki	2225 South Atlantic Avenue	2/6	Replace outlets and switches, add outlet	\$27,400.00	\$14.71
Ashley Condo	3757 South Atlantic Avenue	2/7	Seawall restoration and repair	\$199,500.00	\$25.27
Brumett Residence	3115 South Atlantic Avenue, Unit 602	2/7	Replace 2 sliding glass doors	\$12,994.00	\$137.65
Schubert Residence	3311 South Atlantic Avenue, Unit 1703	2/7	Install hurricane windows on 3 openings	\$12,050.00	\$137.65
Kile Residence	2545 South Atlantic Avenue, Unit 2201	2/7	Install hurricane shutters on 9 openings	\$36,328.00	\$277.94
Ramachandran Residence	2545 South Atlantic Avenue, Unit 1503	2/7	Install hurricane shutters on 6 openings	\$29,519.00	\$238.16
Sandpoint Condo	2615 South Atlantic Avenue	2/7	Remove and replace drywall and insulation	\$1,589,852.00	\$4,749.30
Floyd Residence	2954 Oceans Trace	2/7	Window replacement	\$34,266.00	\$266.53
Curran Shores South	3641 South Atlantic Avenue	2/8	TPO tear off roof system	\$235,000.00	\$1,176.19
L'Heureaux-Ferguson Residence	3013 South Atlantic Avenue, Unit 406	2/8	New kitchen cabinets, replace drywall, 2 vanities	\$29,000.00	\$232.62
Ruta Residence	3333 South Atlantic Avenue, Unit 2105	2/8	New kitchen cabinets, move sink and stove	\$29,500.00	\$238.16
Piontkowski Property	3618 South Atlantic Avenue	2/8	Re-roof existing building	\$31,150.00	\$6.08
Ocean Terrace Club	3800 South Atlantic Avenue	2/8	Repair concrete damage on walkways	\$302,770.00	\$1,447.95
Piontkowski Property	3618 South Atlantic Avenue	2/9	Replace drywall, new cabinets, doors, shower	\$142,480.00	\$19.71
Piontkowski Property	3618 South Atlantic Avenue	2/9	Update panels, repair damage	\$10,600.00	\$4.00
Nakhla Property	2560 South Atlantic Avenue	2/9	Remove ATM kiosk	\$21,400.00	\$482.73
Porcelli Residence	3333 South Atlantic Avenue, Unit 703	2/9	Replace 2 windows and 3 sliding glass doors	\$20,636.00	\$188.34
St. Croix Condo	3145 South Atlantic Avenue	2/9	Remove/replace 2 stairwell gravity hoods	\$10,257.00	\$110.50
Kemp-Baird Residence	2 Oceans West Boulevard, Unit 600	2/9	Remodel kitchen and master bathroom	\$45,000.00	\$323.64
Teelon Residence	3032 South Peninsula Drive	2/9	Install roof mounted solar panels	\$22,100.00	\$199.11
Spence Residence	3832 South Atlantic Avenue	2/10	Replace shingle roof	\$10,000.00	\$4.00
Pedersen Residence	3840 South Atlantic Avenue	2/10	Replace shingle roof	\$15,800.00	\$4.00
Danis Residence	2837 South Atlantic Avenue	2/10	Replace cement driveway with pavers	\$25,000.00	\$209.87
Oceans Eight Condo	2937 South Atlantic Avenue	2/10	MOD roof repair	\$68,500.00	\$460.02

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Kreken Residence	103 Florida Shores Boulevard	2/13	Replace 15 windows in 9 openings	\$29,355.00	\$238.12
Remax Realty	3340 South Atlantic Avenue	2/14	Re-roof mansard roof	\$13,250.00	\$146.20
7-Eleven	3210 South Atlantic Avenue	2/14	Replace exterior wall sheathing and brick	\$100,000.00	\$636.53
Beachside Coastal LLC	3150 South Atlantic Avenue	2/14	Re-roof shingle roofs, #14 and #15	\$10,000.00	\$112.00
Oceans Six Condo	2967 South Atlantic Avenue	2/14	Repair concrete landing and beach stairs	\$75,610.00	\$499.87
Oceans Six Condo	2967 South Atlantic Avenue	2/14	Repair damage on balcony, walkways, and parking deck	\$913,110.00	\$3,190.04
Sutphin Residence	1925 South Atlantic Avenue, Unit 807	2/15	Change out 4 ton straight cool split system	\$10,706.00	\$110.50
Pirates Cove	3501 South Atlantic Avenue	2/15	Concrete repairs	\$60,000.00	\$426.98
Mulvaney Residence	124 Seaway Avenue	2/15	Remodel bathroom and laundry room	\$28,000.00	\$226.94
Cannon Residence	2847 South Atlantic Avenue	2/15	Construct new single family residence	\$700,000.00	\$2,696.78
Staton Residence	2987 South Atlantic Avenue, Unit 902	2/15	Replace 3 windows and 2 sliding glass doors	\$14,700.00	\$154.75
Sergieivitch Residence	2625 South Atlantic Avenue, Unit 7NW	2/15	Replace cabinets and vanities	\$37,100.00	\$283.55
El Caribe Resort	2125 South Atlantic Avenue	2/15	Install fully adhered TPO roof	\$105,000.00	\$16.01
Beach Haven Inn	2115 South Atlantic Avenue	2/15	Install fully adhered TPO roof and metal panels	\$105,000.00	\$16.01
Robacker Residence	2 Oceans West Boulevard, Unit 904	2/15	Install 3 roll down hurricane shutters	\$14,600.00	\$154.75
Perona Residence	2 Oceans West Boulevard, Unit 1008	2/15	Install 1 roll down hurricane shutter	\$15,800.00	\$161.50
Allport Residence	2 Oceans West Boulevard, Unit 2007	2/15	Install 3 roll down hurricane shutters	\$15,901.00	\$161.50
Robinson Residence	2 Oceans West Boulevard, Unit 208	2/15	Install 2 roll down hurricane shutters	\$14,300.00	\$154.75
Nunan Residence	2 Oceans West Boulevard, Unit 205	2/15	Install hurricane shutters	\$10,300.00	\$120.55
Yu Residence	2 Oceans West Boulevard, Unit 1607	2/15	Install 3 roll down hurricane shutters	\$13,444.00	\$146.20
King Residence	2 Oceans West Boulevard, Unit 1704	2/15	Install 3 roll down hurricane shutters	\$14,300.00	\$154.75
Fittipaldi Residence	2 Oceans West Boulevard, Unit 1101	2/15	Install 3 roll down hurricane shutters	\$16,500.00	\$166.82
Chapman Residence	4 Oceans West Boulevard, Unit 202C	2/16	Convert tub to walk in shower	\$30,195.00	\$243.76
Kennedy Residence	3746 Cardinal Boulevard	2/17	Re-roof 22 square foot shingle roof	\$10,900.00	\$120.55
Wharton Residence	3145 South Atlantic Avenue, Unit 1202	2/17	Kitchen remodel, remove wall, new cabinets and tops	\$122,000.00	\$724.47
Baranski Residence	3757 South Daytona Avenue, Unit 802	2/17	Remodel kitchen, laundry room, and bathroom	\$23,500.00	\$204.49

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Hawaiian Inn	2301 South Atlantic Avenue	2/17	Construct and install new seawall	\$1,500,000.00	\$4,541.78
Daytona Diner	2043 South Atlantic Avenue	2/17	Install monument sign	\$26,000.00	\$69.55
Ocean Blue 21 LLC	138 Botefuhr Avenue	2/20	Stucco exterior of building including lath	\$27,00.00	\$221.25
Garrison Residence	2947 South Atlantic Avenue, Unit 501	2/20	Remodel kitchen and bathrooms, new cabinets	\$45,000.00	\$323.64
Gibbs Residence	3112 South Atlantic Avenue	2/21	Replace all kitchen and bathroom cabinets	\$200,000.00	\$1,036.28
Gibbs Residence	3112 South Atlantic Avenue	2/21	Install new panels, outlets, switches, and lighting	\$35,000.00	\$49.50
Gibbs Residence	3112 South Atlantic Avenue	2/21	Install 3 mini split systems and exhaust fan	\$15,000.00	\$136.90
Gibbs Residence	3112 South Atlantic Avenue	2/21	Install new toilets, faucets, and valves	\$13,250.00	\$47.50
Royal Atlantic Condo	3743 South Atlantic Avenue	2/22	Concrete restoration and waterproofing	\$288,325.00	\$1,391.86
DLV 2003 LLC	1925 South Atlantic Avenue, Unit 1107	2/22	Change out split system	\$10,295.00	\$110.50
Hampton Venture Investments	3115 South Atlantic Avenue, Unit 302	2/22	Replace 2 sliding glass doors	\$12,994.00	\$137.65
Top of Daytona	2625 South Atlantic Avenue	2/23	Replace 2 package units	\$84,307.00	\$628.01
Daytona Diner	2043 South Atlantic Avenue	2/24	Replace acoustic ceiling tiles	\$15,000.00	\$154.75
Sea Fern Condo	3807 South Atlantic Avenue	2/24	Replace flat roof	\$60,000.00	\$408.98
Beach Safety and Coastal Operations	118 Dunlawton Boulevard	2/24	Install fully adhered TPO roof system	\$32,000.00	\$249.69
Kellando Management	2245 South Atlantic Avenue	2/24	Re-roof on shingles	\$48,000.00	\$340.71
Pirates Cove	3501 South Atlantic Avenue	2/24	Asphalt patch & overlay, seal coat and stripe parking lot	\$22,050.00	\$199.11
Ocean Villas	3703 South Atlantic Avenue	2/27	Re-install brick pavers, repair landscape	\$80,000.00	\$522.75
Bell Residence	2967 South Atlantic Avenue, Unit 1604	2/28	Remodel bathroom, replace shower, tub, and vanity	\$33,000.00	\$255.38
Surf Style	2226 South Atlantic Avenue	2/28	Install small retaining wall	\$22,900.00	\$199.11
Hyatt Place	3161 South Atlantic Avenue	2/28	Remove damaged seawall and pool shell	\$60,000.00	\$408.98
Sandpoint Condo	2615 South Atlantic Avenue	2/28	Install shoring at East elevation balconies	\$203,353.00	1,052.07
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$8,663,908.00	\$36,835.05

Building Division Revenue by Permit Category:

PERMIT TYPE	FEBRUARY 2023	FISCAL YEAR-TO- DATE 2022 TO 2023	FEBRUARY 2022	LAST FISCAL YEAR-TO- DATE 2021 TO 2022
BUILDING	\$36,554.56	\$85,991.93	\$8,385.55	\$53,577.21
ROOF	\$3,429.39	\$8,588.11	\$1,500.01	\$4,058.93
DEMOLITION	\$0.00	\$221.40	\$0.00	\$69.25
ELECTRICAL	\$2,639.71	\$11,068.47	\$1,666.20	\$9,421.08
MECHANICAL	\$3,277.21	\$12,357.18	\$3,305.23	\$13,326.31
PLUMBING	\$2,018.39	\$10,986.28	\$3,063.94	\$13,691.86
SIGN	\$69.25	\$1,271.66	\$123.75	\$1,287.06
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$0.00	\$0.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$163.25	\$598.25	\$49.00	\$375.50
DEVELOPMENT FEES	\$1,485.00	\$3,044.02	\$25.00	\$11,084.00
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$49,636.76	\$134,127.30	\$18,118.68	\$106,891.20

Building Division Activities:

ACTIVITY	FEBRUARY 2-23	FISCAL YEAR-TO- DATE 2022 TO 2023	FEBRUARY 2022	LAST FISCAL YEAR-TO- DATE 2021 TO 2022
INSPECTIONS	272	1,201	241	1,352
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	1	0	0
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
FINAL INSPECTIONS	179	752	153	833
FAILED INSPECTIONS	17	68	17	77

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

Projects Begun Current Fiscal Year-to-Date – 2022 to Present: \$26,320,634.00

Projects Begun Last Fiscal Year – 2021 to 2022: \$34,841,244.00

Projects Begun Two Fiscal Years Ago – 2020 to 2021: \$64,300,811.00

MONTHLY REPORT - FEBRUARY 2023

Public Works, Sewer & Facilities Divisions

FACILITIES MAINTENANCE DIVISION:

Currently two full time positions.

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:

- City Hall: Replaced exterior payment drop box
- Public Safety: Continued work on fenced in compound, replaced a door closer, worked on broken jail door, started repainting two offices
- Community Center: Initiated planning for concrete balcony repairs and installed no dog signs

PARKS / STREETS DIVISION:

This division typically has eleven maintenance positions, one electrician position and one position that routinely assists the electrician.

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:

- Replaced pickleball nets on court 5 & 6
- Changed out plants at Beachcomber Park
- Poured two bench pads at the new Veterans Park location
- Set up and break down of the community appreciation cook out
- Set up and break down for food truck event
- Remove & partially remove storm damaged beach walkovers at a two locations
- Painting at PS building

Electrician:

- 33 Electrical locates
- Continued work repairing damaged decorative poles
- Continued changing decorative lights to LED
- Removed wiring to sidewalk lights being taken out at construction area
- Fixed bollard lights around public safety

SEWER DIVISION:

Currently three positions. This division is still short one employee.

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.

Additionally, this month:

- Sewer line locates – 42
- 15 manhole inspections
- Gas sampler installed at Master Station
- Met with Port Orange on water flow meter install
- Change out high level light at station 1
- Fixed service box at 105 Ogden Blvd.
- Fixed leaking pipe at station 13
- Fixed high pressure hose fitting on the Vactron
- Remove broken hatch and replaced at station 3
- Changed out dialer at station 6



**CITY COMMISSION AGENDA MEMORANDUM
MARCH 28, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: City Owned Public Beach Access: Granting of Temporary Access and Construction Easement To Volusia County For The Installation Of Temporary Armoring & Sand Placement

SYNOPSIS:

Eight (8) of the 14 city-owned public beach access locations incurred seawall and other upland damage as a result of the recent 2022 hurricanes Ian and Nicole. Due to the lead time involved in repairing these seawalls, staff is proposing the City Commission approve the attached "Temporary Access and Construction Easement," which would allow Volusia County access to install temporary armoring (trap bags) and place sand in front of the damaged public beach access seawalls to offer minimum protection during the hurricane season. The easement duration for sand placement will terminate automatically in five (5) years, while the easement duration for the temporary armoring will terminate immediately once the temporary armoring has been vested to the City.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

Approval of agreement and authorization of City Manager to execute the subject agreements.

SUGGESTED MOTION:

ATTACHMENT: 1. VC Temporary Access & Construction Easement

TEMPORARY ACCESS AND CONSTRUCTION EASEMENT

This Temporary Easement is made and (hereafter, the "Easement") entered into this _____ day of _____, 20____ by and between the **County of Volusia**, a political subdivision of the State of Florida whose principal address is 123 W. Indiana Ave., DeLand, FL 32720, (hereafter, the "County") and _____, the owner(s) of certain real property (hereafter, the "Grantor") located at _____, _____, Florida, with a parcel identification number of _____ (hereafter, the "Property").

1. GRANT OF TEMPORARY EASEMENT FOR TEMPORARY ARMORING. The Grantor hereby grants a right of access for the benefit of County, their employees, agents, successors and assigns, over, under, upon and across the described area seaward of the toe of the existing escarpment as of execution of this Easement to the eastern most limit of the Property (or a lesser amount as necessary) as set forth in Exhibit A attached hereto, for use by the County, its representatives, agents, or contractors to access and install sand containment erosion control devices (hereafter, the "Temporary Armoring"). As may be needed to perform the installation of the Temporary Armoring, the County shall also have the right to traverse, store and remove equipment and supplies, remove debris, to erect temporary structures and for designing, permitting, constructing, installing, placing and inspecting the Temporary Armoring within the limits of the right of access.

2. GRANT OF TEMPORARY EASEMENT FOR SAND PLACEMENT. The Grantor hereby grants a temporary, non-exclusive easement for the benefit of County, their employees, agents, successors and assigns, over, under, upon and across the described area seaward of the sea wall or, where no sea wall exists, the toe of dune, to the eastern most limit of the Property (or a lesser amount as necessary) as set forth in Exhibit A attached hereto, for use by the County, its representatives, agents, or contractors to access and place sand for dune reconstruction. As may be needed to place sand for dune reconstruction, the County shall also have the right to traverse, store and remove equipment and supplies, to erect temporary structures and for designing, permitting, constructing, installing, placing and inspecting the sand placement within the limits of the temporary easement.

3. TERMS AND CONDITIONS. Grantor has the obligation and duty to submit a permit application for permanent armoring to the FDEP pursuant to s. 163.053, Fla. Stat., within 60 days after the County Coastal Director deems the installation of the Temporary Armoring complete. If the Grantor does not meet this obligation the Grantor has the obligation and duty to remove the Temporary Armoring in accordance with the Florida Department of Environmental Protection (FDEP) permit. Upon placement of the Temporary Armoring on the Property, an undivided fee simple ownership of the Temporary Armoring or sand placement as provided by Florida Law shall be vested in the Grantor to the extent the Temporary Armoring is on the Grantor's Property.

The temporary easement being granted by the Grantor is for the right, but not obligation, of the County to place sand for dune restoration as described in Item 2 above. The County shall have neither a maintenance obligation for the product of the dune reconstruction nor the obligation to perform future shoreline protection projects or dune reconstruction on the Grantor's Property.

4. HARMONIOUS USE BY GRANTOR. The Grantor reserves the right and privilege to use the Property for any purpose consistent with and subservient to the County's use or enjoyment thereof, including the right to use portions of the Property for access to Grantor's property adjacent to the Property, so long as such access otherwise complies with any postings of the County's contractor and applicable governmental regulations. This Easement shall not prevent the Grantor from constructing a seawall or dune reconstruction on the Property.

5. TERM; AUTOMATIC TERMINATION. The term of this Easement shall commence upon execution and shall be recorded in the Public Records of Volusia County, Florida. Once either the fee simple ownership of the Temporary Armoring has been vested in the Grantor, or the Grantor fails to meet their

permit application obligations outlined above, then the County's temporary easement for Temporary Armoring as outlined in Item 1 above shall be released, vacated, and automatically terminated by the County. The Temporary Easement for sand placement granted to County by the Grantors east of the sea wall or, where no seawall exists, the toe of dune, as outlined in Item 2 above shall be released, vacated, and automatically terminated five (5) years after execution of this easement. The Temporary Easement for sand placement shall be automatically terminated, released, and vacated in the area of the Property landward of any seawall constructed in the future.

6. NO WARRANTIES, EXPRESS OR IMPLIED; CUSTOMARY USE. County makes no warranty, guaranty, or representation, expressed or implied, as to the fitness, character, effectiveness, or use of the Temporary Armoring. Nothing in this Easement shall constitute a waiver, modification, or abandonment of any rights based on Customary Use held by the public. Nor shall this Easement constitute a waiver of any right, easement, or dedication, or ownership held by the public.

7. DEBRIS REMOVAL; AVOIDANCE OF DUPLICATION OF BENEFITS; REPORTING. Grantor has an obligation to file an insurance claim for debris removal if coverage is available. Grantor understands and acknowledges that receipt of compensation for performance of the aforementioned activities from any source, including Small Business Administration, private insurance, and individual and family grant program or any other public or private assistance program could constitute a duplication of benefits prohibited by federal law. If the Grantor receives any compensation from any source for debris removal activities on the Property the Grantor will report it to: Mr. Arden Fontaine, Deputy Director, Volusia County Public Works, 123 W Indiana Av., Room 402, DeLand, FL 32720. Office phone: (386) 736-5965.

8. REPRESENTATIONS AND AUTHORITY. By executing this Easement, Grantor certifies that nothing prevents Grantor from entering into this Easement and that no encumbrance would impede or prohibit the installation of the Temporary Armoring or dune restoration as described herein.

9. GRANTOR INDEMNIFICATION AND RELEASE. Grantor waives any actual or future claim against the County related directly or indirectly from the installation the Temporary Armoring or dune restoration as described herein.

10. SOVEREIGN IMMUNITY. County expressly retains all rights, benefits and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes.

IN WITNESS WHEREOF, the Grantor executed this Easement by their duly authorized representatives on the dates set forth below.

GRANTOR

Witness

Signature

(Print or Type Name)

(Print or Type Name)

Witness

Signature

(Print or Type Name)

(Print or Type Name)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2023,
by _____, by means of ☐ physical presence or
☐ online notarization, who is personally known to me or who has produced a driver's license as
identification.

SEAL:

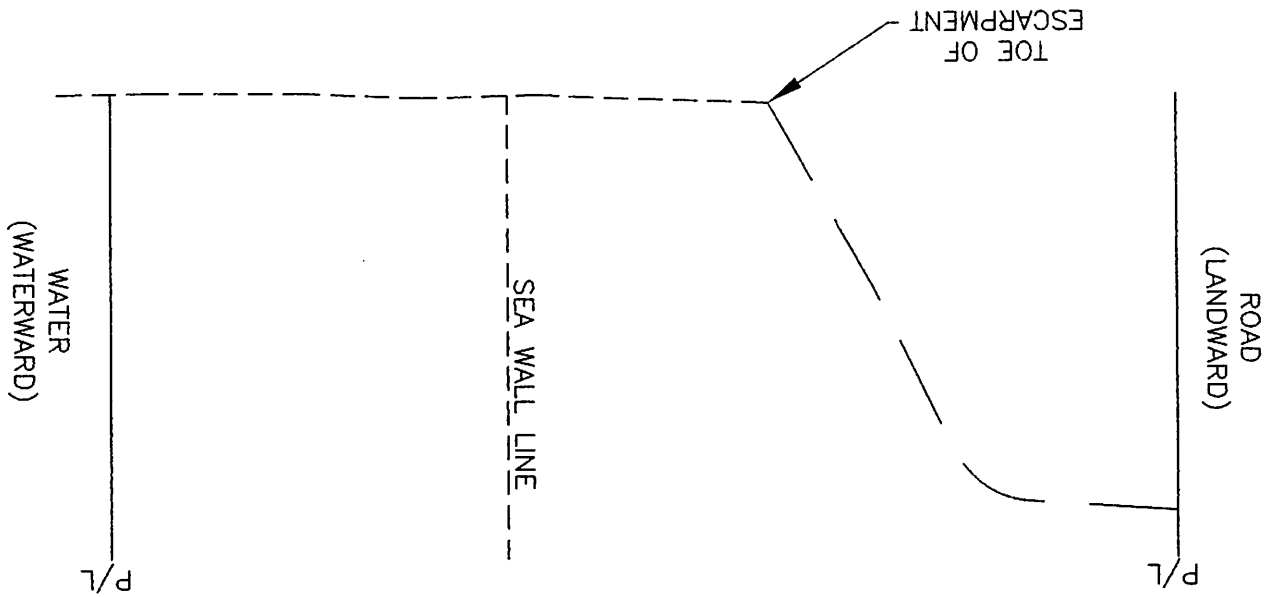
Notary Public



PUBLIC WORKS DEPARTMENT
ENGINEERING & CONSTRUCTION
123 WEST INDIANA AVENUE
DELAND, FL. 32720-4262
(386) 736-5967

PLAN/PROFILE

PROFILE



PLAN

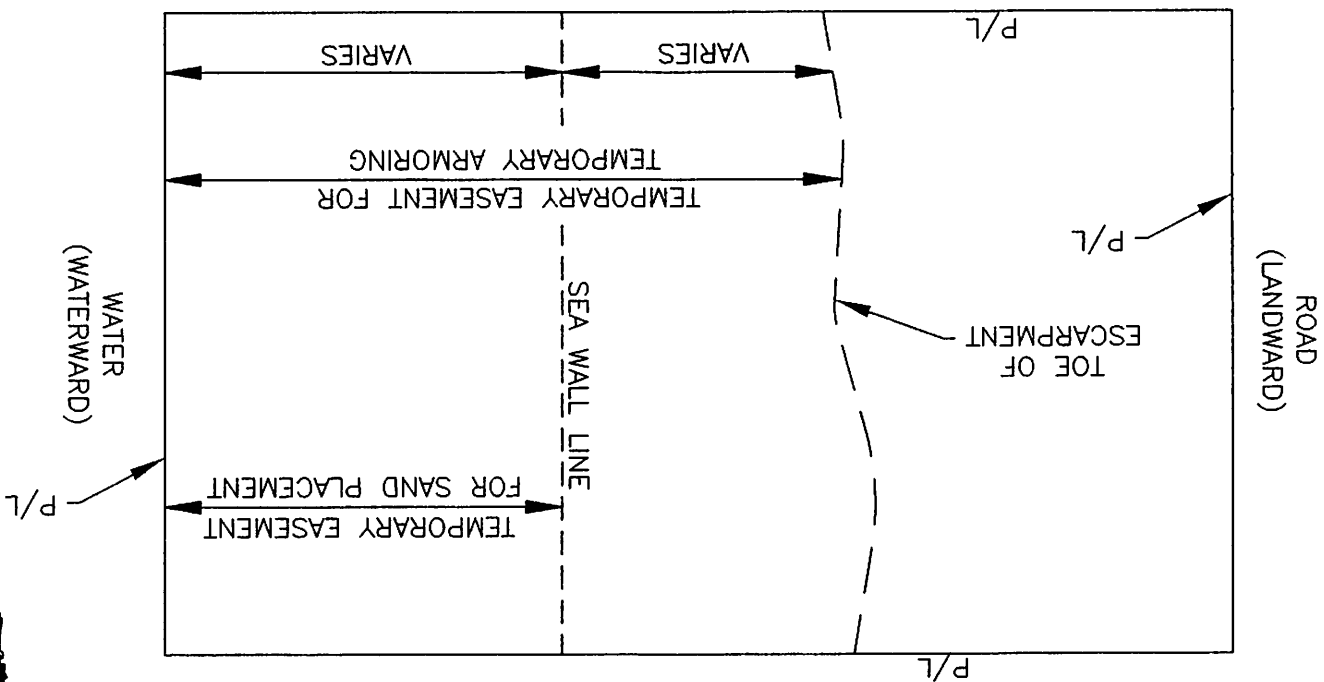


EXHIBIT A

PROPERTY OWNER QUESTIONNAIRE

Please complete the following questions and return to:

Volusia County Public Works
Attn: Shannon Minchew
123 W. Indiana Ave., Room 402
Deland, FL 32720

Is the property currently under contract for sale or purchase? _____

If so, please explain:

Current Contact Info:

Name: _____

Address: _____

Email: _____

Phone No: _____

Other than myself, I share ownership of this property with:

Name: _____

Address: _____

Email: _____

Phone No: _____

Is there an ongoing business on the site? _____

If yes, who owns the business?

Name: _____

Address: _____

Email: _____

Phone No: _____

Additional Comments: _____



CITY COMMISSION AGENDA MEMORANDUM MARCH 28, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Ordinance 2023-01: Repeal of the Supplemental Economic or Tourism Development Incentive Program (AKA The ATR Program)

SYNOPSIS:

At its March 14, 2023 meeting, the City Commission directed the City Attorney to draft an ordinance that would repeal the Supplemental Economic or Tourism Development Incentive Program, which is also known as the "Alternative Tax Relief (ATR) Program." The program was adopted in 2019; however, since then, only one (1) property, Treasure Island-2025 S. Atlantic Avenue, has an agreement with the City to benefit from this program.

Pursuant to Sec. 10-41(a) of the Daytona Beach Shores Code of Ordinances, the goals of the program are:

- (a) To promote the construction of new building or the enhanced rehabilitation of existing buildings within the incentive area thereby preserving and improving the economy, society, and culture of the city which results will enhance the quality of life of the citizens of the city; and*
- (b) To support the establishment of new businesses that will: 1. Increase the overall commercial activity within the incentive area, 2. Enhance economic or tourism development activities within the incentive area, 3. Are likely to result from development or redevelopment of properties within the incentive area, and 4. Are likely to increase property values within the city as a whole.*

The subject program was part of a three-prong approach to economic development in the City, which included: (1) lease subsidies and other incentives for businesses, (2) land purchase rebate, and (3) the Supplemental Economic or Tourism Development Incentive Program (ATR Program). The aforementioned land purchase rebate was repealed in 2021.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

As desired by the City Commission.

SUGGESTED MOTION:

As desired by the City Commission.

ATTACHMENT: 1. Ord. 2023-01-Repealing of Supplemental Economic or Tourism
Development Incentive Program (ATR Program)

ORDINANCE 2023-01

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, REPEALING IN ITS ENTIRETY ARTICLE III, “SUPPLEMENTAL ECONOMIC OR TOURISM DEVELOPMENT INCENTIVE PROGRAM ORDINANCE”, OF CHAPTER 10 “ECONOMIC DEVELOPMENT” (CODIFIED AS SECTIONS 10-31 THROUGH 10-36) OF THE *CODE OF ORDINANCES OF THE CITY OF DAYTONA BEACH SHORES*; PROVIDING FOR NON-CODIFICATION; CONFLICTS; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Daytona Beach Shores deems it appropriate to repeal the current Article III, “Supplemental Economic or Tourism Development Incentive Program Ordinance”, of Chapter 10 “Economic Development” (codified as Sections 10-31 through 10-36) of the *Code of Ordinances of the City of Daytona Beach Shores*; and

WHEREAS, it is found to be necessary to protect the health, safety, and welfare of the citizens of the City of Daytona Beach Shores to adopt such a repeal.

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

SECTION ONE: The City Commission of the City of Daytona Beach Shores hereby repeals in its entirety Article III, “Supplemental Economic or Tourism Development Incentive Program Ordinance”, of Chapter 10 “Economic Development” (codified as Sections 10-31 through 10-36) of the *Code of Ordinances of the City of Daytona Beach Shores* which until this repeal read as follows (repealed portions shown as ~~strikethroughs~~):

CHAPTER 10. Economic Development

~~Article III. Supplemental Economic or Tourism Development Incentive Program Ordinance~~

~~Title.~~

~~This Ordinance shall be titled and may be commonly referred to as the “City of Daytona Beach Shores Supplemental Economic or Tourism Development Incentive Program Ordinance.”~~

~~Definitions.~~

~~(a).—As used in this Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:~~

(1).— *Benefits* means the value to the City of providing the Incentives, which generally includes:

(A).— Increased property values within the Incentive Area and the City as a whole;

(B).— Increased revenue from property taxes, business license fees and permit fees;

(C).— Increased tourism and commercial activity within the Incentive Area and the City as a whole; and

(D).— The improvement of the character of the City by enhancing existing buildings within the Incentive Area and promoting the construction of new buildings that are compatible with the desired character of the City.

(2).— *Incentive Area* means the area within the City Limits along South Atlantic Avenue/State Road A1A and County Road 4075 which Area may be modified from time to time, in which economic or tourism development activities are likely to result from development or redevelopment of properties and in which the City Council has determined that the revitalization and redevelopment thereof is essential to preserving and improving the economy, society, and culture of the City which results will enhance the quality of life of the citizens of the City.

(3).— *Development* means the activity of improving a real property to the extent of adding value to the tax base through real property improvements and the creation of employment opportunities. The definition of the term “development” set forth in Section 163.3164(14), *Florida Statutes*, which adopts the definition set forth in Section 380.04, *Florida Statutes*,¹ shall be applicable to the

¹ The referenced definition of development reads as follows; provided, however, that the reference to this statutory definition shall not be deemed to expand any permitted or other uses as set forth in the City's *Land Development Code*:

(1) The term “development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve “development,” as defined in this section:

(a) A reconstruction, alteration of the size, or material change in the external

implementation and administration of this Ordinance, but is not a limitation as the intent of this Ordinance is to address both exterior and interior improvements of real property.

(4).—*Goals set forth in this Ordinance* means the objectives of the City in offering the Incentives, which generally includes:

appearance of a structure on land.

(b)—A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c)—Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in s. 161.021.

(d)—Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

(e)—Demolition of a structure.

(f)—Clearing of land as an adjunct of construction.

(g)—Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(3)—The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section:

(a)—Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b)—Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, or renewing on established rights-of-way or corridors, or constructing on established or to-be-established rights-of-way or corridors, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

(c)—Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d)—The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e)—The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(f)—A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g)—A change in the ownership or form of ownership of any parcel or structure.

(h)—The creation or termination of rights of access, riparian rights, easements, distribution and transmission corridors, covenants concerning development of land, or other rights in land.

(4)—“Development,” as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

~~(A).—Promoting the construction of new building or the enhanced rehabilitation of existing buildings within the Incentive Area thereby preserving and improving the economy, society, and culture of the City which results will enhance the quality of life of the citizens of the City; and~~

~~(B).—Supporting the establishment of new businesses that will:~~

~~(i).—Increase the overall commercial activity within the Incentive Area,~~

~~(ii).—Enhance economic or tourism development activities within the Incentive Area,~~

~~(iii).—Are likely to result from development or redevelopment of properties within the Incentive Area, and~~

~~(iv).—Are likely to increase property values within the City as a whole.~~

~~(5).—*Incentive* means a grant of any inducement having monetary value by the City that is offered to a person, firm, or corporation to pursue a Development that encourages private investment and/or creation/retention of jobs. The Incentive may also include grants from other entities that the City may be able to obtain.~~

~~(6).—*Incentive Recipient* means the private parties receiving the Incentives from the City.~~

~~(7).—*Job* means each new:~~

~~(A).—Full-time position or~~

~~(B).—Full-time equivalent position that is created as a direct result of the ongoing operation of a Development.~~

~~For the purposes of calculating the number of Jobs created by a Development, only those employed at businesses directly associated with the Development at positions permanently located within the Incentive Area shall be considered.~~

~~(b).—In addition to the definitions set forth in Subsection (a) of this Section, the definitions provided in the *City Code* and the *Florida Statutes* shall be applicable if the context so requires.~~

General Principles Relating To Award Of Grant Incentives.

(a).— ~~The City Council, at its discretion and on a case-by-case basis, subject to the provisions of this Ordinance, may enter into an Incentive Agreement with a person, firm, or corporation providing for Incentives in order to encourage and support the Development of real property within the Incentive Area.~~

(b).— ~~The Incentives shall only be provided to an Incentive Recipient after an agreement has been entered into between the City and such person, firm, or corporation, as approved by the City Attorney, which agreement shall set forth: the particulars of the Development; the Incentives to be provided; and sufficient assurances that the Benefits will accrue to the City and the Goals set forth in this Ordinance will be met by the Development (an “Incentive Agreement”). Pending the approval by the City Council of any Incentive Agreement, subject to the provisions of this Ordinance, the City Manager shall discuss the provisions of this Ordinance, aid in the completion of any Proposal and, subject to the final approval by the City Council, negotiate with the potential Incentive Recipient on behalf of the City. Each Incentive Agreement shall be approved by the City Council by adoption of a resolution. The City Council may provide Incentives in any amounts and for any periods of time.~~

Authorized Incentives.

(a).— ~~The City Council may provide to an Incentive Recipient any combination of Incentives provided for herein; provided, however, that the total amount of Incentives given to a Development must be in keeping with the Goals set forth in this Ordinance and the value of the Benefits accruing to the City and its citizens must be greater than the financial value of the Incentives to an Incentive Recipient.~~

(b).— ~~All direct Incentives of the City shall be granted in the form of payments of amounts up to,~~

~~but in no event in an amount in excess of, the sums paid in fees and taxes that have been duly paid to the City during a specified period of time after the development or redevelopment of real property. The payments are intended to be for some part or all of the increased ad valorem tax revenues derived from the development or redevelopment activities occurring on property in the nature of a tax increment above the baseline revenues deriving to the City in the pre-development or redevelopment activities with the effect upon the finances of the City being revenue neutral as to the then status quo. Upfront abatements of fees or taxes are prohibited and unlawful. Where Incentives continue for a period of more than one year, such Incentives may be graduated to increase or decrease year-to-year as the City Council sees fit, but subject to monitoring by the City to ensure compliance with the terms of any Incentive Agreement.~~

~~(c).— Funds received through such incentive grants may only be used for purposes that are determined to provide for the economic or tourism development of the City.~~

~~(d).— Funds paid through incentive grants may only be derived from lawful revenues of the City for such purposes and there is no appropriation obligation established in this Ordinance that would contravene any provision of controlling law such as the requirement that relates to the pledge of ad valorem tax revenues for the repayment of debt.~~

~~Eligibility Criteria.~~

~~(a).— In order for a Development to be eligible to receive incentives, the City Council must determine that the Development meets, or upon completion will meet, each of the following criteria:~~

~~(1).— The Development is consistent with the City of Daytona Beach Shores *Comprehensive Plan*, the implementing provisions/land development regulations of the City's *Land Development Code*, as well as the Goals set forth in this Ordinance.~~

~~(2).— Absent the provision of Incentives, the Development would be unlikely to occur or unlikely to occur at the level or scale contemplated by the developer.~~

~~(3).— The Development must be located within the Incentive Area.~~

~~(4).— The Development must have:~~

~~(A).— Real property acquisition costs of a significant type or nature, or~~

~~(B).— Significant costs of physical improvements to real property, or~~

~~(C).— Significant costs of capital improvements to City infrastructure; or~~

~~(D).— On a case-by-case basis, any other eligibility criteria that must be met upon completion of a Development in order to ensure that the Goals set forth in this Ordinance are met and that the Development provides Benefits to the City (and its citizens) in amounts that warrant the implementation of Incentives.~~

~~(b).— The provisions of this Ordinance shall be implemented by the City Council of the City of Daytona Beach Shores as it deems appropriate for the benefit of the citizens of the City on a case-by-case basis and, to that end, there shall be no entitlement to an award to any person or entity under the provisions of this Ordinance regardless of the purported attainment of criteria or any matter of like nature.~~

~~Disqualification for Incentives.~~

~~(a).— No business and no successor or affiliated business entity having one or more of the same principals and substantially the same business activity may cease business operations in the name of one business and then resume business operations in another name if the effect of such resumption is to circumvent the provisions of this Ordinance or to prolong an Incentive which has been granted.~~

(b). — ~~A business which is the subject of a code enforcement proceeding or which has an unpaid fine relating to a code enforcement proceeding of the City shall not be eligible for an Incentive under this Ordinance.~~

SECTION TWO: NON-CODIFICATION. The provisions of this Ordinance shall not be codified; provided, however, the City Clerk is directed to ensure that the codification of the *Code of Ordinances of the City of Daytona Beach Shores, Florida* is amended to reflect the repeal of Article III, “Supplemental Economic or Tourism Development Incentive Program Ordinance”, of Chapter 10 “Economic Development” (codified as Sections 10-31 through 10-36) of the *Code of Ordinances of the City of Daytona Beach Shores*.

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:

GRETCHEN R.H. “BECKY” VOSE, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2023.

Adopted on second reading this _____ day of _____, 2023.



CITY COMMISSION AGENDA MEMORANDUM MARCH 28, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM: Stewart Cruz, Community Services Director

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Resolution 2023-07: Hurricane Damaged Permanent Seawall Reconstruction Building Permit Fee Waiver

SYNOPSIS:

The City of Daytona Beach Shores sustained widespread impacts as a result of Hurricane Ian and Hurricane Nicole on September 28/September 29 and November 9/November 10, respectively. Seawalls along the coastline were impacted to varying degrees and now permanent seawall reconstruction has begun. If approved, Resolution 2023-07 would waive local building permit fees associated with permanent seawall reconstruction as a result of the two storms. Highlights of the resolution include the following:

1. Waiver of local building permit fees associated with permanent seawall reconstruction as a result of Hurricane Ian and Hurricane Nicole.
2. The duration of the fee waiver period is one year with the option for City Commission to extend, if needed.
3. The waiver of fees does not apply to re-inspection fees or to surcharges imposed by the state.
4. Effective date of the resolution is retroactive to February 6, 2023, which is the day before the first permanent seawall permit payment was made.
5. To be eligible for the waiver of the fees in question, the property owner or contractor requesting the permit and inspection shall provide proof of storm damage submitted with the permit application. Such proof shall be photographic, written verification by an insurance adjuster, written verification by an architect, engineer, or contractor, or written verification by a City official.

FISCAL IMPACT STATEMENT:

As the revenue is a direct impact of both hurricanes, the permit revenue was not budgeted in the current budget and will have no fiscal impact if waived.

BACKGROUND:

1. On September 23, 2022, the Governor of the State of Florida issued Executive Order 22-218 to declare a state of emergency for all counties in the state of Florida, including Volusia County, due to the impending effects of Hurricane Ian.
2. On September 24, 2022, the Governor issued Executive Order 22-219, amending Executive Order 22-218.
3. On September 27, 2022, the City Manager of the City of Daytona Beach Shores issued a Declaration of Local Emergency for Hurricane Ian, consistent with Section 2-9(b) of the Charter of the City of Daytona Beach Shores.
4. On September 28 and September 29 Hurricane Ian struck the City of Daytona Beach Shores.
5. On September 29, 2022 the President of the United States declared a major disaster for the State of Florida as a result of Hurricane Ian, which was noticed in the Federal Registrar as FEMA-4673-DR.
6. On November 7, 2022, the Governor issued Executive Order 22-253 to declare a state of emergency for 34 counties in the state of Florida, due to the impending effects of then-Subtropical Storm Nicole.
7. On November 7, 2022, the City Manager of the City of Daytona Beach Shores issued a Declaration of Local Emergency for Hurricane Ian, consistent with Section 2-9(b) of the Charter of the City of Daytona Beach Shores.
8. On November 9, 2022, the Governor issued Executive Order 22-256, amending Executive Order 22-253 by adding all coastal and inland counties in Central and North Florida, including Volusia County, to the state of emergency due to the impending effects of Hurricane Nicole.
9. On November 9 and November 10 Hurricane Nicole struck the City of Daytona Beach Shores.
10. On December 13, 2022 the President of the United States declared a major disaster for the State of Florida as a result of Hurricane Nicole, which was noticed in the Federal Register as FEMA-4680-DR.
11. Hurricane Ian and Hurricane Nicole resulted in widespread seawall damage to properties in the City of Daytona Beach Shores.
12. Hurricane Ian and Hurricane Nicole have passed and recovery efforts have begun in the City of Daytona Beach Shores.

LEGAL REVIEW:

RECOMMENDATION:

Approval of Resolution 2023-07.

SUGGESTED MOTION:

Approval of Resolution 2023-07.

ATTACHMENT: 1. Res 2023-07-Seawall Permit Fee Waiver-BV-REV-SC

RESOLUTION NO. 2023-07

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA WAIVING HURRICANE RELATED LOCAL BUILDING PERMIT FEES ASSOCIATED WITH PERMANENT SEAWALL RECONSTRUCTION; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, DURATION AND WAIVER EXTENSION; PROVIDING FOR A SAVINGS PROVISION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 23, 2022, the Governor issued **Executive Order 22-218** to declare a state of emergency for all counties in the state of Florida, including Volusia County, due to the impending effects of Hurricane Ian; and

WHEREAS, on September 24, 2022, the Governor issued **Executive Order 22-219**, amending **Executive Order 22-218**; and

WHEREAS, on September 27, 2022, the City Manager of the City of Daytona Beach Shores issued a **Declaration of Local Emergency** for Hurricane Ian, consistent with Section 2-9(b) of the Charter of the City of Daytona Beach Shores; and

WHEREAS, Hurricane Ian struck the City of Daytona Beach Shores on September 28 and September 29; and

WHEREAS, on September 29, 2022 the President of the United States declared a major disaster for the State of Florida as a result of Hurricane Ian, which was noticed in the Federal Register as FEMA-4673-DR; and

WHEREAS, on November 7, 2022, the Governor issued **Executive Order 22-253** to declare a state of emergency for 34 counties in the state of Florida, due to the impending effects of then-Subtropical Storm Nicole; and

WHEREAS, on November 7, 2022, the City Manager of the City of Daytona Beach Shores issued a **Declaration of Local Emergency** for Hurricane Nicole, consistent with Section 2-9(b) of the Charter of the City of Daytona Beach Shores; and

WHEREAS, on November 9, 2022, the Governor issued **Executive Order 22-256**, amending **Executive Order 22-253** by adding all coastal and inland counties in Central and North Florida, including Volusia County, to the state of emergency due to the impending effects of Hurricane Nicole; and

WHEREAS, Hurricane Nicole struck the City of Daytona Beach Shores on November 9 and November 10; and

WHEREAS, on December 13, 2022 the President of the United States declared a major disaster for the State of Florida as a result of Hurricane Nicole, which was noticed in the Federal Register as FEMA-4680-DR; and

WHEREAS, Hurricane Ian and Hurricane Nicole have passed and permanent seawall reconstruction efforts are continuing in the City of Daytona Beach Shores;

WHEREAS, the City of Council of the City of Daytona Beach Shores finds that it is in the best interest of the city, businesses, and citizens to waive local building permitting fees associated with permanent seawall reconstruction, including plan review fees, for permits needed as a direct result of Hurricane Ian and Hurricane Nicole storm damage; and

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

SECTION ONE. RECITALS. The “WHEREAS” clauses are hereby incorporated by reference herein.

SECTION TWO. The City Council of the City of Daytona Beach Shores hereby waives the local building permit fees for permanent seawall reconstruction, as a direct result of damage related to Hurricane Ian and Hurricane Nicole. The waiver of fees shall not apply to re-inspection fees or to surcharges imposed by the state.

SECTION THREE. IMPLEMENTING ADMINISTRATIVE ACTIONS. To be eligible for the waiver of fees the property owner or contractor requesting the permit and inspection shall provide proof of storm damage submitted with the permit application. Such proof shall be photographic, written verification by an insurance adjuster, written verification by an architect, engineer, or contractor, or written verification by a City official. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Resolution and to take any and all necessary administrative actions.

SECTION FOUR. DURATION AND WAIVER EXTENSION. The duration of this waiver is for a period of one (1) year from the effective date of this Resolution. The City Commission may extend the duration of this waiver as needed.

SECTION FIVE. SAVINGS. The prior actions of the City of Daytona Beach Shores relating to permanent seawall local building permit waiver, as well as any and all related actions and activities, are hereby ratified and affirmed.

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

SECTION SEVEN. 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 EIGHT. EFFECTIVE DATE. This Resolution shall take effect retroactive to February 6, 2023.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Nancy Miller, Mayor

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 first reading this _____ day of _____, 2023.

Posted this _____ day of _____, 2023.