



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COMMISSION MEETING APRIL 25, 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:**
- 6. APPROVAL OF MINUTES**
 - A. City Commission Minutes April 11, 2023
- 7. CONSENT AGENDA:**
 - A. Public Safety Monthly Report
 - B. Executive Finance Report for February 2023

- C. Executive Finance Report for March 2023
- D. Community Services Department Monthly Report - March 2023
- E. Access Agreement & Construction License For Seawall Construction: Marbella Condominium, 3343 S. Atlantic Avenue

8. REPORTS OF THE CITY ATTORNEY:

9. REPORTS OF THE CITY MANAGER:

10. OLD BUSINESS:

- A. Ordinance 2023-02: Floodplain Management Regulations Update

11. NEW BUSINESS:

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
April 11, 2023
3000 Bellemead Drive, Daytona Beach Shores, FL 32118

1. CALL TO ORDER BY MAYOR

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

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

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. CEREMONIAL ITEMS, PRESENTATIONS AND PUBLIC NOTICES:

A. Presentation by James Moore Audit firm

James Halleran, partner with James Moore Audit firm, presented the city's annual financial report to the commission. He stated that there were no material weaknesses in internal control over financial reporting and no instance of non-compliance. The city's finances were in a very good position.

6. APPROVAL OF MINUTES

A. City Commission Minutes March 28, 2023

COMMISSIONER MEL LINDAUER moved, seconded by COMMISSIONER CHRIS CONOMOS to Approve the City Commission of Minutes March 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. Acceptance of AdventHealth Centra Care Exposure Hotline Contract
- B. Access Agreement & Construction License For Seawall Construction: Bella Vista Condominium, 2515 S. Atlantic Avenue
- C. Access Agreement & Construction License For Seawall Construction: Palma Bella Condominium, 3245 S. Atlantic Avenue
- D. Access Agreement & Construction License For Seawall Construction: St. Croix Condominium, 3145 S. Atlantic Avenue
- E. Access Agreement & Construction License For Seawall Construction: St. Kitts Condominium, 2853 S. Atlantic Avenue

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

8. REPORTS OF THE CITY ATTORNEY:

The City Attorney had nothing to report for the agenda.

9. REPORTS OF THE CITY MANAGER:

City Manager Kurt Swartzlander provided an update on the dune walk-overs. He also gave a brief update on his recent trip to Tallahassee with Mayor Miller for legislative days.

10. OLD BUSINESS:

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

City Attorney Becky Vose read the ordinance by title. There were no comments or discussion on the item.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2023-01 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. NEW BUSINESS:

A. Ordinance 2023-02: Floodplain Management Regulations Update

City Attorney Becky Vose read the ordinance by title. Community Services Director Stewart Cruz explained the proposed ordinance would implement administrative changes needed for the city to maintain its Federal National Flood Insurance Program community rating system status class 5. This classification allows property owners a 25% discount. The proposed changes were drafted by the Florida Department of Emergency Management Office of Flood Management.

COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Approve Ordinance 2023-02 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. Joyride Golf Cart Tours Establishment Land Use Proposal: 2120 S. Atlantic Avenue

City Planner Noel Eaton gave a brief presentation on the proposed business. The location is 2120 S. Atlantic Avenue (GC-RD). Mayor Miller inquired if they owned the property and Mr. Eskra replied that they currently have the property under contract. It is the old car wash/Baskin Robbins ice cream location. Devon and Danielle Eskra wish to open a small restaurant in the front of the building and use the rear bays to house golf carts in the back. They would operate a golf cart tour business around the Daytona Beach and Daytona Beach Shores area. This business type is currently not permitted in the district. They would also like to utilize the live/work component for the small upstairs unit. The current code states that the owner must live on the property. The Eskra's would like their manager to live onsite. The live/work component residential area requires a minimum floor area of 800 square feet. The upstairs unit is only 704 square feet. Staff would like direction from the commission in regards to the zoning designation and the live/work requirements. The potential property owners, the Eskra's, also gave a quick presentation of their Joyride experience to the commission. They plan to update all the exterior code violations, install fresh landscaping, and provide outdoor tables with umbrellas. The restaurant would be a lunch and dinner concept. Commissioner Lindauer had a concern with the business manager living onsite instead of the property owner. After a brief discussion, it was decided that an employee contract could be submitted to the city to allow an employee to live onsite. The commission gave staff a consensus to bring back a document to address the code variations.

12. COUNCIL COMMENTS:

Vice Mayor Politis inquired if a representative from Chase Bank could give a presentation regarding the city's investments. Commissioner Bryan felt his recent seawall informational meeting went very well. He had two important take aways from the meeting. First, it is very important to have temporary armoring in place, and second, save money by working with your neighbors to create a contiguous seawall.

13. AUDIENCE REMARKS/PUBLIC COMMENTS:

Debra Taylor informed the commission that her condo was having a struggle with getting their seawall permitted. The information that their engineer sent had been declined regarding the height of the seawall. She was advised to have the engineer re-submit information ASAP. Emma Clark from the Port Orange- South Daytona Chamber of Commerce introduced herself.

14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:

There were no additional items added to the next agenda.

15. ADJOURNMENT:

The meeting ended at 7:13 pm.

**MAYOR
NANCY MILLER**

**CITY MANAGER
KURT D. SWARTZLANDER**

ATTEST:

CITY CLERK, CHERI SCHWAB



**CITY COMMISSION AGENDA MEMORANDUM
APRIL 25, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Joanne Sweeney, Admin Asst

SUBJECT: Public Safety Monthly Report

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. Public Safety Monthly Report



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 MARCH 2023

	Mar-23	23/YTD	Mar-22	22/YTD
<i>Police Related Calls</i>	2,171	5,764	2,162	6,153
<i>Fire Related Calls</i>	80	212	58	131
<i>Rescue Related Calls</i>	62	162	124	342
<i>Fire Related Alarms Sounding</i>	15	50	26	150
<i>Traffic Citations</i>	256	557	273	580
<i>Written Warnings</i>	34	106	61	171
<i>Building Inspections</i>	70	185	62	158
<i>Arrests: Adults</i>	30	113	24	81
<i>Juveniles</i>	0	1	6	6
<i>City Ordinance Charges</i>	2	2	0	0
<i>Florida State Statute Charges</i>	59	197	49	147
<i>Accidents: Total</i>	26	40	48	77
<i>Street/Highway</i>	12	28	31	43
<i>Parking Lot</i>	14	19	17	34

Michael Fowler, Public Safety Director


4-6-23

POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-03-01 through 2023-03-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
TRAFFIC STOP	TS	418	19.25 %	13.48
MISCELLANEOUS LE CALL	MISC	400	18.42 %	12.90
EXTRA PATROL	EP	366	16.86 %	11.81
PROPERTY CHECK	PRC	125	5.76 %	4.03
DIRECTED PATROL REQUEST	DPR	96	4.42 %	3.10
SUSP PERSON	SPER	53	2.44 %	1.71
TELEPHONE HANDLE	THC	47	2.16 %	1.52
MEDICAL EMERGENCY	MED1	40	1.84 %	1.29
SUSP VEHICLE	SVEH	39	1.80 %	1.26
SUSP INCIDENT	SINC	29	1.34 %	0.94
RADAR	RADAR	25	1.15 %	0.81
INVESTIGATION	INV	24	1.11 %	0.77
SUSPECT STOP	SS	24	1.11 %	0.77
911 CK/OPEN LINE	911CK	18	0.83 %	0.58
FIRE ALARM	ALARMF	18	0.83 %	0.58
NARCOTICS	NARC	18	0.83 %	0.58
RECKLESS DRIVER	RD	18	0.83 %	0.58
ZONE ACCOUNTABILITY PATR	ZAP	18	0.83 %	0.58
DISTURBANCE	DIST	17	0.78 %	0.55
MVA	MV	17	0.78 %	0.55
NOISE	NOISE	16	0.74 %	0.52
SPECIAL DETAIL	SDL	15	0.69 %	0.48
TRESPASSERS	TRES	14	0.64 %	0.45
ILLEGAL PARKING	PARK	12	0.55 %	0.39
TOWED VEHICLE	TOW	12	0.55 %	0.39
WALK & TALK	WT	12	0.55 %	0.39
FALL- NON EMERGENCY	TRAU3	11	0.51 %	0.35
FLAG DOWN	FLAG	11	0.51 %	0.35
FLEEING DRIVER	FLEE	11	0.51 %	0.35
WARRANT	WAR	11	0.51 %	0.35
ELEVATOR CALL	ELEV	10	0.46 %	0.32
FOUND PROPERTY	PROPF	10	0.46 %	0.32
MENTALLY ILL PER	MIP	10	0.46 %	0.32
BLS - MED/TRAUMA	BLS3	9	0.41 %	0.29
ESCORT	ESCORT	9	0.41 %	0.29
JUVENILE	JUV	9	0.41 %	0.29
TEST LE CALL	TEST	9	0.41 %	0.29
WELL BEING CHECK	WBC	9	0.41 %	0.29
ANIMAL COMPLAINT	AC	8	0.37 %	0.26
HIT&RUN MVA	MVHR	7	0.32 %	0.23
THEFT	THEFT	7	0.32 %	0.23
ASSAULT/BATTERY	ABAT	6	0.28 %	0.19
FIGHT	FIGHT	6	0.28 %	0.19
WALKUP	WALKUP	6	0.28 %	0.19
BURGLARY	BURG	5	0.23 %	0.16
HOLD UP ALARM	ALARMH	5	0.23 %	0.16

POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-03-01 through 2023-03-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
INFORMATION GIVEN	INFO	5	0.23 %	0.16
MEDICAL NON-EMERG	MED2	5	0.23 %	0.16
CIVIL COMPLAINT	CIVIL	4	0.18 %	0.13
LOST PROPERTY	PROPL	4	0.18 %	0.13
MVA W/ INJURIES	MVI	4	0.18 %	0.13
ROAD OBSTRUCTION	RDOB	4	0.18 %	0.13
TRAFFIC CONTROL	TC	4	0.18 %	0.13
BUSINESS ALARM	ALARMB	3	0.14 %	0.10
DISABLED VEHICLE	DAV	3	0.14 %	0.10
DOMESTIC DISTURBANCE	DV	3	0.14 %	0.10
DRUNK PERSON	IP	3	0.14 %	0.10
MISC FIRE SERVICE CALL	MISCF	3	0.14 %	0.10
RECOVERED SIG 10	SVR	3	0.14 %	0.10
SCHOOL ZONE	SZ	3	0.14 %	0.10
STOLEN TAG	TAGS	3	0.14 %	0.10
STOLEN VEHICLE	SV	3	0.14 %	0.10
SUICIDAL PERSON	SP	3	0.14 %	0.10
TRAUMA EMERGENCY	TRAU1	3	0.14 %	0.10
ALZHEIMERS	ALZ	2	0.09 %	0.06
ASSIST AGENCY	ASSIST	2	0.09 %	0.06
DEAD PERSON	DEAD	2	0.09 %	0.06
DRONE	DRONE	2	0.09 %	0.06
DRUNK DRIVER	DUI	2	0.09 %	0.06
OPEN DOOR	OPD	2	0.09 %	0.06
REPOSSESSED VEH	REPO	2	0.09 %	0.06
SHOPLIFTING	SHOP	2	0.09 %	0.06
SMOKE IN STR COMM/HIRISE	SMISCH	2	0.09 %	0.06
STEP ZONE	STP	2	0.09 %	0.06
STROKE / CVA	CVA	2	0.09 %	0.06
UNCONSCIOUS	UNC	2	0.09 %	0.06
ATT TO CONTACT	ATC	1	0.05 %	0.03
BOLO	BOLO	1	0.05 %	0.03
BURG/BUSINESS	BURGB	1	0.05 %	0.03
BURGLARY ALARM	ALARM	1	0.05 %	0.03
CARDIAC ARREST	CPR	1	0.05 %	0.03
CITY ORDINANCE VIOLATION	COV	1	0.05 %	0.03
CIVIL SERVICE	CIVILS	1	0.05 %	0.03
DOMESTIC VIOLENCE INJCT	DVI	1	0.05 %	0.03
FIRE OUTSIDE STRUCTURE	FOS	1	0.05 %	0.03
FOUND CHILD	CHILDF	1	0.05 %	0.03
FRAUD	FRAUD	1	0.05 %	0.03
HARRASSING CALLS	HCALL	1	0.05 %	0.03
HAZ COND/MAJOR INC	HZMMI	1	0.05 %	0.03
HAZARDOUS COND	HZM	1	0.05 %	0.03
MISSING PERSON	MP	1	0.05 %	0.03
PROWLER	PROW	1	0.05 %	0.03

POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-03-01 through 2023-03-31

LOCATION: ALL | ZONE: ALL | RD: ALL

DESCRIPTION	SIGNAL	TOTAL CALLS	% OF ALL CALLS	DAILY AVG
SEX OFFENSE	SO	1	0.05 %	0.03
STRUC FIRE COMM/HIGHRISE	SFCH	1	0.05 %	0.03
THREATENING CALL	TCALL	1	0.05 %	0.03
TRAFFIC LITE OUT	TLO	1	0.05 %	0.03
TRAUMA CRITICAL	TRAUE	1	0.05 %	0.03
VANDALISM	VAND1	1	0.05 %	0.03
WATER RESCUE	WATER	1	0.05 %	0.03
WELL BEING CHECK MEDICAL	WBCF	1	0.05 %	0.03
TOTAL CALLS:		2,171	100.00%	70.03

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 March 2023

Kelley Register

3/7-9

*LEO Analyst Financial Crimes
Valencia College*

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

MARCH 2023 STATISTICS

FIRE CALLS	CURRENT MONTH			YEAR TO DATE			PRIOR YEAR		
	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID	CITY	COUNTY	MUTUAL AID
ENGINE RESPONSES									
STRUCTURE FIRES	0	0	0	1	0	2	1	0	1
HAZARDOUS CONDITIONS	1	0	2	54	8	4	13	2	1
VEHICLE FIRES	0	0	0	0	0	0	0	0	0
BOAT FIRES	0	0	0	0	0	0	0	0	0
OTHER FIRES NOT LISTED	1	0	0	7	4	4	3	1	3
VEHICLE CRASHES W/ENGINE RESPONSE	4	1	0	7	2	1	2	1	1
SERVICE CALLS	49	4	6	249	22	11	40	4	1
FIRE ALARMS	15	0	0	180	3	2	48	1	1
CANCELLED EN ROUTE	7	1	4	98	23	21	13	4	4
TOTALS	77	6	12	596	62	45	120	13	12

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	3	4	44	38	8	14
HOTEL/MOTEL	7	8	44	30	16	8
ASSEMBLY	0	0	1	2	0	1
MERCANTILE	5	1	33	8	18	4
RESTAURANT	1	0	18	11	7	3
BUSINESS	7	3	84	12	20	5
OTHER	3	5	189	8	1	0
CONSTRUCTION	11	1	34	8	10	3
OCCUPATIONAL LICENSES	0	0	0	0	0	0
APARTMENTS/CONDO	7	4	40	13	22	3
TOTALS	44	26	487	130	102	41

PLANS EXAMINATION HOURS: 0 HRS

DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

MARCH 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	12	1	3	346	43	7	103	12	0
BLS CALLS	38	4	4	384	54	10	90	12	1
TOTALS	50	5	7	730	97	17	193	24	1



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 MARCH 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:

Install new antenna	veh #175
Replace ignition coil	veh #167
Replace ignition coil & belt tensioner	veh #159
Replace headlight	veh #144
Replace starter	veh #155
Replace washer nozzles	veh #150
Replace tail lamp assembly	veh #161
Replace battery	veh #169



**CITY COMMISSION AGENDA MEMORANDUM
APRIL 25, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission
FROM: Lory Irwin, Finance Director
PREPARED BY: Lory Irwin, Finance Director
SUBJECT: Executive Finance Report for February 2023

SYNOPSIS:

Report of the February 2023 fiscal year-to-date city-wide financials. The financial reports show where the city is financially in regard to the commission-approved budget.

FISCAL IMPACT STATEMENT:

67.1% of the General Fund budgeted revenue has been received as of the end of February 2023. 33.6% of the Utility (Sewer) Fund revenues have been received which is 20% over this time last year.. Expenditures have increased approximately 10% over last year with the city expending 35% of the current budget mainly due to hurricane expenses.

BACKGROUND:

Total commission approved General Fund budget is \$15,845,300; Sewer Fund budget is \$3,702,600.

LEGAL REVIEW:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTION:

N/A

ATTACHMENT: 1. Executive Financial Report Feb 2023

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending February, 2023

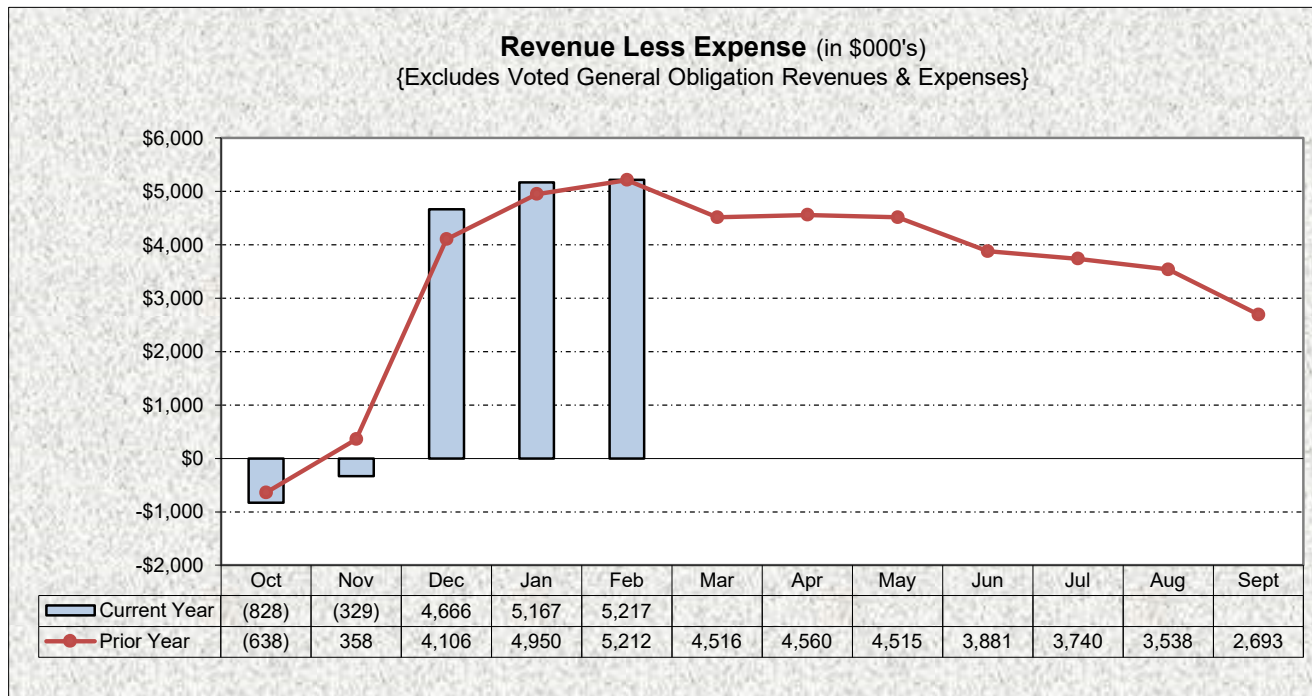
CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$10,636,000	\$5,556,442	\$5,079,558	48%
General Obligation Debt Service	\$172	\$0	\$172	
General Obligation Construction	\$0	\$0	\$0	
General Fund Sub-Total	\$10,636,172	\$5,556,442	\$5,079,730	48%
Sewer Fund Operations	\$1,239,813	\$1,107,585	\$132,228	11%
Sewer Fund Restricted Impact Fee	\$6,957	\$1,912	\$5,045	73%
Sewer Fund Sub-Total	\$1,246,770	\$1,109,497	\$137,273	11%
TOTAL ALL FUNDS FISCAL YTD	\$11,882,942	\$6,665,938	\$5,217,003	44%

CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$25,960,593	\$22,070,314	\$3,890,279	18%
Sewer Fund	\$10,079,430	\$9,620,705	\$458,725	5%
Sub-Total Operating Funds	\$36,040,023	\$31,691,019	\$4,349,004	14%
Gen. Obligation [GO] Construction & Debt	\$0	\$0	\$0	0%
TOTAL ALL FUNDS	\$36,040,023	\$31,691,019	\$4,349,004	14%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	\$4,809,148	\$96,352	
Add Back for Current Year CS Construction Expense	N/A	N/A	
Historical Mean Projected Remaining Cash Flow	(\$3,692,270)	\$284,782	
PROJECTED FYE NORMALIZED CASH FLOW	\$1,116,878	\$381,134	\$1,498,012

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

NON-G.O. FUNDS	February, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues ('000s)					
General Fund	\$15,845	\$10,636	\$8,962	\$1,674	19%
Utility Fund	\$3,703	\$1,247	\$808	\$439	54%
Total Revenues & Appropriations	\$19,548	\$11,883	\$9,770	\$2,113	22%
Expenses ('000s)					
General Fund Less Capital	\$14,387	\$5,232	\$3,778	(\$1,454)	-38%
General Fund Capital	\$1,458	\$324	\$190	(\$134)	-71%
Utility Fund	\$3,703	\$1,109	\$852	(\$257)	-30%
Total Expenses & Appropriations	\$19,548	\$6,666	\$4,820	(\$1,846)	-38%
Revenue Less Expense ('000s)					
General Fund	\$0	\$5,080	\$4,994	\$86	
Utility Fund	\$0	\$137	(\$44)	\$181	
Revenue Less Expense	\$0	\$5,217	\$4,950	\$267	



General Fund Detail Budget Report

	February, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues/Sources					
Ad-Valorem Taxes	8,885,200	7,971,605	7,584,091	387,514	5.11%
Business Taxes	101,900	94,591	99,907	(5,316)	-5.32%
Utility Taxes	1,041,200	372,163	324,673	47,490	14.63%
Permits & Franchise Fees	893,200	324,015	258,039	65,976	25.57%
Intergovernmental	747,600	204,838	189,935	14,903	7.85%
Donations	0	0	0	0	
Charges for Services	1,878,000	881,505	894,652	(13,147)	-1.47%
Fines & Forfeitures	97,800	28,774	44,563	(15,789)	-35.43%
Non-G.O. Interest	231,300	79,765	6,057	73,708	1216.91%
Unrealized Investment G/(L)	0	0	0	0	
Miscellaneous & Fixed Asset Sales	47,900	271,244	357,580	(86,336)	-24.14%
Internal Services	978,000	407,500	356,458	51,042	14.32%
Non G.O. Transfer In-Fund Balance	943,200	0	0	0	
Non-G.O. Gen. Fund Revenue	\$15,845,300	\$10,636,000	\$10,115,955	\$520,045	5.14%

Operating Expenditures

Excluding CAPITAL Expense					
Legislative	204,500	67,232	82,168	14,936	18.18%
Executive	657,100	274,680	238,722	(35,958)	-15.06%
Finance	561,200	231,650	241,288	9,638	3.99%
Legal Counsel	166,400	55,190	57,993	2,803	4.83%
Comp. Planning	111,200	39,682	50,011	10,329	20.65%
Other Gov't Services	332,300	163,786	161,108	(2,678)	-1.66%
Public Safety Operations	6,423,700	2,540,167	2,377,595	(162,572)	-6.84%
Building Dept.	531,100	238,635	254,808	16,173	6.35%
Emergency Mgmt - Hurricanes	0	133,138	0	(133,138)	
Phy. Envir. - Solid Waste/Recycle	1,614,200	439,256	445,635	6,379	1.43%
Public Works Operations	1,520,300	579,115	483,050	(96,065)	-19.89%
Inventory	0	0	0	0	
Benefit Termination Payout	113,300	63,125	32,639	(30,486)	-93%
Parks & Rec	476,600	191,770	173,101	(18,669)	-10.78%
Community Center	618,000	207,298	199,695	(7,603)	-3.81%
Senior Center	0	0	0	0	
Economic Development Programs	100,000	7,470	0	(7,470)	
Contingency/Transfers	957,000	0	0	0	
Long-Term Debt	0	0	0	0	
Non-G.O. Operations Expense	14,386,900	5,232,195	4,797,813	(434,382)	-9.05%
Non-G.O. CAPITAL Expense	1,458,400	324,247	189,596	(\$134,651)	
Total Non-G.O. Expense	15,845,300	5,556,442	4,987,409	(569,033)	
Non-G.O. Revenue Less Expense	\$0	\$5,079,558	\$4,191,885	(\$48,988)	-1%

General Obligation (G.O.) Debt Service

Debt Service Ad-Valorem Revenue	0	172	0
Debt Service Interest Revenue	0	0	0
UG Utils- Debt Service Expense	0	0	0
G.O. Revenue Less Expense	\$0	\$172	\$0

Utility Fund Detail Budget Report

	February, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Fund 401					
Operations Revenues					
Charges for Services	\$3,685,500	\$1,218,793	\$1,018,896	\$199,897	20%
Interest	1,000	21,020	3,271	17,749	543%
Sale of Fixed Assets / Misc.	0	0	0	0	
Total Operating Revenues	\$3,686,500	\$1,239,813	\$1,022,167	\$217,646	21%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,686,500	\$1,107,585	\$991,855	(\$115,730)	-12%
- Less Debt Service Principal [a]		0	0		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,686,500	\$1,107,585	\$991,855	(\$115,730)	-12%
Operations Margin	\$0	\$132,228	\$30,312		
% Gain/(Loss)		12%	3%		

Fund 402

Impact Fee Revenues					
Sewer Impact Fees	16,000	6,925	\$53,195	(\$46,270)	-87%
Impact Fee Interest	100	32	4	28	703%
Total IF Revenue	\$16,100	\$6,957	\$53,199	(\$46,242)	-87%
Impact Fee Expense					
Sewer Impact Fee Exp	16,100	1,912	\$0	(\$1,912)	
Total IF Expense	\$16,100	\$1,912	\$0	(\$1,912)	
Impact Fee Margin	\$0	\$5,045	\$53,199	(48,154)	-91%
% Gain/(Loss)		264%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,702,600	\$1,246,770	\$1,075,366	\$171,404	
TOTAL FUND Expense	\$3,702,600	\$1,109,497	\$991,855	(\$117,642)	
FUND Revenue Less Expense	\$0	\$137,273	\$83,511	\$53,762	

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

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

FISCAL YEAR-TO-DATE CAPITAL BUDGET ACCOUNT REPORT
February, 2023

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative		175,000	175,000
5130 Finance		0	0
5210 Pub. Safety Admin		0	0
5211 Patrol/Fire/Rescue	Vehicles	417,200	41,156
5240 Building & Codes		65,000	0
5410 Pub. Works Admin		43,000	0
5412 Pub. Works Bldg. Maint		307,200	3,500
5413 Pub. Works Streets	Vehicles	150,000	104,591
	Road Improvements Misc.	208,200	0
	<i>Gas Tax Financed</i>		
	<i>Appropriated Road Improvements</i>		0
	<i>Crosswalks</i>	0	0
5720 Parks		92,800	0
5751 Community Center		0	0
5752 Senior Center		0	0
GENERAL FUND TOTAL		1,458,400	324,247
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,643,000	0
	EQUIPMENT	203,000	31,605
	Capital Offset to Depreciation Exp	(2,846,000)	(31,605)
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
GRAND TOTAL		1,458,400	324,247

INVESTMENT REPORT
February, 2023

Policy Restrictions

Investment	Invest Class	Must	Int.Cap	Policy Class Cap	Current	In Limits
SBA	SBA			None	0.0%	
US Gov't Securities	USGS			100%	69.3%	Yes
Cash & CDs	CASH			None	30.7%	Yes
Money Market Funds	MMF			20%	0.0%	
Fed Instrum. & Agncy	FIA			30%	0.0%	
Collat. Mortg. Obligtns.	CMO			20%	0.0%	
Commercial Paper	CP			10%	0.0%	
FMIT	FMIT			None	0.0%	

Performance @Period Ending: February, 2023

Institution	Account		Asset	Invest Class	Restriction	Account Value	Period Int. Rate
SBA: Prime	131031		Investment	SBA	General Fund	\$533	2.26%
SBA: Prime	131032		Investment	SBA	Sewer Fund	\$553	2.26%
TOTAL SBA						\$1,086	
U.S. Treasury Note	912828U57	11/30/2023	Investment	USGS	General Fund	\$2,626,580	2.96%
U.S. Treasury Note	912828201	08/31/2023	Investment	USGS	General Fund	\$2,645,382	2.86%
U.S. Treasury Note	91282CER8	5/31/2024	Investment	USGS	General Fund	\$2,600,045	3.62%
U.S. Treasury Bill	912796U31	3/23/2023	Investment	USGS	General Fund	\$3,544,598	4.15%
U.S. Treasury Bill	912796W47	5/18/2023	Investment	USGS	General Fund	\$3,538,885	4.65%
U.S. Treasury Bill	912796U49	9/15/2022	Investment	USGS	General Fund	\$1,996,260	4.21%
U.S. Treasury Bill	912796U31	3/23/2023	Investment	USGS	Sewer Fund	\$1,496,032	4.15%
U.S. Treasury Bill	912796X79	12/15/2022	Investment	USGS	Sewer Fund	\$1,479,307	4.71%
U.S. Treasury Bill	912796XQ7	7/13/2023	Investment	USGS	Sewer Fund	\$5,044,210	4.80%
TOTAL US TREASURIES						\$24,971,300	
Bank of America	004537065882		Cash	CASH	Working Cash	\$8,347,646	0.00%
Bank of America	898013183744		Cash	CASH	UG Util Building	\$0	0.00%
Bank of America	005562564319		Cash	CASH	Sewer Operating	\$2,026,094	0.00%
Bank of America	005562564351		Cash	CASH	Sewer Impact Fee	\$10,617	0.00%
JP Morgan Chase	663652210		Cash	CASH	Working Cash	\$523,703	0.00%
JP Morgan Chase CD	100079555936		Cash	CD	Pool Cash	\$100,152	1.85%
Seacoast Bank	4810004966		Cash	CASH	Sewer Operating	\$22,617	0.15%
Seacoast Bank	4810000706		Cash	CASH	Working Cash	\$36,809	0.15%
Seacoast Bank	4810003566		Cash	CASH	Loan Reserve	\$0	0.00%
TOTAL BANKS						\$11,067,637	

TOTAL CURRENT VALUE @ PERIOD END	\$36,040,023
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	2.8296%

CHANGE IN CASH & INVESTMENTS (Incl. interfund transfers)	Current Value	Vs. Last Month	Vs. Prior Year To Date	Vs. Prior Fiscal Yr. End
G.O. Construction & Debt Service Funds	\$0	\$0	\$0	\$0
General Fund (excl. G.O. Funds)	\$25,960,593	\$225,706	\$3,890,279	\$4,809,148
Sewer Fund	\$10,079,430	\$26,030	\$458,725	\$97,152
TOTAL	\$36,040,023	\$251,736	\$4,349,004	\$4,906,300
Percent Change for Current	N/A	0.7%	13.7%	39.5%

Portfolio Report
February, 2023

GENERAL FUND						
Agent	Security Type (Last Digits Account ID)	Cost Basis	Yield to Cost	Market Value	Gain / Loss	Annual Income @ Cur. Int%
SBA	Investment-General (031)	\$533	2.26%	\$533	\$0	\$12
BoA	Cash-Pool Cash Account (5882)	\$7,913,325	0.00%	\$7,913,325.42	\$0	\$370
	Contraband Pool Cash in 5882	\$72,052		\$72,052.05	\$0	\$0
	Pool Cash Due to Sewer Fund			(236,488.32)		\$0
	Economic Development			598,756.83		\$0
	ARPA			-		\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$0	0.00%	\$0	\$0	\$0
Seacoast	Cash-Pool Cash Account (0706)	\$36,809	0.15%	\$36,809	\$0	\$55
Seacoast	Cash-Loan Reserve (3566)	\$0	0.00%	\$0	\$0	\$0
Chase	Cash-Pool Cash (2110)	\$523,703	0.00%	\$523,703	\$0	\$0
Chase	CD (5936)	\$100,152	1.85%	\$100,152	\$0	\$1,853
JP Morgan	US Treasury Securities	\$16,937,884	3.79%	\$16,951,751	\$13,866	\$641,834
ALL GENERAL FUND			2.54%	\$25,960,593	\$13,866	\$644,125
			PRIOR MONTH	\$21,153,754		

SEWER OPERATING						
SBA	Investment (032)	\$553	2.26%	\$553	\$0	\$12
BoA	Cash (4319)	\$1,789,606	0.00%	\$1,789,606	\$0	\$84
Seacoast	Cash (4966)	\$22,617	0.15%	\$22,617	\$0	\$33
	Cash-Pool Cash Due From Gen. Fund			\$236,488		\$0
JP Morgan	US Treasury Securities	\$7,935,817	4.66%	\$8,019,549	\$83,732	\$369,983
ALL SEWER OPERATING FUND			4.66%	\$10,068,813	\$83,732	\$370,113
			PRIOR MONTH	\$9,984,477		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$10,617	0.00%	\$10,617	\$0	\$0
	Cash-Pool Cash Due From Gen. Fund			\$0		\$0
ALL SEWER IMPACT			0.00%	\$10,617	\$0	\$0
			PRIOR MONTH	\$10,593		

ALL FUNDS			2.81%	\$36,040,023	\$97,599	\$1,014,238
			PRIOR MONTH	\$31,148,824		
			MONTHLY CHANGE	\$4,891,199		
			MONTHLY CHANGE %	15.7%		

Portfolio Report
February, 2023

GENERAL FUND											
Agent	Security Type (Last Digits Account ID)	Cusip	Maturity Date	Par Value/Face Value	Coupon Rate	Cost Basis	Yield to Maturity	Market Value	Market G/L	Accrued Interest	Income to Maturity
US Treasury Note	US Treasury Note	912828U57	11/30/2023	2,685,000	2.125%	\$2,661,918	2.96%	\$2,626,580	-\$35,338	\$14,107	\$66,666
US Treasury Note	US Treasury Note	912828D1	8/31/2023	2,694,000	1.375%	\$2,655,380	2.86%	\$2,645,382	-\$9,998		\$57,553
US Treasury Note	US Treasury Note	91282CER8	5/31/2024	2,685,000	2.500%	\$2,662,213	3.62%	\$2,600,045	-\$62,168	\$16,597	\$108,185
US Treasury Bill	US Treasury Bill	912796U31	3/23/2023	3,554,000		\$3,496,983	4.15%	\$3,544,598	\$47,615		\$57,017
US Treasury Bill	US Treasury Bill	912796W47	5/18/2023	3,575,000		\$3,497,841	4.65%	\$3,538,885	\$41,044		\$77,159
US Treasury Bill	US Treasury Bill	912796YL7	3/16/2023	2,000,000		\$1,963,549	4.21%	\$1,996,260	\$32,711		\$36,451
ALL GENERAL FUND				17,193,000		\$16,937,884		\$16,951,751	\$13,866	\$30,704	\$403,031
								PRIOR MONTH	\$16,913,027		2.56%

SEWER OPERATING											
US Treasury Bill	US Treasury Bill	912796U31	3/23/2023	1,500,000		\$1,472,305	4.15%	\$1,496,032	\$23,727		\$27,695
US Treasury Bill	US Treasury Bill	912796X53	6/15/2023	1,500,000		\$1,466,106	4.71%	\$1,479,307	\$13,201		\$33,894
US Treasury Bill	US Treasury Bill	912796XQ7	7/13/2023	5,135,000		\$4,997,405	4.80%	\$5,044,210	\$46,805		\$137,595
ALL SEWER OPERATING FUND				8,135,000		\$7,935,817		\$8,019,549	\$83,732		\$199,183
								PRIOR MONTH	\$7,952,137		2.51%

ALL FUNDS				25,328,000		\$24,873,701		\$24,971,300	\$97,599		2.54%
								PRIOR MONTH	\$24,925,667		
								MONTHLY CHANGE	\$45,633		
								MONTHLY CHANGE %	0.2%		



**CITY COMMISSION AGENDA MEMORANDUM
APRIL 25, 2023 AGENDA**

TO: Honorable Mayor and Members of the City Commission
FROM: Lory Irwin, Finance Director
PREPARED BY: Lory Irwin, Finance Director
SUBJECT: Executive Finance Report for March 2023

SYNOPSIS:

Report of the March 2023 fiscal year-to-date city-wide financials. The financial reports show where the city is financially in regard to the commission approved budget.

FISCAL IMPACT STATEMENT:

73.5 of General Fund revenues and 40.2% of the Utility (Sewer) Fund revenue has been received as of the end of March 2023. This is an average of 13% over the previous year. The general fund has expended approximately 43.1% of budgeted expenditures and the Utility Fund has expended approximately 33.9% of budgeted expenditures.

BACKGROUND:

The total commission approved General Fund budget is \$15,845,300; the Utility (Sewer) Fund budget is \$3,702,600 for fiscal year 2022-2023.

LEGAL REVIEW:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTION:

N/A

ATTACHMENT: 1. Executive Finance Report March 2023

EXECUTIVE SUMMARY

Fiscal Year-To-Date Financial Report

Month Ending March, 2023

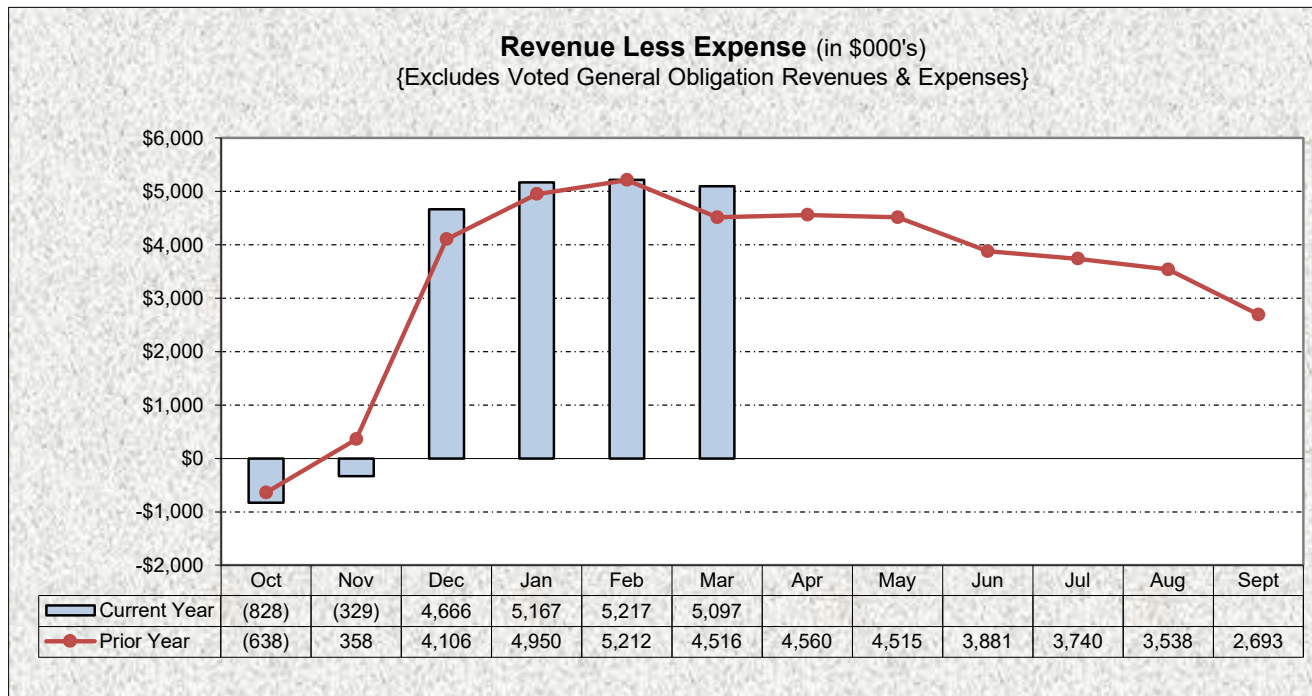
CURRENT YEAR OPERATIONAL PERFORMANCE				
Fund or Fund Segment	YTD Revenue	YTD Expense	Revenue Less Expense	Margin %
General Fund Operations	\$11,644,039	\$6,830,077	\$4,813,962	41%
General Obligation Debt Service	\$88	\$0	\$88	
General Obligation Construction	\$0	\$0	\$0	
General Fund Sub-Total	\$11,644,128	\$6,830,077	\$4,814,051	41%
Sewer Fund Operations	\$1,529,280	\$1,251,291	\$277,989	18%
Sewer Fund Restricted Impact Fee	\$7,666	\$2,868	\$4,798	63%
Sewer Fund Sub-Total	\$1,536,946	\$1,254,159	\$282,787	18%
TOTAL ALL FUNDS FISCAL YTD	\$13,181,074	\$8,084,236	\$5,096,838	39%

CASH / INVESTMENT POSITIONS PERFORMANCE				
	Current Month Current Year	Current Month Prior Year	12-Month Change	Percent Change
General Fund (excl. G.O. Funds)	\$25,902,068	\$22,070,314	\$3,831,754	17%
Sewer Fund	\$10,116,320	\$9,620,705	\$495,615	5%
Sub-Total Operating Funds	\$36,018,389	\$31,691,019	\$4,327,370	14%
Gen. Obligation [GO] Construction & Debt	\$0	\$0	\$0	0%
TOTAL ALL FUNDS	\$36,018,389	\$31,691,019	\$4,327,370	14%

PROJECTED FISCAL YEAR END (FYE) CASH FLOW FROM NORMAL OPERATIONS**			
	General Fund	Sewer Fund	Total
Current Cash vs. Prior Year Ending Cash	\$4,750,623	\$134,042	
Add Back for Current Year CS Construction Expense	N/A	N/A	
Historical Mean Projected Remaining Cash Flow	(\$3,461,028)	\$153,628	
PROJECTED FYE NORMALIZED CASH FLOW	\$1,289,595	\$287,670	\$1,577,265

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

NON-G.O. FUNDS	March, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues ('000s)					
General Fund	\$15,845	\$11,644	\$10,615	\$1,029	10%
Utility Fund	\$3,703	\$1,537	\$1,366	\$171	13%
Total Revenues & Appropriations	\$19,548	\$13,181	\$11,981	\$1,200	10%
Expenses ('000s)					
General Fund Less Capital	\$14,387	\$6,404	\$5,971	(\$433)	-7%
General Fund Capital	\$1,458	\$426	\$190	(\$236)	-124%
Utility Fund	\$3,703	\$1,254	\$1,305	\$51	4%
Total Expenses & Appropriations	\$19,548	\$8,084	\$7,466	(\$618)	-8%
Revenue Less Expense ('000s)					
General Fund	\$0	\$4,814	\$4,454	\$360	
Utility Fund	\$0	\$283	\$61	\$222	
Revenue Less Expense	\$0	\$5,097	\$4,515	\$582	



General Fund Detail Budget Report

	March, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Revenues/Sources					
Ad-Valorem Taxes	8,885,200	8,179,485	7,637,093	542,392	7.10%
Business Taxes	101,900	95,584	98,935	(3,351)	-3.35%
Utility Taxes	1,041,200	437,528	408,942	28,586	6.99%
Permits & Franchise Fees	893,200	541,044	337,466	203,578	60.33%
Intergovernmental	747,600	279,378	241,654	37,724	15.61%
Donations	0	0	0	0	
Charges for Services	1,878,000	1,068,884	1,034,184	34,700	3.36%
Fines & Forfeitures	97,800	37,607	50,063	(12,456)	-24.88%
Non-G.O Interest	231,300	232,448	7,321	225,127	3075.08%
Unrealized Investment G/(L)	0	0	0	0	
Miscellaneous & Fixed Asset Sales	47,900	283,084	371,762	(88,678)	-23.85%
Internal Services	978,000	489,000	427,750	61,250	14.32%
Non G.O. Transfer In-Fund Balance	943,200	0	0	0	
Non-G.O. Gen. Fund Revenue	\$15,845,300	\$11,644,039	\$10,615,170	\$1,028,869	9.69%

Operating Expenditures

Excluding CAPITAL Expense					
Legislative	204,500	83,215	93,871	10,656	11.35%
Executive	657,100	337,758	299,302	(38,456)	-12.85%
Finance	561,200	289,029	305,136	16,107	5.28%
Legal Counsel	166,400	68,757	59,802	(8,955)	-14.97%
Comp. Planning	111,200	50,577	64,110	13,533	21.11%
Other Gov't Services	332,300	168,002	171,575	3,573	2.08%
Public Safety Operations	6,423,700	3,161,774	2,969,915	(191,859)	-6.46%
Building Dept.	531,100	294,754	327,518	32,764	10.00%
Emergency Mgmt - Hurricanes	0	222,726	0	(222,726)	
Phy. Envir. - Solid Waste/Recycle	1,614,200	440,356	555,891	115,535	20.78%
Public Works Operations	1,520,300	716,500	612,014	(104,486)	-17.07%
Inventory	0	0	0	0	
Benefit Termination Payout	113,300	65,766	38,091	(27,675)	-73%
Parks & Rec	476,600	228,327	213,706	(14,621)	-6.84%
Community Center	618,000	266,859	260,133	(6,726)	-2.59%
Senior Center	0	0	0	0	
Economic Development Programs	100,000	9,298	0	(9,298)	
Contingency/Transfers	957,000	0	0	0	
Long-Term Debt	0	0	0	0	
Non-G.O. Operations Expense	14,386,900	6,403,698	5,971,064	(432,634)	-7.25%
Non-G.O. CAPITAL Expense	1,458,400	426,379	189,596	(236,783)	
Total Non-G.O. Expense	15,845,300	6,830,077	6,160,660	(669,417)	
Non-G.O. Revenue Less Expense	\$0	\$4,813,962	\$4,454,508	\$359,452	8%

General Obligation (G.O.) Debt Service

Debt Service Ad-Valorem Revenue	0	88	0
Debt Service Interest Revenue	0	0	0
UG Utils- Debt Service Expense	0	0	0
G.O. Revenue Less Expense	\$0	\$88	\$0

Utility Fund Detail Budget Report

	March, 2023		VERSUS PRIOR YEAR TO DATE		
	Current Budget	Current YTD Actual	Prior YTD Actual	Vs. Prior Yr. Favorable / (Unfavorable)	% vs. Prior Year
Fund 401					
Operations Revenues					
Charges for Services	\$3,685,500	\$1,480,670	\$1,307,073	\$173,597	13%
Interest	1,000	48,610	3,950	44,660	1131%
Sale of Fixed Assets / Misc.	0	0	0	0	
Total Operating Revenues	\$3,686,500	\$1,529,280	\$1,311,023	\$218,257	17%
Operations Expenditures					
Sewer Operating Incl. Depreciation	\$3,686,500	\$1,251,291	\$1,305,189	\$53,898	4%
- Less Debt Service Principal [a]		0	0		
- Less Not Offset Capital Expense [b]		0	0		
Total Operating Expense	\$3,686,500	\$1,251,291	\$1,305,189	\$53,898	4%
Operations Margin	\$0	\$277,989	\$5,834		
% Gain/(Loss)		22%	0%		

Fund 402

Impact Fee Revenues					
Sewer Impact Fees	16,000	7,625	\$55,468	(\$47,843)	-86%
Impact Fee Interest	100	41	0	41	
Total IF Revenue	\$16,100	\$7,666	\$55,468	(\$47,802)	-86%
Impact Fee Expense					
Sewer Impact Fee Exp	16,100	2,868	\$0	(\$2,868)	
Total IF Expense	\$16,100	\$2,868	\$0	(\$2,868)	
Impact Fee Margin	\$0	\$4,798	\$55,468	(50,670)	-91%
% Gain/(Loss)		167%			

TOTAL FUND PERFORMANCE

TOTAL FUND Revenue	\$3,702,600	\$1,536,946	\$1,366,491	\$170,455	
TOTAL FUND Expense	\$3,702,600	\$1,254,159	\$1,305,189	\$51,030	
FUND Revenue Less Expense	\$0	\$282,787	\$61,302	\$221,485	

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

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

FISCAL YEAR-TO-DATE CAPITAL BUDGET ACCOUNT REPORT
March, 2023

Department	Description	Budgeted*	Paid
51/10-20 Executive/Legislative		175,000	175,000
5130 Finance		0	0
5210 Pub. Safety Admin		0	0
5211 Patrol/Fire/Rescue	Vehicles	417,200	101,132
5240 Building & Codes		65,000	0
5410 Pub. Works Admin		43,000	42,156
5412 Pub. Works Bldg. Maint		307,200	3,500
5413 Pub. Works Streets	Vehicles	150,000	104,591
	Road Improvements Misc.	208,200	0
	<i>Gas Tax Financed</i>		
	<i>Appropriated Road Improvements</i>		0
	<i>Crosswalks</i>	0	0
5720 Parks		92,800	0
5751 Community Center		0	0
5752 Senior Center		0	0
GENERAL FUND TOTAL		1,458,400	426,379
401-5350 Sewer Operating	IMPROVEMENTS		
	Sewer Engineering and Project Cost	2,643,000	0
	EQUIPMENT	203,000	31,605
	Capital Offset to Depreciation Exp	(2,846,000)	(31,605)
401-5351 Sewer Impact Fee			
UTILITY FUND TOTAL		0	0
0 GRAND TOTAL		1,458,400	426,379

INVESTMENT REPORT
March, 2023

Policy Restrictions

Investment	Invest Class	Must	Int.Cap	Policy Class Cap	Current	In Limits
SBA	SBA			None	0.0%	
US Gov't Securities	USGS			100%	69.6%	Yes
Cash & CDs	CASH			None	30.4%	Yes
Money Market Funds	MMF			20%	0.0%	
Fed Instrum. & Agncy	FIA			30%	0.0%	
Collat. Mortg. Obligtns.	CMO			20%	0.0%	
Commercial Paper	CP			10%	0.0%	
FMIT	FMIT			None	0.0%	

Performance @Period Ending: March, 2023

Institution	Account		Asset	Invest Class	Restriction	Account Value	Period Int. Rate
SBA: Prime	131031		Investment	SBA	General Fund	\$555	2.26%
SBA: Prime	131032		Investment	SBA	Sewer Fund	\$555	2.26%
TOTAL SBA						\$1,111	
U.S. Treasury Note	912828U57	11/30/2023	Investment	USGS	General Fund	\$2,639,900	2.86%
U.S. Treasury Note	912828201	08/31/2023	Investment	USGS	General Fund	\$2,657,063	2.70%
U.S. Treasury Note	91282CER8	5/31/2024	Investment	USGS	General Fund	\$2,624,797	3.30%
U.S. Treasury Bill	912796U31	3/23/2023	Investment	USGS	General Fund	\$3,557,138	4.70%
U.S. Treasury Bill	912796W47	5/18/2023	Investment	USGS	General Fund	\$3,554,086	4.41%
U.S. Treasury Bill	912796U49	9/15/2022	Investment	USGS	General Fund	\$1,974,274	4.60%
U.S. Treasury Bill	912796U31	3/23/2023	Investment	USGS	Sewer Fund	\$1,500,882	4.70%
U.S. Treasury Bill	912796X79	12/15/2022	Investment	USGS	Sewer Fund	\$1,485,883	4.50%
U.S. Treasury Bill	912796XQ7	7/13/2023	Investment	USGS	Sewer Fund	\$5,067,610	4.60%
TOTAL US TREASURIES						\$25,061,633	
Bank of America	004537065882		Cash	CASH	Working Cash	\$8,200,205	0.00%
Bank of America	898013183744		Cash	CASH	UG Util Building	\$0	0.00%
Bank of America	005562564319		Cash	CASH	Sewer Operating	\$2,028,145	0.00%
Bank of America	005562564351		Cash	CASH	Sewer Impact Fee	\$10,626	0.00%
JP Morgan Chase	663652210		Cash	CASH	Working Cash	\$557,085	0.00%
JP Morgan Chase CD	100079555936		Cash	CD	Pool Cash	\$100,152	1.85%
Seacoast Bank	4810004966		Cash	CASH	Sewer Operating	\$22,620	0.15%
Seacoast Bank	4810000706		Cash	CASH	Working Cash	\$36,813	0.15%
Seacoast Bank	4810003566		Cash	CASH	Loan Reserve	\$0	0.00%
TOTAL BANKS						\$10,955,645	

TOTAL CURRENT VALUE @ PERIOD END	\$36,018,389
WEIGHTED AVERAGE TOTAL RETURN FOR CURRENT MONTH	2.8374%

CHANGE IN CASH & INVESTMENTS (Incl. interfund transfers)	Current Value	Vs. Last Month	Vs. Prior Year To Date	Vs. Prior Fiscal Yr. End
G.O. Construction & Debt Service Funds	\$0	\$0	\$0	\$0
General Fund (excl. G.O. Funds)	\$25,902,068	(\$58,525)	\$4,595,919	\$4,750,623
Sewer Fund	\$10,116,320	\$36,890	\$556,658	\$134,042
TOTAL	\$36,018,389	(\$21,634)	\$5,152,578	\$4,884,666
Percent Change for Current	N/A	-0.1%	16.7%	39.4%

Portfolio Report
March, 2023

GENERAL FUND						
Agent	Security Type (Last Digits Account ID)	Cost Basis	Yield to Cost	Market Value	Gain / Loss	Annual Income @ Cur. Int%
SBA	Investment-General (031)	\$555	2.26%	\$555	\$0	\$13
BoA	Cash-Pool Cash Account (5882)	\$7,768,273	0.00%	\$7,768,273.13	\$0	\$364
	<i>Contraband Pool Cash in 5882</i>	\$72,052		\$72,052.05	\$0	\$0
	<i>Pool Cash Due to Sewer Fund</i>			(237,049.79)		\$0
	<i>Economic Development</i>			596,929.33		\$0
BoA	Cash- UG Utility [Bldg] (3744)	\$0	0.00%	\$0	\$0	\$0
Seacoast	Cash-Pool Cash Account (0706)	\$36,813	0.15%	\$36,813	\$0	\$55
Seacoast	Cash-Loan Reserve (3566)	\$0	0.00%	\$0	\$0	\$0
Chase	Cash-Pool Cash (2110)	\$557,085	0.00%	\$557,085	\$0	\$0
Chase	CD (5936)	\$100,152	1.85%	\$100,152	\$0	\$1,853
JP Morgan	US Treasury Securities	\$17,001,341	3.81%	\$17,007,259	\$5,917	\$647,789
ALL GENERAL FUND			2.53%	\$25,902,068	\$5,917	\$650,073
PRIOR MONTH				\$21,153,754		

SEWER OPERATING						
SBA	Investment (032)	\$555	2.26%	\$555	\$0	\$13
BoA	Cash (4319)	\$1,791,095	0.00%	\$1,791,095	\$0	\$84
Seacoast	Cash (4966)	\$22,620	0.15%	\$22,620	\$0	\$33
	<i>Cash-Pool Cash Due From Gen. Fund</i>			\$237,050		\$0
JP Morgan	US Treasury Securities	\$7,962,950	4.60%	\$8,054,374	\$91,424	\$366,545
ALL SEWER OPERATING FUND			4.69%	\$10,105,694	\$91,424	\$366,674
PRIOR MONTH				\$9,984,477		

SEWER IMPACT FEES (Restricted)						
BoA	Cash (4351)	\$10,626	0.00%	\$10,626	\$0	\$0
ALL SEWER IMPACT			0.00%	\$10,626	\$0	\$0
PRIOR MONTH				\$10,593		

ALL FUNDS			2.82%	\$36,018,389	\$97,341	\$1,016,748
PRIOR MONTH				\$31,148,824		
MONTHLY CHANGE				\$4,869,565		
MONTHLY CHANGE %				15.6%		

Portfolio Report
March, 2023

GENERAL FUND											
Agent	Security Type (Last Digits Account ID)	Cusip	Maturity Date	Par Value/Face Value	Coupon Rate	Cost Basis	Yield to Maturity	Market Value	Market G/L	Accrued Interest	Income to Maturity
US Treasury Note	US Treasury Note	912828U57	11/30/2023	2,685,000	2.125%	\$2,661,918	2.86%	\$2,639,900	-\$22,018	\$23,800	\$61,753
US Treasury Note	US Treasury Note	912828D1	8/31/2023	2,694,000	1.375%	\$2,655,380	2.70%	\$2,657,063	\$1,683	\$3,120	\$54,363
US Treasury Note	US Treasury Note	91282CER8	5/31/2024	2,685,000	2.500%	\$2,662,213	3.30%	\$2,624,797	-\$37,416	\$22,314	\$102,405
US Treasury Bill	US Treasury Bill	912796CR8	9/21/2023	3,638,000		\$3,553,717	4.70%	\$3,557,138	\$3,421		\$84,283
US Treasury Bill	US Treasury Bill	912796W47	5/18/2023	3,575,000		\$3,497,841	4.41%	\$3,554,086	\$56,245		\$77,159
US Treasury Bill	US Treasury Bill	912797FX0	7/11/2023	2,000,000		\$1,970,272	4.60%	\$1,974,274	\$4,001		\$29,728
ALL GENERAL FUND				17,277,000		\$17,001,341		\$17,007,259	\$5,917	\$49,234	\$409,691
								PRIOR MONTH	\$16,913,027		
										2.70%	

SEWER OPERATING											
US Treasury Bill	US Treasury Bill	912796CR8	9/21/2023	1,535,000		\$1,499,439	4.70%	\$1,500,882	\$1,443		\$35,561
US Treasury Bill	US Treasury Bill	912796X53	6/15/2023	1,500,000		\$1,466,106	4.50%	\$1,485,883	\$19,777		\$33,894
US Treasury Bill	US Treasury Bill	912796XQ7	7/13/2023	5,135,000		\$4,997,405	4.60%	\$5,067,610	\$70,204		\$137,595
ALL SEWER OPERATING FUND				8,170,000		\$7,962,950		\$8,054,374	\$91,424		\$207,050
								PRIOR MONTH	\$7,952,137		
										2.60%	

ALL FUNDS				25,447,000		\$24,964,292		\$25,061,633	\$97,341	2.67%	
								PRIOR MONTH	\$24,971,300		
								MONTHLY CHANGE	\$90,333		
								MONTHLY CHANGE %	0.4%		



**CITY COMMISSION AGENDA MEMORANDUM
APRIL 25, 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 - March 2023

SYNOPSIS:

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT:

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

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:

- Public Works: Worked on repairing A/C
- Public Safety: Replaced door closer, installed shelf, repaired kitchen cabinet, continued work on fencing in compound and gate problems
- Community Center: Worked on A/C problems, work was started and finished on the balcony repairs, elevator alarm and smoke alarm issues

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:

- Started trimming, refreshing plants, fertilizing and spraying for weeds at the city properties
- Continued working on the new Veterans Park area
- Poured two bench pads at the new Veterans Park location
- Started painting parking spaces at city properties
- Worked on irrigation problems at city properties

Electrician:

- 49 Electrical locates
- Installed lighting at McElroy Park, the pickleball courts, Beachcomber Park, bocce ball courts and city hall
- Repaired lights, air compressor, tv outlets and a light by the vacuum at public safety
- Rewired decorative poles not working correctly and rewired a low voltage light at the community center

SEWER DIVISION:

This division typically has four positions but is short two employees and been short 1-2 employees for nine consecutive months.

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 – 77
- Cleaned hydro meter at Master Station
- Fixed the dealer float at Station 4 and jack on the Harben
- Made temporary repairs to the driveshaft mount on truck 163
- Removed the fence at Station 3

City of Daytona Beach Shores

Planning & Building Division Statistics

Monthly Report – March, 2023

Planning Division

Site Plans - Submittals and Approvals:

Submitted this Month: 0
 Submitted this Fiscal Year: 2
 Approved by Staff this Month: 1
 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
Richards Residence	3333 South Atlantic Avenue, Unit 804	3/1	Change out 3 ton HVAC system	\$10,500.00	\$110.50
Pearson Residence	171 Key Colony Court	3/1	Install 14 impact windows and 2 doors	\$41,000.00	\$300.89
Keeney Residence	3815 South Atlantic Avenue, Unit 403	3/2	Remodel kitchen, 2 baths, cabinets, showers	\$67,600.00	\$454.36
Oceans Four Condo	3003 South Atlantic Avenue	3/2	Replace cast iron sanitary pipe for C stack	\$15,000.00	\$47.50
Perennial Vacation Club	2525 South Atlantic Avenue	3/3	Waterproof and paint building	\$180,620.00	\$960.20
Surf Style at DBS	2226 South Atlantic Avenue	3/6	Underground fire line	\$48,000.00	\$412.10
Perkins Residence	1925 South Atlantic Avenue, Unit 202	3/6	Replace 4 ton straight cool split system	\$11,500.00	\$117.10
Henderson Residence	2937 South Atlantic Avenue, Unit 1403	3/6	Replace insulation and drywall	\$10,020.00	\$120.55
Townhomes at the Oceans HOA	2920 – 2930 Oceans Trace	3/7	Replace 111,000 square foot roof	\$119,400.00	\$716.29
Townhomes at the Oceans HOA	2921 – 2933 Oceans Trace	3/7	Replace 143,000 square foot roof	\$157,020.00	\$868.07
Townhomes at the Oceans HOA	2932 – 2938 Oceans Trace	3/7	Replace 79,000 square foot roof	\$87,205.00	\$568.01

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Townhomes at the Oceans HOA	2935 – 2945 Oceans Trace	3/7	Replace 123,000 square foot roof	\$134,325.00	\$776.24
Townhomes at the Oceans HOA	2940 – 2950 Oceans Trace	3/7	Replace 111,000 square foot roof	\$119,400.00	\$716.29
Townhomes at the Oceans HOA	2947 – 2957 Oceans Trace	3/7	Replace 111,000 square foot roof	\$119,400.00	\$716.29
Townhomes at the Oceans HOA	2952 – 2958 Oceans Trace	3/7	Replace 79,000 square foot roof	\$87,205.00	\$568.01
Townhomes at the Oceans HOA	2959 – 2969 Oceans Trace	3/7	Replace 111,000 square foot roof	\$119,400.00	\$716.29
Townhomes at the Oceans HOA	2960 – 2970 Oceans Trace	3/7	Replace 111,000 square foot roof	\$119,400.00	\$716.29
Townhomes at the Oceans HOA	Sea Oats Circle	3/7	Replace pool house roof	\$15,980.00	\$161.50
Townhomes at the Oceans HOA	2920 – 2934 Sea Oats Circle	3/7	Replace 171,000 square foot roof	\$184,285.00	\$976.10
Townhomes at the Oceans HOA	2936 – 2942 Sea Oats Circle	3/7	Replace 79,000 square foot roof	\$87,205.00	\$568.01
Townhomes at the Oceans HOA	2944 – 2954 Sea Oats Circle	3/7	Replace 111,000 square foot roof	\$119,400.00	\$716.29
Townhomes at the Oceans HOA	2956 – 2962 Sea Oats Circle	3/7	Replace 79,000 square foot roof	\$87,205.00	\$568.01
Townhomes at the Oceans HOA	2973 – 2979 Sea Oats Circle	3/7	Replace 85,000 square foot roof	\$94,910.00	\$608.05
Townhomes at the Oceans HOA	2981 – 2985 Sea Oats Circle	3/7	Replace 61,000 square foot roof	\$69,880.00	\$465.83
Bahama House	2001 South Atlantic Avenue	3/8	Repair and replace seawall and stairs to beach	\$584,000.00	\$2,429.25
Banker Property	3837 South Atlantic Avenue	3/8	Correct damaged seawall areas	\$132,500.00	\$768.29
Banker Property	3839 South Atlantic Avenue	3/8	Correct damaged seawall areas	\$132,500.00	\$768.29
Bella Vista Condo	2515 South Atlantic Avenue	3/8	Replace fire alarm system and E-VAC system	\$88,957.00	\$380.29
South Atlantic Real Estate	2422 South Atlantic Avenue	3/8	Mill blend and overlay parking lot	\$31,415.00	\$249.51
Benedict Residence	117 White Cap Avenue	3/8	Remove shingles, replace wood rot, install metal roof	\$26,000.00	\$215.56
Sun Viking Lodge	2411 South Atlantic Avenue	3/8	Replace flat roof and missing metal panels	\$95,000.00	\$608.08
Alamo Residence	2801 South Atlantic Avenue	3/9	Remove roof materials, install architectural shingles	\$29,000.00	\$232.62
Brockett Residence	4 Oceans West Boulevard, Unit 405B	3/9	Replace impact windows and doors	\$48,050.00	\$346.11
Nye Residence	2947 South Atlantic Avenue, Unit 1005	3/9	Replace impact windows and doors	\$18,700.00	\$177.58
Walgreens Pharmacy	3004 South Atlantic Avenue	3/9	Replace 5 rooftop HVAC units	\$19,565.00	\$170.05

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Blue Coast Surf Shop	3110 South Atlantic Avenue	3/9	Install new plumbing	\$15,000.00	\$79.40
Reid Residence	4 Oceans West Boulevard, Unit 505B	3/9	Replace 4 windows and 3 sliding glass doors	\$26,316.00	\$221.03
Beach Plaza	2560 South Atlantic Avenue	3/10	Remove and replace roof	\$128,000.00	\$1,578.66
Atlantic Ocean Palm Inn	3247 South Atlantic Avenue	3/10	Construct new seawall and stairs	\$300,000.00	\$1,436.03
Seychelles Condo	3855 South Atlantic Avenue	3/10	Replace pergola and pavers	\$29,645.00	\$238.21
Rivershore Motel	3150 South Atlantic Avenue	3/10	Open walls to access plumbing lines in 5 units	\$13,000.00	\$371.30
Towers Ten Condo	3425 South Atlantic Avenue	3/10	Upgrade cellular equipment on rooftop	\$30,000.00	\$238.31
Towers Ten Condo	3425 South Atlantic Avenue	3/10	Electrical to cellular equipment	\$10,000.00	\$47.50
Rivershore Motel	3150 South Atlantic Avenue	3/10	Re pipe water lines, correct drains, new shower valves	\$12,000.00	\$241.10
Oceans Eight Condo	2937 South Atlantic Avenue	3/10	Replace insulation and drywall in 60 units	\$76,000.00	\$500.00
Days Inn by Wyndham	3357 South Atlantic Avenue	3/13	Repair existing damaged bulkhead/retaining wall	\$125,000.00	\$736.46
St. Maarten Condo	2403 South Atlantic Avenue	3/13	Reconstruct damaged bulkhead/retaining wall	\$1,650,000.00	\$4,887.71
White Surf Condo	3555 South Atlantic Avenue	3/13	Reconstruct damaged bulkhead/retaining wall	\$1,250,000.00	\$3,965.21
Sandpoint Condo	2615 South Atlantic Avenue	3/14	Seawall restoration and repair	\$250,000.00	\$1,236.15
Champagne Residence	3737 South Atlantic Avenue, Unit 102	3/15	Remodel master and guest bathrooms	\$35,798.00	\$272.38
Greenip Residence	224 Florida Shores Boulevard	3/15	Remodel kitchen, new cabinets, and countertops	\$24,000.00	\$204.49
Seychelles Condo	3855 South Atlantic Avenue	3/15	Install wood framed beach access stairs	\$35,315.00	\$272.23
Dykstra Residence	3145 South Atlantic Avenue, Unit 201	3/16	Install storm shutters for hurricane protection	\$22,800.00	\$199.11
Sikina Residence	2917 South Atlantic Avenue, Unit 303	3/16	Replace 2 sliding glass doors	\$11,015.00	\$129.10
7-Eleven	3610 South Atlantic Avenue	3/16	Remove and replace fuel canopy	\$24,000.00	\$204.49
Kinney Residence	3333 South Atlantic Avenue, Unit 2201	3/16	Replace 1 window and 4 sliding glass doors	\$22,890.00	\$199.11
Randall Residence	2515 South Atlantic Avenue, Unit 601	3/16	Replace 1 entry door	\$13,437.00	\$146.20
Lee Residence	3333 South Atlantic Avenue, Unit 801	3/16	Replace 1 window and 4 sliding glass doors	\$11,212.00	\$129.10
Tropical Manor	2237 South Atlantic Avenue	3/16	Extend drain lines, change 3 tubs to showers	\$14,355.00	\$69.25
Carlson Residence	3333 South Atlantic Avenue, Unit 2103	3/17	New cabinets, counter tops and vanities	\$28,000.00	\$226.94

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Holiday Inn Express	3301 South Atlantic Avenue	3/17	Replace 3 lobby windows	\$10,000.00	\$112.00
Shore Winds Motel	2240 South Atlantic Avenue	3/17	Install 13 mini split systems	\$15,000.00	\$0.00
Merlino Residence	3508 Cardinal Boulevard	3/17	Flat roof re-roof	10,000.00	\$112.00
Peninsula Condo	2545 South Atlantic Avenue	3/17	Reroof pool house	\$58,610.00	\$403.16
DePalo Residence	2987 South Atlantic Avenue, Unit 2106	3/20	Replace 4 windows and 1 sliding glass door	\$13,220.00	\$146.20
Getz Residence	2942 Sea Oats Circle	3/20	Replace windows and doors	\$15,169.00	\$161.50
Boone Residence	3805 South Atlantic Avenue, Unit 1	3/21	Replace 4 windows and 1 sliding glass door	\$12,811.00	\$137.65
Pirates Cove	3501 South Atlantic Avenue	3/21	Install new solar water heating panels	\$50,000.00	\$352.09
Seychelles Condo	3855 South Atlantic Avenue	3/22	Minor repairs to existing seawall	\$35,000.00	\$627.01
Gilchrist Residence	2 Oceans West Boulevard, Unit 1104	3/22	Install storm shutters for hurricane protection	\$15,200.00	\$161.50
Turtle Inn Beach Club	3233 South Atlantic Avenue	3/22	Re-roof fully adhered TPO roof	\$199,000.00	\$1,032.28
Tropical Manor	2241 South Atlantic Avenue	3/22	Wood deck and shingle re-roof	\$10,000.00	\$112.00
Lieberman Property	2828 South Atlantic Avenue	3/23	Demolition of 3 story house	\$16,712.00	\$323.90
Atlantic Ocean Palm Inn	3247 South Atlantic Avenue	3/23	Remodel commercial pool	\$156,275.00	\$1,214.17
Bahama House	2001 South Atlantic Avenue	3/23	Replace existing monument sign	\$32,000.00	\$71.35
Hardee Residence	2967 South Atlantic Avenue, Unit 601	3/23	Master bath remodel, cabinets, tops, showers	\$38,625.00	\$289.41
Fantasy Island II	3175 South Atlantic Avenue	3/23	Commercial TPO re-roof	\$330,239.00	\$1,559.72
Fantasy Island II	3175 South Atlantic Avenue	3/24	Mics. repairs of walkways, balconies, and stairs	\$122,000.00	\$724.47
Perennial Vacation Club	2525 South Atlantic Avenue	3/24	TPO re-roof	\$313,400.00	\$1,491.81
Surf Style	2226 South Atlantic Avenue	3/24	Wet pipe fire sprinkler system	\$44,800.00	\$748.46
Devleschoward Residence	3013 South Atlantic Avenue, Unit 405	3/27	Install 2' drywall around unit, cabinets, vanities	\$26,800.00	\$208.37
Daytona Seabreeze	3125 South Atlantic Avenue	3/27	Install permanent seawall	\$4,401,265.00	\$11,234.29
Dolphin Beach Club	3355 South Atlantic Avenue	3/27	Install permanent seawall	\$1,767,245.00	\$5,159.62
Fantasy Island II	3175 South Atlantic Avenue	3/27	Install permanent seawall	\$2,395,877.00	\$6,608.14
Holiday Inn Express	3301 South Atlantic Avenue	3/27	Construct new seawall	\$500,000.00	\$2,235.53
Delta Marriott	2505 South Atlantic Avenue	3/27	Construct new seawall	\$650,000.00	\$2,581.46

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Miller Residence	2987 South Atlantic Avenue, Unit 1505	3/27	Replace 3 windows	\$12,025.00	\$137.65
Crockett Residence	3013 South Atlantic Avenue, Unit 607	3/27	Replace impact windows	\$10,840.00	\$120.55
Mike's Gift Shop	3500 South Atlantic Avenue	3/27	Replace impact storefront windows	\$28,850.00	\$232.58
Oceans Seven Condo	2947 S. Atlantic Ave.	3/27	Replace drywall in multiple units	\$12,000.00	\$129.10
Pirates Cove	3501 South Atlantic Avenue	3/27	Replace sheet rock in common areas	\$84,250.00	\$550.97
City of DBS Walkover	2901 South Atlantic Avenue	3/27	Repair storm damaged beach ramp	\$37,925.00	\$0.00
Jones Residence	3043 South Atlantic Avenue, Unit 1505	3/28	Replace existing kitchen, 2 bathroom showers	\$25,000.00	\$209.87
Higdon Residence	2917 South Atlantic Avenue, Unit 1105	3/28	Kitchen remodel	\$17,900.00	\$172.20
Kears Residence	3043 South Atlantic Avenue, Unit 203	3/28	Remodel kitchen, replace 2 vanities	\$21,740.00	\$193.73
Oceans Five Condo	2987 South Atlantic Avenue	3/28	Repair damaged beach access stairs	\$27,800.00	\$226.87
Porcelli Residence	3333 South Atlantic Avenue, Unit 703	3/28	Remodel kitchen and bathrooms, custom shower	\$69,500.00	\$465.71
2120 S. Atlantic Ave. LLC	2120 South Atlantic Avenue	3/28	Replace soffit, fascia, siding, cracked window	\$15,000.00	\$154.75
Macaluso Residence	2987 South Atlantic Avenue, Unit 404	3/29	Remove and replace 8 windows	\$13,607.00	\$146.20
Krol Residence	2987 South Atlantic Avenue, Unit 1204	3/29	Replace 10 windows and 1 sliding glass door	\$34,072.00	\$266.47
Oceans Atrium Condo	3023 South Atlantic Avenue	3/29	Eifs repair on east facing sheer wall	\$141,000.00	\$800.42
Peck Plaza	2625 South Atlantic Avenue	3/30	Replace seawall, North section	\$330,000.00	\$1,555.95
Seven Seas Resort	2433 South Atlantic Avenue	3/30	Construct seawall	\$375,000.00	\$1,735.84
Sherwin Condo	2555 South Atlantic Avenue	3/30	Construct seawall	\$910,000.00	\$3,181.09
McEver Residence	3333 South Atlantic Avenue, Unit 1602	3/30	Replace 1 window and 2 sliding glass doors	\$13,514.00	\$146.20
Demaree Residence	3333 South Atlantic Avenue, Unit 501	3/30	Replace 1 window and 4 sliding glass doors	\$22,890.00	\$194.25
Deese Residence	3333 South Atlantic Avenue, Unit 1703	3/30	Replace 2 windows and 3 sliding glass doors	\$21,158.00	\$193.73
Popp Residence	3333 South Atlantic Avenue, Unit 2104	3/30	Replace 2 windows and 3 sliding glass doors	\$21,225.00	\$193.73
Zaremskas Residence	3333 South Atlantic Avenue, Unit 1904	3/30	Replace 2 windows and 3 sliding glass doors	\$20,735.00	\$188.34
Shemelya Residence	3333 South Atlantic Avenue, Unit 606	3/30	Replace 1 window and 3 sliding glass doors	\$17,393.00	\$172.20
Proudfoot Residence	3333 South Atlantic Avenue, Unit 603	3/30	Replace 2 windows and 3 sliding glass doors	\$20,735.00	\$188.34

PROJECT	WORK ADDRESS	DATE	WORK DESCRIPTION	VALUE	REVENUE
Grewe Residence	3333 South Atlantic Avenue, Unit 1002	3/30	Replace 2 windows and 2 sliding glass doors	\$14,685.00	\$154.75
Snively Residence	3333 South Atlantic Avenue, Unit 1903	3/30	Replace 2 windows and 3 sliding glass doors	\$20,835.00	\$188.34
Carlson Residence	3333 South Atlantic Avenue, Unit 2103	3/30	Replace 2 windows and 3 sliding glass doors	\$20,213.00	\$188.34
Sussman Residence	3333 South Atlantic Avenue, Unit 1702	3/30	Replace 2 windows and 2 sliding glass doors	\$14,775.00	\$154.75
Sullwood Residence	3333 South Atlantic Avenue, Unit 702	3/30	Replace 2 windows and 2 sliding glass doors	\$18,586.00	\$177.58
City of DBS dune walkover	2901 South Atlantic Avenue	3/30	Repairs to existing dune walkover	\$22,970.00	\$0.00
Izbicki Residence	159 Key Colony Court	3/30	Replace 12 windows	\$46,407.00	\$334.84
Caldwell Residence	2910 South Peninsula Drive	3/30	Apply stucco coating to existing block exterior	\$12,000.00	\$129.10
Dimucci Twin Towers	3315 South Atlantic Avenue	3/31	Permanent seawall replacement	\$1,477,198.00	\$4,490.79
TOTALS	WORK ADDRESS	DATE	WORK DESCRIPTION	\$22,660,406.00	\$92,307.19

Building Division Revenue by Permit Category:

PERMIT TYPE	MARCH 2023	FISCAL YEAR-TO-DATE 2022 TO 2023	MARCH 2022	LAST FISCAL YEAR-TO-DATE 2021 TO 2022
BUILDING	\$70,394.80	\$156,386.73	\$8,796.51	\$33,598.46
ROOF	\$18,456.79	\$27,044.90	\$0.00	\$1,656.24
DEMOLITION	\$323.90	\$545.30	\$0.00	\$69.25
ELECTRICAL	\$2,486.79	\$13,555.26	\$2,191.63	\$5,813.13
MECHANICAL	\$2,610.05	\$14,967.23	\$3,287.54	\$7,615.43
PLUMBING	\$3,276.57	\$14,262.85	\$2,614.25	\$8,021.17
SIGN	\$853.13	\$2,124.79	\$167.25	\$964.81
POLITICAL SIGN BONDS	\$0.00	\$0.00	\$0.00	\$0.00
STORMWATER MANAGEMENT	\$0.00	\$0.00	\$0.00	\$0.00
MISCELLANEOUS	\$0.00	\$598.25	\$65.25	\$261.25
DEVELOPMENT FEES	\$2,577.50	\$5,621.52	\$245.00	\$10,726.00
PROMOTIONAL ACTIVITIES	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS	\$100,979.53	\$235,106.83	\$17,367.43	\$68,725.74

Building Division Activities:

ACTIVITY	MARCH 2023	FISCAL YEAR-TO-DATE 2022 TO 2023	MARCH 2022	LAST FISCAL YEAR-TO-DATE 2021 TO 2022
INSPECTIONS	328	1529	267	870
FINAL CERTIFICATES OF OCCUPANCY ISSUED	0	1	0	0
TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED	0	0	0	0
FINAL INSPECTIONS	221	774	169	527
FAILED INSPECTIONS	15	83	18	43

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

Projects Begun Current Fiscal Year-to-Date – 2022 to Present: \$48,981,040.00

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



CITY COMMISSION AGENDA MEMORANDUM APRIL 25, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Stewart Cruz, Community Services Director

SUBJECT: Access Agreement & Construction License For Seawall Construction: Marbella Condominium, 3343 S. Atlantic Avenue

SYNOPSIS:

On February 28, 2023, the City Commission of Daytona Beach Shores approved a condo - city partnership concept for seawall reconstruction on city beach access properties that experienced seawall failure as a result of hurricanes Ian and Nicole. The City Commission also directed staff to work with the City Attorney's office to provide the instruments needed to realize this partnership. Attached is an Agreement Granting a Temporary Ingress, Egress and Construction License For Seawall Construction document drafted by the City Attorney and executed by the Marbella Condominium, located at 3343 S. Atlantic Avenue. Approval of the agreement/license will allow the property owner access to the public beach access to construct a common seawall on the city property contiguous with the condo's seawall. The condo has submitted a Florida Department of Environmental Protection Permit for construction of the condo's seawall and will amend to incorporate the city's portion of the seawall system.

Highlights of the agreement/license include:

1. City grants the Condo authority to access and build a common contiguous seawall on the beach access property.
2. Condo will build the seawall at its own cost.
3. Condo will provide proof of adequate funds to finance the project.
4. Condo will provide adequate liability insurance by listing the City as an additional named insured to cover indemnification obligations in an amount not less than \$1,000,000.
5. Expiration date shall be 10 days after completion of the seawall or December 31, 2023, whichever comes first.

FISCAL IMPACT STATEMENT:

No impact to current budget.

BACKGROUND:

LEGAL REVIEW:**RECOMMENDATION:**

Approval as presented.

SUGGESTED MOTION:

Approval of the Access Agreement and Construction License for Seawall Construction to allow Marbella Condominium to build a contiguous seawall on the 3343 S. Atlantic Avenue Daytona Beach Shores Public Beach Access.

- ATTACHMENT:**
1. Public Beach Access Damage-3343S. Atlantic Ave-Marbella
 2. Access Agreement and Construction License-Marbella Condo 3343 S. Atlantic Ave

Public Beach Access Damage: 3343 S. Atlantic Avenue



413960

This instrument prepared by/return to:
Gretchen R.H. Vose, Esq.
Vose law Firm, LLP
324 W. Morse Blvd.
Winter Park, FL 32789

RECEIVED

APR 17 2023

BUILDING AND CODES DIVISION
CITY OF DAYTONA BEACH SHORES

Property Appraiser's
Parcel Identification No.

AGREEMENT GRANTING TEMPORARY INGRESS, EGRESS AND CONSTRUCTION LICENSE FOR SEAWALL CONSTRUCTION

This Agreement Granting Temporary Ingress, Egress and Construction License for Seawall Construction, is entered into this 17 day of April, A.D. 2023, by and between the City of Daytona Beach Shores, a Florida municipal corporation, with an address of 2990 S. Atlantic Avenue, Daytona Beach Shores, Florida 32118 ("City"), and Marbella Condo Inc [insert legal name of condo association with address], ("Grantee").

(Wherever used herein, the terms "City" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Whereas, Grantee intends to construct a seawall ("Seawall") in the location described in the attached Exhibit "A" ("Seawall Location"); and

Whereas, in order to construct the Seawall in the Seawall Location, the Grantee needs to have access to and across a location ("License Location") which is owned by the City, and which will be closed for beach access during the construction of the Seawall; and

Whereas, Grantee agrees to construct the Seawall at Grantee's sole cost and expense, and that such Seawall, its design and materials shall be subject to the approval of the City; and

Whereas, in order to ensure that no liens will attach to the City's property as a result of the construction by Grantee of the Seawall, Grantee shall provide to the City a copy of the estimate of construction costs for the Seawall, and provide proof to the City, satisfactory to the City, that funds are available to pay for the construction costs; and

Whereas, at the termination of this License, Grantee agrees to restore the License Location to a condition equal to or better than its condition prior to the grant of this License; and

Whereas, upon the completion of the construction of the Seawall, the City will become the sole owner of the Seawall located on City property; and

Whereas, Grantee, for good and valuable consideration, the sufficiency of which the parties agree is adequate, indemnifies and holds the City harmless against any and all claims, losses, judgments, costs, damages, or expenses, including attorney's fees and court costs, incurred by the City, or its agents, officers, or employees, arising directly or indirectly or relating in any way to this License or the use of the License Property or the construction of the Seawall, including but not limited to those claims, losses, judgments, costs, damages, or expenses arising out of any accident, casualty, or other occurrence causing injury to any person or property. The Grantee shall also provide liability insurance to the City, with a company subject to the approval of the City, with the City listed as an additionally named insured to cover all indemnification obligations of Grantee in an amount not to be less than \$1,000,000.

Now, therefore, the City and Grantee agree, for and in consideration of the sum of \$10.00, in hand paid each to the other, and other good and valuable considerations, the receipt

and sufficiency of which are hereby acknowledged, to the following:

1. The "Whereas" clauses set forth above are affirmed and ratified and are an integral part of this Agreement as if fully set forth in this portion of this Agreement.

2. The City grants to the Grantee a non-exclusive, temporary License ("License") for construction of a seawall ("Seawall") in the location as shown on Exhibit "A" hereto, that will be constructed in accordance with plans pre-approved by the City. Such License to be located over, under, across and through that certain real property as more particularly described in Exhibit "B" attached hereto ("License Area"), together with rights of ingress and egress thereto as may be required for purposes of exercising the License rights granted hereby.

3. This License shall not become effective unless and until the Grantee has provided the City the proof of adequate funds and the liability insurance as provided above.

4. Grantee shall construct the Seawall at Grantee's sole cost and expense. During any and all construction activities in the License Area, Grantee shall be responsible for the securing and maintaining of the License Area in a safe and secure manner so as to prevent public access during construction. During the term of this temporary License, Grantee shall use and maintain the License Area in a neat and clean manner so as not to become an eyesore. Prior to the end of this temporary License, the Grantee shall, at Grantee's sole cost and expense, restore and repair the License Area and any vegetation or other improvements located thereon, to a condition equal to or better than existed immediately prior to the beginning of the temporary License. Any work performed by Grantee shall be performed in a good and workmanlike manner. If Grantee does not fulfill its duties under this Agreement, the City may, but shall not be obligated to, fulfil such duties and charge the expenses incurred, plus an administrative fee of 10% to the Grantee. The Grantee agrees to pay such expenses and administrative fee, and if necessary, cause a special assessment to be made on its residents and owners as appropriate to pay such expenses and administrative fees. If such expenses and administrative fees are not paid within twenty (20) days after invoicing for same by the City, such expenses and administrative fees shall incur interest at the highest rate permitted under Florida law until paid in full. If litigation occurs regarding such collection, or regarding any other matter relating to this Agreement, the prevailing party shall pay the other side's attorneys' fees, expenses and costs.

5. The License shall terminate automatically on the earlier of ten (10) days following completion of the construction of the Seawall, or December 31, 2023. This License may be extended at the sole discretion of the City by vote of the City Commission.

6. At the completion of the construction of the Seawall, the Seawall shall be the sole property of the City.

7. The signers of this Agreement represent that they have been fully authorized to execute this Agreement by and on behalf of the entity they represent, and that all requirements precedent to the execution of this Agreement have been properly followed. The attorneys signing below on behalf of their respective clients acknowledge that they have fully investigated the authority of the signers of this Agreement, and that by their signatures, such attorneys are representing that their respective clients are fully bound by the provisions of this Agreement.

In Witness Whereof, the said party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

WITNESSES:
BEACH

CITY OF DAYTONA

SHORES, FLORIDA

Print Name: _____

By: Nancy Miller, Mayor

Print Name: _____

ATTEST:

Attorney on behalf of City of Daytona
Beach
Shores

Cheri Schwab, City Clerk

Vose Law Firm, LLP
STATE OF FLORIDA)
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization, this _____ date of _____ 2023, by Nancy Miller, Mayor and
Cheri Schwab, City Clerk, on behalf of the City of Daytona Beach Shores, Florida, who are
personally known to me or who have produced _____ as identification.

[Notary
Name _____

seal]

Print

Notary Public, State of Florida

My Commission Expires: _____

Signed, sealed and delivered in presence of:

WITNESSES:

ASSOC.]

Marbella Condo Inc
[NAME OF CONDO.

Print Name: Charles Schellke

Print Name: Dolores Smith

James Smith
By: James Smith
Its: President

Attorney on behalf of Marbella
condominium

Type name and law firm

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

ATTEST:

Robert Lasch
By: Robert Lasch
Its: Secretary

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization, this 17th date of April 2023, by James Smith on
behalf of Marbella Condominium, who are personally known to me or who
have produced N/A as identification.

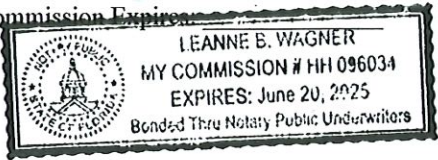
[Notary
Name Leanne B. Wagner

seal] Leanne B. Wagner

Print

Notary Public, State of Florida

My Commission Expires



Page 2 of 2

EXHIBIT A
(3343 S. Atlantic Avenue Seawall Area)

LEGAL DESCRIPTION:

THE EASTERLY 50 FEET OF THE FOLLOWING AREA:

A PORTION OF THE NORTH 1/2 OF LOT 23, VAN VALZAH SUBDIVISION, AS RECORDED IN MAP BOOK 4, PAGE 130 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORD BOOK 4749, PAGE 4669 OF SAID PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH ONE-HALF (1/2) OF SAID LOT 23, SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF SOUTH ATLANTIC AVENUE (OCEAN AVENUE - PLAT), AN 80 FOOT WIDE RIGHT OF WAY, RUN N25°38'27"W, ALONG THE WEST LINE OF SAID LOT 23 AND THE EAST RIGHT OF WAY LINE OF SAID SOUTH ATLANTIC BOULEVARD, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING CONTINUE ALONG SAID LINE N25°38'27"W, A DISTANCE OF 7.89 FEET; THENCE S69°34'46"E, A DISTANCE OF 11.44 FEET; THENCE N64°04'36"E, A DISTANCE OF 213.01 FEET; THENCE N17°07'55"W, A DISTANCE OF 2.00 FEET; THENCE N61°47'26"E, A DISTANCE OF 7.01 FEET; THENCE S25°10'23"E, A DISTANCE OF 7.00 FEET; THENCE S64°04'36"W, A DISTANCE OF 222.73 FEET; THENCE N69°54'38"W, A DISTANCE OF 7.50 FEET TO, THE POINT OF BEGINNING.

EXHIBIT B:
3343 S. Atlantic Avenue Public Beach Access

LEGAL DESCRIPTION:

A PORTION OF THE NORTH 1/2 OF LOT 23, VAN VALZAH SUBDIVISION, AS RECORDED IN MAP BOOK 4, PAGE 130 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORD BOOK 4749, PAGE 4669 OF SAID PUBLIC RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH ONE-HALF (1/2) OF SAID LOT 23, SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF SOUTH ATLANTIC AVENUE (OCEAN AVENUE - PLAT), AN 80 FOOT WIDE RIGHT OF WAY, RUN N25°38'27"W, ALONG THE WEST LINE OF SAID LOT 23 AND THE EAST RIGHT OF WAY LINE OF SAID SOUTH ATLANTIC BOULEVARD, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNNING.

FROM THE POINT OF BEGINNING CONTINUE ALONG SAID LINE N25°38'27"W, A DISTANCE OF 7.89 FEET; THENCE S69°34'46"E, A DISTANCE OF 11.44 FEET; THENCE N64°04'36"E, A DISTANCE OF 213.01 FEET; THENCE N17°07'55"W, A DISTANCE OF 2.00 FEET; THENCE N61°47'26"E, A DISTANCE OF 7.01 FEET; THENCE S25°10'23"E, A DISTANCE OF 7.00 FEET; THENCE S64°04'36"W, A DISTANCE OF 222.73 FEET; THENCE N69°54'38"W, A DISTANCE OF 7.50 FEET TO, THE POINT OF BEGINNING.



CITY COMMISSION AGENDA MEMORANDUM APRIL 25, 2023 AGENDA

TO: Honorable Mayor and Members of the City Commission
FROM: Stewart Cruz, Community Services Director
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: Ordinance 2023-02: Floodplain Management Regulations Update

SYNOPSIS:

Ordinance 2023-02, if adopted, would amend Chapter 2 and Chapter 10 of the Daytona Beach Shores Land Development Code, entitled "Definitions" and "Floodplain Damage Prevention," respectively, to implement administrative changes needed for the City to maintain its Federal National Flood Insurance Program (NFIP) Community Rating System (CRS) Status Class 5. The CRS Class 5 status guarantees properties located in federal special flood hazard areas (SFHA) a 25% discount on their NFIP flood insurance policy premiums.

The highlights of the proposed ordinance include:

1. All manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot.
2. City floodplain management definitions will become consistent with the NFIP/CRS floodplain management definitions.
3. References to regulatory floodways, which the city does not have, are eliminated.
4. Requirements for non-elevated accessory structures of certain sizes in the SFHA are established.

The proposed changes in the ordinance were drafted by the Florida Department of Emergency Management Office of Flood Management and approval from their consultant is reflected in Exhibit A attached.

FISCAL IMPACT STATEMENT:

N/A

BACKGROUND:

The City joined the National Flood Insurance Program (NFIP) in 1973 and currently has a NFIP Community Rating System Class 5 status (Exhibit B). In 2020 the NFIP Community Rating System

established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better. Adoption of this ordinance as presented will satisfy the minimum prerequisites in question.

The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Daytona Beach Shores and such areas may be subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Participation in the NFIP's Community Rating System, which is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, ensures citizens who purchase NFIP flood insurance policies have eligibility for premium discounts. The current premium discount for properties located in special flood hazard areas is 25% based on the City's Class 5 status.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of Ordinance 2023-02 as presented.

SUGGESTED MOTION:

Motion to approve.

- ATTACHMENT:**
1. Ord. 2023-02. Flood Plain Management Revisions Per FDEM-Class 8 Min Standards -4-5-23
 2. Exhibit A-Approval Email from FDEM-OFM Consultant
 3. Exhibit B-Daytona Beach Shores NFIP-CRS Class 5 Certification

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY COUNCIL OF DAYTONA BEACH SHORES AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G” CHAPTER 2 ENTITLED “DEFINITIONS” AND CHAPTER 10 ENTITLED “FLOOD DAMAGE PREVENTION” PROVIDING FOR ADMINISTRATIVE AMENDMENTS TO SATISFY THE MINIMUM FEDERAL REQUIREMENTS TO MAINTAIN A COMMUNITY RATING SYSTEM RATING CLASS 8 OR BETTER STATUS, RELATED TO ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS AND TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, *Florida Statutes*, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Daytona Beach Shores and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Daytona Beach Shores participates in the National Flood Insurance Program and participates in the NFIP’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 5, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for City of Daytona Beach Shores to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the Federal Emergency Management Agency released FEMA Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City of Daytona Beach Shores has determined it appropriate to adopt

regulations that are consistent with the FEMA Policy to allow issuance of permits for non-elevated wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy; and

WHEREAS, the City of Daytona Beach Shores determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating.

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daytona Beach Shores, Florida as follows:

SECTION ONE. LEGISLATIVE FINDINGS AND DETERMINATIONS.

- (a). The City staff report and City Council agenda memorandum relating to this matter are hereby adopted as if fully set forth herein.
- (b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (c). The foregoing recitals (whereas clauses) are hereby adopted as the legislative findings of the City Council of the City of Daytona Beach Shores and incorporated into this Ordinance as if set forth *in haec verba*.
- (d). This Ordinance is an exercise of the City of Daytona Beach Shores' powers as a municipality under the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*; Chapter 163, *Florida Statutes*; Chapter 166, *Florida Statutes*, and other applicable law.

SECTION TWO. The City Council of the City of Daytona Beach Shores hereby amends the *Land Development Code*, Chapter 2, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Definitions,” as follows:

CHAPTER 2. DEFINITIONS

Sec. 2-1. Interpretations of certain terms and words.

For the purposes of this Land Development Code, the following terms, phrases, words and their derivations shall have the meanings given herein when not inconsistent with the text. Words used in the present tense include the future tense. Words used in the singular number include the plural and words used in the plural include the singular. The word "shall" is mandatory and the word "may" is permissive.

For the purpose of this Code, certain words or phrases shall be defined as follows. Webster's New Collegiate Dictionary (G & C Merriam Co., most recent edition) shall be used for the definition of any words not defined in this Glossary.

Sec. 2-2. General definitions.

Area of shallow flooding: ~~A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.~~

Area of special flood hazard: The area of special flood hazard shall include:

- (a) ~~All areas designated on a Flood Hazard Boundary Map as Zone A or a Flood Insurance Rate Map as Zones A, AO, AH, A1-30, AE, A99, VO, or V1-30, VE, or V. The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.~~
- (b) ~~Other areas of the city designated on a map as having a one (1) percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.~~

ASCE 24: A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year. [Also defined in Florida Building Code, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Maps. [Also defined in Florida Building Code, B, Section 202.]

Coastal construction control line (setback line): The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the City, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions. That legally described line along Daytona Beach Shores' Atlantic coastal beach area officially adopted by the Governor and the Cabinet on

June 5, 1973, or as it may be amended, and east of which the erection of any structure requires prior approval from an agency of the State of Florida.

Coastal high hazard area: Means an area of A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms and or seismic sources. Coastal high hazard areas are designated on Flood Insurance Rate Maps as Zone V1-V30, VE, or V.

Design flood: The flood associated with the greater of the following two (2) areas: [Also defined in Florida Building Code, B, Section 202.]

1. Area with a floodplain subject to a one-percent or greater chance of flooding in any year;
or
2. Area designated as a flood hazard area on the City's flood hazard map, or otherwise legally designated.

Design flood elevation: The elevation of the "design flood," including wave height, relative to the datum specified on the City's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in Florida Building Code, B, Section 202.]

Development (for the purposes of Chapter 10 Flood Damage Prevention): Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities. See Section 163.3164 (14) and F.S. § 380.04. The citation to state law is for the purposes of ensuring the expansiveness of the definition of the term. The extent and scope of the term shall be given its broadest possible application and effect.

Elevated building: A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter wall, pilings, columns (posts and piers), shear walls, or breakaway walls.

Existing building and existing structure: Any buildings and structures for which the "start of construction" commenced before September 7, 1973. [Also defined in Florida Building Code, B, Section 202.]

Federal Emergency Management Agency: The Federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program. Sometimes referred to as "FEMA".

Flood damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in Florida Building Code, B, Section 202.]

Flood Hazard Boundary Map (FHBM): ~~An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.~~

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both ~~the areas of special flood hazard areas and~~ the risk premium zones applicable to the community. [Also defined in Florida Building Code, B, Section 202.]

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in Florida Building Code, B, Section 202.] ~~The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation more than one (1) foot [the water surface elevation of the base flood].~~

Flood protection elevation: ~~The elevation of the base flood plus one (1) foot.~~

Floodplain: Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

Floodplain administrator: The office or position designated and charged with the administration and enforcement of Chapter 10 (may be sometimes referred to as the floodplain manager).

Floodplain development permit or approval: An official document or certificate issued by the city, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with Chapter 10.

Florida Building Code: The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

~~*Functionally dependent facility:* A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.~~

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

~~*Improvement, substantial:* Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds a cumulative total of fifty (50) percent of the market value of the structure either:~~

~~(a) Before the repair or improvement is started; or~~

~~(b) If the structure has been damaged and is being restored, before the damage occurred.~~

~~For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commenced, whether or not that alteration affects the external dimension of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.~~

Letter of Map Change (LOMC): An official determination issued by the Federal Emergency Management Agency that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the City's floodplain management regulations.

4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by the Federal Emergency Management Agency to revise the effective Flood Insurance Rate Map.

Light-duty truck: As defined in Title 40, Code of Federal Regulations, Section 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor: The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in Florida Building Code, B, Section 202.]

Manufactured home: A structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in Rule 15C-1.0101, Florida Administrative Code.]

Market value: The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the COUNTY property appraiser.

New Construction: For the purposes of administration of Chapter 10 and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 7, 1973 and includes any subsequent improvements to such structures. Any structure for which the "start of construction" commenced after the effective date of the first flood management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard. The term also includes subsequent improvements to such structure.

New manufactured home park or subdivision: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Daytona Beach Shores.

Park trailer: A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.]

Recreational vehicle: A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01)

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping and travel use and including, but not limited to, travel trailers, truck campers, and self-propelled motor home.~~

Special flood hazard area: An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on Flood Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in Florida Building Code, B Section 202.] That portion of the floodplain that, on the average, is likely to be flooded at least once every one hundred (100) years. These areas are designated Zone A (Area of Special Flood Hazards) or Zone V (Area of Special Flood Hazards with Velocity) on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency.

Start of construction: The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in Florida Building Code, B Section 202.]

~~(Includes new construction as well as substantial improvements). The actual start of construction means the first placement of permanent construction of a structure (including a manufactured home) on site, such as the pouring of slabs or footings, installation of piles, construction of columns. Start of construction includes excavation for a basement, footings, piers or foundations or the erection of temporary forms. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not parts of the main structure.~~

Substantial damage: Means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal

or exceed fifty (50) percent of the market value of the building or structure before the damage occurred. [Also defined in Florida Building Code, B Section 202.]

Substantial improvement: Means any combination of repairs, reconstruction, alteration, or other improvements to a building or structure, ~~taking place during the life of a building in which the cumulative~~ the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in Florida Building Code, B, Section 202.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

~~The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.~~

~~*Zone of imminent collapse:* Means an area subject to erosion adjacent to the shoreline of an ocean, bay, or lake and within a distance equal to ten (10) feet plus five (5) times the average annual long-term erosion rate for the site, measured from the reference feature.~~

~~*60-year setback:* Means a distance equal to sixty (60) times the average annual long-term recession rate at a site, measured from the reference feature.~~

~~*30-year setback:* Means a distance equal to thirty (30) times the average annual long-term recession rate at a site, measured from the reference feature.~~

SECTION THREE. The City Council of the City of Daytona Beach Shores hereby amends the *Land Development Code*, Chapter 10, Appendix "G", *Code of Ordinances of the City of Daytona Beach Shores*, entitled "Flood Damage Prevention" as follows:

CHAPTER 10. - FLOOD DAMAGE PREVENTION

ARTICLE I. - ADMINISTRATION

Sec. 10-1. - General.

10-1.1. Title.

These regulations shall be known as the Floodplain Management Regulations of the City of Daytona Beach Shores, hereinafter sometimes referred to as "this ordinance."

10-1.6.1. Finding of Fact.

1. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage.
3. The only flood hazard zone designations in the city are the "A" zone designation (a "special flood hazard" area) and the "V" zone which is the coastal high hazard area. Construction in these two (2) zones is prohibited and unlawful in accordance with the city's land development regulations at section 14-59.
4. ~~The city's land development regulations do not allow construction in any designated flood hazard area and therefore the only area of concern relative to flooding is in the elevation of the lowest floor of a proposed structure in relation to mean sea level and the one hundred (100) year base flood elevation.~~

10-2.3. Basis for establishing Flood Hazard Areas.

The flood insurance study for Volusia County, Florida and incorporated areas dated September 29, 2017 ~~February 19, 2014~~, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the city community services department, building division.

10-3.8. Other Duties of the Floodplain Administrator.

The floodplain administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 10-3.4;
2. ~~Require that applicants proposing alteration of a watercourse notify adjacent communities~~

~~and the Florida Division of Emergency Management, state floodplain management office, and submit copies of such notifications to the federal emergency management agency;~~

32. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to the federal emergency management agency the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within six (6) months of such data becoming available;

43. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete;

54. Notify the federal emergency management agency when the corporate boundaries of the city are modified;

65. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Public Law 97-348) and the Coastal Barrier Improvement Act of 1990 (Public Law 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

10-3.9. Floodplain Management Records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; ~~notifications to adjacent communities, the federal emergency management agency, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained;~~ documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at community services department, building division.

~~(Ord. No. 2013-04, § 2, 2-12-13; Ord. No. 2014-01, § 2, 2-11-14)
Sec. 10-4. Permits.~~

10-5.1. Information for Development in Flood Hazard Areas.

The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

2. Where base flood elevations, ~~or floodway data~~ are not included on the Flood Insurance Rate Maps or in the Flood Insurance Study, they shall be established in accordance with Section 10-5.2

(2) or (3).

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with section 10-5.2(1).

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state department of environmental protection.

~~9. Existing and proposed alignment of any proposed alteration of a watercourse.~~

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

10-5.2. Information in Flood Hazard Areas without Base Flood Elevations (approximate Zone A).

Where flood hazard areas are delineated on the flood insurance rate maps and base flood elevation data have not been provided, the floodplain administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation ~~and floodway~~ data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation ~~and floodway~~ data available from a federal or state agency or other source.

3. Where base flood elevation data are not available from another source, where available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include base flood elevation data prepared in accordance with sound and generally accepted engineering practices and principles; or

b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data are to be used to support a letter of map change from the federal emergency management agency, advise the applicant that the analyses shall be prepared by a state licensed engineer in a format required by the federal emergency management agency, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

10-5.3. Additional Analyses and Certifications.

In addition to the requirements of this section, applicants for activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), shall have an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage

signed and sealed by a state licensed engineer for submission with the site plan and construction documents.

~~As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a state licensed engineer for submission with the site plan and construction documents:~~

~~1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to the federal emergency management agency as specified in section 10-5.4 and shall submit the conditional letter of map revision, if issued by the federal emergency management agency, with the site plan and construction documents.~~

~~2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the flood insurance rate maps and floodways have not been designated, hydrologic and hydraulic analyses that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than 1 foot at any point within the city. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.~~

~~3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to the federal emergency management agency as specified in section 10-5.4.~~

~~4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.~~

10-5.4. Submission of Additional Data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from the federal emergency management agency to change the base flood elevations, ~~change floodway boundaries,~~ or change boundaries of flood hazard areas shown on flood insurance rate maps, and to submit such data to the federal emergency management agency for such purposes. The analyses shall be prepared by a state licensed engineer in a format required by the federal emergency management agency. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 2013-04, § 2, 2-12-13; Ord. No. 2014-01, § 2, 2-11-14)

10-7.1. General.

The board of adjustments shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to F.S. § 553.73(5), the board of adjustments shall hear and decide on requests for appeals and requests for variances from the strict application

of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

10-7.2. Variance.

The board of adjustments shall hear and decide variances when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of board of adjustments may appeal such decision to the circuit court, as provided by controlling state law.

10-7.3. Limitations on Authority to grant Variances.

The board of adjustments shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 10-7.6, the conditions of issuance set forth in section 10-7.7, and the comments and recommendations of the floodplain administrator and the building official. The board of adjustments has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

10-7.3.1. ~~Reserved. Restrictions in Floodways.~~

~~A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 10-5.3.~~

10-7.4. Historic Buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 ~~44~~ Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

ARTICLE II. - DEFINITIONS

Sec. 10-21. - General.

10-21.1. Scope.

Unless otherwise expressly stated, the words and terms contained in section 2-2 ~~2-7~~ of this Code shall, for the purposes of this ordinance, have the meanings shown in section 2-2 ~~2-7~~ of this Code.

10-21.2. Terms Defined in the Florida Building Code.

Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that Code.

10-21.3. Terms Not Defined.

Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

~~(Ord. No. 2013-04, § 2, 2-12-13)~~

ARTICLE III. - FLOOD RESISTANT DEVELOPMENT

Sec. 10-31. - Buildings and structures.

10-31.1. Design and Construction of Buildings, Structures and Facilities exempt from the Florida Building Code.

Pursuant to section 10-4.2.1, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 10-37.

10-31.2. Buildings and Structures Seaward of the Coastal Construction Control Lines.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.
2. Minor structures and non-habitable major structures as defined in F.S. § 161.54 shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

10-31.3. Non-elevated accessory structures.

Accessory structures are permitted below the elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (2) If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.
- (3) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (4) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.
- (5) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

~~(Ord. No. 2013-04, § 2, 2-12-13)~~

Sec. 10-32. - Subdivisions.

10-32.1. Minimum Requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

10-32.2. Subdivision Plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the flood insurance rate maps, the information required in

section 10-5.2(1); and

3. Compliance with the site improvement and utilities requirements of section 10-33.

(~~Ord. No. 2013-04, § 2, 2-12-13; Ord. No. 2014-01, § 2, 2-11-14~~)

Sec. 10-33. - Site improvements, utilities and limitations.

10-33.1. Minimum Requirements.

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

10-33.2. Sanitary Sewage Facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code, and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

10-33.3. Water Supply Facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, Florida Administrative Code, and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

10-33.4. ~~Reserved. Limitations on Sites in Regulatory Floodways.~~

~~No development, including but not limited to site improvements, and land disturbing activity involving fill or regarding, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 10-5.3(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.~~

10-33.5. Limitations on Placement of Fill.

Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

10-33.6. Limitations on Sites in Coastal High Hazard Areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the state department of environmental protection and only if the engineering analysis required by section 10-5.3(4) demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 10-37.8(3).

~~(Ord. No. 2013-04, § 2, 2-12-13; Ord. No. 2014-01, § 2, 2-11-14)~~

Sec. 10-34. - Manufactured homes.

10-34.1. General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code, and the requirements of this Ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive

of the applicable requirements.

10-34.2. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard area (Zone A) other than coastal high hazard areas, are designed in accordance the foundation requirements of the Florida Building Code, Residential Section R322.2 and ~~Section 10-34.4(2) of Section 10-34.4(2) of this ordinance.~~
2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ordinance.

10-34.3. Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

10-34.4. Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2* (Zone A) or *Section R322.3* (Zone V and Coastal A Zone). Manufactured homes that are placed, replaced, or substantially improved shall comply with the following, as applicable:

1. ~~*General Elevation Requirement.* Unless subject to the requirements of section 10-34.4.2, all manufactured homes that are placed, replaced, or substantially improved on sites located (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

2. ~~*Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions.* Manufactured homes that are not subject to section 10-34.4.1, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

a. ~~Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~

b. ~~Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.~~

Sec. 10-37. - Other development.

10-37.1. General Requirements for other Development.

All development, including man-made changes to improved or unimproved real estate for which

specific provisions are not specified in this ordinance or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
- ~~2. Meet the limitations of section 10-33.4 if located in a regulated floodway;~~
23. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
34. Be constructed of flood damage-resistant materials; and
45. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

~~10-37.2. Fences in Regulated Floodways.~~

~~Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 10-33.4.~~

~~10-37.3. Retaining Walls, Sidewalls and Driveways in Regulated Floodways.~~

~~Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 10-33.4.~~

~~10-37.4. Roads and Watercourse Crossings in Regulated Floodways.~~

~~Roads and watercourse crossings, including roads, bridges, culverts, low water crossings and similar means for vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 10-33.4. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 10-5.3(3).~~

SECTION FOUR. SAVINGS.

The prior actions of the City of Daytona Beach Shore relating to the enforcement of codes, ordinances and land development regulations relating to flood management and related programs and activities are hereby ratified and affirmed.

SECTION FIVE. CONFLICTS.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

SECTION SIX. CODIFICATION.

The provisions of this Ordinance 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 re-lettered 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 Four, Five, Six, Seven and Eight shall not be codified.

SECTION SEVEN. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared.

SECTION EIGHT. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER
Approved as to form and legality:

CHERI SCHWAB, CITY CLERK

GRETCHEN R. H. VOSE, CITY ATTORNEY

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

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

Cruz, Stewart

From: Rebecca Quinn <Rebecca@RCQuinnConsulting.com>
Sent: Friday, March 17, 2023 9:10 AM
To: Cruz, Stewart
Subject: RE: Daytona Beach Shores (Volusia) Flood Ordinance Amendments (CRS)
Attachments: Daytona Beach Shores_Chpt 2_Definitions_10-17-22_RCQ.docx; Daytona Beach Shores_LDC_Chpt 10_FLOOD_10-17-22_RCQ.docx

Attached per our call. This is approved for you to move it along and put in final format. Please send it back so I can do a final proof and prepare my pre-approval checklist for DEM. Please let me see any changes, and don't hesitate to call with questions.

Rebecca Quinn, CFM
FDEM/OFM Ordinance Consultant
O: 434-296-1349
C: 443-398-5005

From: Rebecca Quinn
Sent: Monday, March 13, 2023 2:45 PM
To: Cruz, Stewart <SCruz@cityofdbbs.org>
Subject: RE: Daytona Beach Shores (Volusia) Flood Ordinance Amendments (CRS)

It's not for me to decide whether your building official needs to be on the call. He should look at the drafts and ya'll make that decision. I don't want to have a long call explaining everything, when if ya'll review ahead of a call, there will be less to talk about because we'll focus on what you have questions about. I'm sending the files again. Look at the Chapter 10 first, then Chapter 2 definitions.

Friday 17th at 1:30 is good for me.

Rebecca
O: 434-296-1349

From: Cruz, Stewart <SCruz@cityofdbbs.org>
Sent: Monday, March 13, 2023 1:53 PM
To: Rebecca Quinn <Rebecca@RCQuinnConsulting.com>; Rebecca C. Quinn <rcquinn@earthlink.net>
Subject: RE: Daytona Beach Shores (Volusia) Flood Ordinance Amendments (CRS)

Hi Rebecca, I am sorry to hear about your computer situation. I think it's happened to all of us at some point. Hopefully you were able to recover everything.

I am not sure what the deadline to adopt the ordinance is but I'd like to chat asap so Wednesday (3/15) afternoon at 130pm would work if that time slot is available. Our Building Official will not be available to participate but he can be on Friday (3/17) at 130pm if you'd like him in the conversation as well. Please confirm which date works best.

Daytona Beach Shores NFIP/CRS Class 5 Certification

