



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## **AGENDA CITY COMMISSION MEETING DECEMBER 12, 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 Chambers. 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 November 14, 2023
- 7. CONSENT AGENDA:**
  - A. State Forfeiture for ICAT Training
  - B. County Park Maintenance Agreement Amendment #1

- C. Labor/Employment Contract with Allen, Norton, and Blue
- D. Community Services Department Monthly Report - October 2023
- E. Public Safety monthly report - September 2023
- F. Public Safety monthly report - October 2023

**8. OLD BUSINESS:**

**9. NEW BUSINESS:**

- A. Ordinance 2023-16: Authorizing Sewer Development (Impact) Fee Establishment By Resolution Of The City Commission
- B. Ordinance 2023-17: Requiring The Posting Of Addresses On The East side Of Properties Adjacent To The Beach
- C. Resolution 23-18 Revising Wastewater Rates, Monthly Base Rates and Establishing Automatic Adjustments

**10. CITY ATTORNEY COMMENTS**

**11. CITY MANAGER COMMENTS**

**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**  
**November 14, 2023**  
**3000 Bellemead Drive, Daytona Beach Shores, FL 32118**

**1. CALL TO ORDER BY MAYOR**

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

**Staff:** City Manager Kurt Swartzlander, City Clerk Cheri Schwab, City Attorney Paul Waters, 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. Proclamation for Small Business Saturday

Mayor Miller read the proclamation for Small Business Saturday.

**6. APPROVAL OF MINUTES**

A. City Commission Minutes October 24, 2023

**COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the City Commission Minutes of October 24, 2023.**

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

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

**7. CONSENT AGENDA:**

- A. Approval of Non-Exclusive Franchise - Fence Service Inc., dba AAA Dumpster Rentals

**VICE MAYOR MICHAEL POLITIS MOVED, SECONDED BY COMMISSIONER CHRIS CONOMOS 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. OLD BUSINESS:**

- A. Ordinance 2023-13: Administrative House Cleaning Amendment Relating To Sewer Utility Rates, Charges & Fees

Attorney Waters read the ordinance by title only. It was explained that a scrivener's error was found on page 2 and an additional sentence was struck through concerning payments received at the bank.

**COMMISSIONER RICHARD BRYAN moved, seconded by COMMISSIONER MEL LINDAUER to Adopt Ordinance 2023-13 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

## **9. NEW BUSINESS:**

- A. Resolution 2023-17: Budget amendment to fund prior year projects and new projects

The City Attorney read the resolution by title only. Finance Director Irwin stated that several projects that were not completed by the end of last fiscal year. These have been carried over and IT also had additional expenses.

**COMMISSIONER MEL LINDAUER moved, seconded by VICE MAYOR MICHAEL POLITIS to Adopt Resolution 2023-17: Budget amendment to fund prior year projects and new projects.**

**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. Amendment to Port Orange Sewer Services Contract

City Manager Swartzlander explained that this would be the 6th addendum to the contract with the City of Port Orange for wholesale sewer. They had recently requested a rate

increase but it was past the current contract deadline. This would lock in the rate for the next two years.

**COMMISSIONER CHRIS CONOMOS moved, seconded by VICE MAYOR MICHAEL POLITIS to Approve the Amendment to Port Orange Sewer Services Contract.**

**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

**10. CITY ATTORNEY COMMENTS**

There were no additional City Attorney comments.

**11. CITY MANAGER COMMENTS**

The City Manager stated that employee service awards would now be presented during Coffee with the Mayor. He recognized the three employees that received awards this month. They were: Angie Hawkins with 5-years, Lory Irwin with 10-years and Cheri Schwab with 30 years.

**12. COUNCIL COMMENTS:**

Mayor Miller explained that the Florida League of Mayors had three initiatives this year. They are mental health, mentoring and veterans affairs. She would like to hold a breakfast starting next year for veterans on Veterans Day. The commission gave her a consensus to do so. It was announced that the tree lighting ceremony would be on December 3rd at 5pm. She reminded everyone that the second meeting in November was canceled due to Thanksgiving. The mayor requested to allow employees an additional 4 hours of holiday pay on December 22nd with City Hall closing at noon. The commission provided a consensus. Vice Mayor Politis provided a TPO update. The entire City Commission wished everyone a Happy Thanksgiving.

**13. AUDIENCE REMARKS/PUBLIC COMMENTS:**

There were no audience comments.

**14. ITEMS RECOMMENDED FOR THE NEXT AGENDA:**

Item for sewer rate adjustment to customers.

**15. ADJOURNMENT:**

The meeting ended at 6:29 pm.

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**MAYOR  
NANCY MILLER**

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**CITY MANAGER  
KURT D. SWARTZLANDER**

**ATTEST:**

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**CITY CLERK, CHERI SCHWAB**





## **CITY COMMISSION AGENDA MEMORANDUM DECEMBER 12, 2023 AGENDA**

**TO:** Honorable Mayor and Members of the City Commission  
**FROM:** Mike Fowler, Public Safety Director  
**PREPARED BY:** Mike Fowler, Public Safety Director  
**SUBJECT:** State Forfeiture for ICAT Training

### **SYNOPSIS:**

ICAT (Integrating Communications, Assessment and Tactics) is a system that equips officers with techniques and skills to handle use-of-force situations, especially those involving the mentally ill or subjects in an emotional crisis, to de-escalate and resolve situations with not only the officers coming out safely, but the subject too. Improved outcomes involving officers using this method have been validated through evidence-based research by the Police Executive Research Forum (PERF). Other local agencies, including the Volusia Sherriff's Office and New Smyrna Beach Police Department, are using ICAT and are extremely satisfied with its results.

PERF offers train-the trainer courses at the National ICAT Training Center in Decatur, Illinois. This request is for the commission to approve the use of existing forfeiture funds to cover the cost of training two officers as ICAT instructors. Those costs should not exceed \$2750.

### **FISCAL IMPACT STATEMENT:**

This has no fiscal impact as forfeiture funds will be utilized for the expenditure.

### **BACKGROUND:**

An innovative, evidence-based approach to use-of-force training, ICAT provides first responding police officers with the tools, skills, and options they need to defuse a range of critical incidents successfully and safely. ICAT was developed by PERF with input from hundreds of law enforcement professionals nationwide. It is currently being taught in police agencies of all sizes and in all parts of the country.

ICAT focuses on situations involving persons in crisis and those who are unarmed or armed with weapons other than firearms. The training program is anchored by the Critical Decision-Making Model that helps officers assess situations, make safe and effective decisions, and document and learn from their actions. ICAT incorporates different skill sets into a unified training approach that emphasizes scenario-based exercises, as well as lecture and case study opportunities.

In 2020, the IACP/University of Cincinnati Center for Police Research and Policy published an evaluation of ICAT training in the Louisville Metro Police Department. The researchers found that more than 80 percent of officers expressed satisfaction with the training and said the training was useful to them. And

they found that the training was associated with a 28 percent reduction in use-of-force incidents, a 26 percent reduction in citizen injuries, and a 36 percent reduction in officer injuries.

**LEGAL REVIEW:**

**RECOMMENDATION:**

Staff recommends approval.

**SUGGESTED MOTION:**

I move that we pass the item as presented upon consent.

**ATTACHMENT:**     1.     ICAT request

**DAYTONA BEACH SHORES PUBLIC  
SAFETY DEPARTMENT**

**CONTRABAND FORFEITURE  
EXPENDITURE REQUEST**

December 05, 2023  
**File: PS23-12-01**

**FUNDING REQUEST**

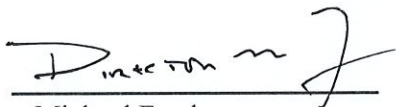
The Daytona Beach Shores Public Safety Department seeks Council approval for the expenditure of state contraband forfeiture monies under the "additional law enforcement training" provision of FSS 932.7055 (5) (b). The Department has determined that the following is a necessity to the Department.

**Training**

The Department of Public Safety would like to utilize state forfeiture funds for training offered by PERF, train-the trainer courses, at the National ICAT Training Center in Decatur, Illinois. This request is for the commission to approve the use of existing forfeiture funds to cover the cost of training two officers as ICAT instructors. Those costs should not exceed \$2750.

**Certification of Compliance:**

The undersigned, as Public Safety Director of the City of Daytona Beach Shores, Florida, hereby requests, pursuant to Section 932.704, Florida Statutes, that the City Commission authorize the appropriation to, and expenditure by, the Daytona Beach Shores Public Safety Department of funds held in the City's Special Law Enforcement Trust Fund. The request is made and the expenditure of appropriated funds shall be in conformity with Section 932.7055 (5) (b).

  
\_\_\_\_\_  
Michael Fowler  
Public Safety Director

12-05-23  
Date





**CITY COMMISSION AGENDA MEMORANDUM  
DECEMBER 12, 2023 AGENDA**

**TO:** Honorable Mayor and Members of the City Commission  
**FROM:** Kurt Swartzlander, City Manager  
**PREPARED BY:** Kurt Swartzlander, City Manager  
**SUBJECT:** County Park Maintenance Agreement Amendment #1

**SYNOPSIS:**

As a result of Hurricanes Ian and Nicole the County of Volusia was forced to temporarily close its beachfront parks located within Daytona Beach Shores. As a result county and city staff negotiated a reduction in price for the ongoing maintenance for the period of time the parks were open during fiscal year 2022-2023.

**FISCAL IMPACT STATEMENT:**

Due to the hurricane related closures of county parks city staff calculated expenses of \$57,632.88 for the city towards the original contracted amount of \$103,000. The city will receive the \$57,632.88 instead of the \$103,000.00. Peck Park remains closed to the public and this amendment addresses the way to handle the closure going forward.

**BACKGROUND:**

**LEGAL REVIEW:**

**RECOMMENDATION:**

**SUGGESTED MOTION:**

**ATTACHMENT:**

1. Park Maintenance Agreement
2. First Amendment to Park Maintenance Agreement

## COASTAL PARKS MAINTENANCE AGREEMENT

This Coastal Parks Maintenance Agreement (the "Agreement") dated Sept. 13, 2021, by and between the COUNTY OF VOLUSIA, a political subdivision of the State of Florida, (hereinafter referred to as "COUNTY") and the CITY OF DAYTONA BEACH SHORES, a municipal corporation of the State of Florida, (hereinafter referred to as "CITY").

### RECITALS

WHEREAS, COUNTY owns and has constructed improvements for the purpose of a County Park on four (4) properties known as Van Ave. Park, Frank Rendon Park, Dahlia Ave. Park, and the Edwin W. Peck, Sr. Park;

WHEREAS, this Agreement applies to the properties described in EXHIBIT "A", attached and incorporated herein to this agreement (hereinafter the "Parks");

WHEREAS, it is intended by the COUNTY and the CITY that additional future County Parks may be added to EXHIBIT "A" and this Agreement shall be applicable to those added future County Parks;

WHEREAS, the purpose of this Agreement is to address maintenance responsibilities of the Parks subject to this agreement, as well as potential revenue sharing for revenue derived from the Parks such as facility rentals or potential metered parking;

WHEREAS, CITY estimates the annual cost of maintenance of all four parks to be approximately \$100,000;

WHEREAS, COUNTY and the CITY had previously entered into memoranda of understanding (MOUs) regarding the maintenance responsibilities and potential revenue sharing for Van Ave. Park (dated August 21, 2008) and Frank Rendon Park (dated March 14, 2002) and seek to incorporate the terms of those MOUs into this Agreement;

WHEREAS, COUNTY and the CITY intend that this Agreement shall supersede and replace the MOUs governing Van Ave. Park and Frank Rendon Park;

WHEREAS, the Dahlia Ave. Park and the Edwin W. Peck, Sr. Park are subject to the terms of a Development Agreement recorded at Book 7647 Page 2771 of the Official Records of Volusia County, entered into by the COUNTY and the CITY on August of 2018 (the “2018 Development Agreement”), which governs the development of those properties and regulates the future use of those properties;

WHEREAS, this Agreement is supplementary to the 2018 Development Agreement and will govern the specific maintenance obligations for the Dahlia Ave. Park and Edwin W. Peck Sr. Park in lieu of the 2018 Development Agreement while this Agreement is in effect;

THEREFORE, in consideration of the recitals set forth above, which are a material part of this Agreement, and other good and valuable consideration, the sufficiency and receipt of which is acknowledged by each Party hereto, the Parties promise and agree as follows:

**Section 1: Incorporation of Recitals.**

The above recitals are true and correct and hereby incorporated herein as reference.

**Section 2: Prevailing over previous Agreements.**

- a. COUNTY and CITY agree that this Agreement shall supersede and replace the current MOUs on Van Ave. Park and Frank Rendon Park. The CITY and the COUNTY mutually agree to terminate the current MOUs on the effective date of this Agreement.
- b. COUNTY and CITY agree that this Agreement shall govern and clarify the maintenance obligations on the Dahlia Ave. Park and Edwin W. Peck Sr. Park while this Agreement is in effect. All other provisions of the 2018 Development Agreement remain in full force and effect. In the event of termination of this Agreement, the maintenance obligations shall revert back to the 2018 Development Agreement, as may be amended.

**Section 3: Term.**

The term of this Agreement shall commence upon the effective date and shall continue unless otherwise terminated in accordance with Section 6.

**Section 4: Maintenance of Parks.**

- a. The CITY shall provide law enforcement, or security, or both on the Parks; however, this does not divest the COUNTY through its Beach Patrol from concurrent jurisdiction over the Parks for enforcement of applicable codes.
- b. The CITY shall provide, day to day park maintenance at a maintenance standard that is equal to or greater than the maintenance of CITY-owned parks. Day to day park maintenance includes, but is not limited to the following:
  - i. Supplies to the restroom facilities;
  - ii. Mowing;
  - iii. Weed eating;
  - iv. Mulch and plant replacement;

- v. Irrigation;
  - vi. Pesticides;
  - vii. Litter/yard/trash pick-up;
  - viii. Parking and Boardwalk maintenance;
  - ix. Playground and other amenities maintenance;
  - x. Daily janitorial operation and maintenance;
  - xi. Garbage dumpster pick up from the parks.
- c. The COUNTY is be responsible for all expenses associated with utilities;
  - d. The COUNTY shall provide for repairs and replacement of the playground equipment, restrooms, archways, picnic tables, grills, walkways, exfiltration trenches, dune walkovers, and other capital improvements.
  - e. The CITY shall report any non-maintenance related problems to the COUNTY's Coastal Division.
  - f. The CITY shall inform the COUNTY prior to January 31 of each year of any capital maintenance or improvements on the Parks it recommends.
  - g. The COUNTY shall inform Park users of the Park user's responsibility to contact the CITY regarding applicable ordinances and permits that are the responsibility of the CITY. The CITY shall inform Park users of the Park user's responsibility to contact the COUNTY regarding applicable ordinances and permits that are the responsibility of the COUNTY.
  - h. Each party shall keep and maintain maintenance records for the Parks. On demand from a party, the other party shall provide within 30 days maintenance records for the purpose of FEMA reimbursement or documentation.

**Section 5: Reimbursement and Revenue Sharing.**

a. Payment.

- i. No later than the 31<sup>st</sup> of January, 2022, and annually thereafter, COUNTY shall pay CITY the City portion of any net revenues generated on the Parks for the County's prior fiscal year as provided in sub-section 5(b), Revenue Sharing.
- ii. No later than the 31<sup>st</sup> of January, 2022, for maintenance reimbursement, COUNTY shall pay the CITY one-hundred thousand dollars (\$100,000), and annually thereafter at the same amount with an adjustment, not to exceed three percent (3%) per year compared to the immediately preceding year, for the percentage rise in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average – All Items, not seasonally adjusted (1982-1984=100), published by the United States Department of Labor, Bureau of Labor Statistics or successor government agency, from a base year of 2022.

b. Revenue Sharing.

- i. Both the CITY and COUNTY are interested in revenue sharing. Prior to this sub-section being effective, CITY and COUNTY shall negotiate additional terms for any paid or metered off-beach or surface parking within the Parks.
- ii. City Portion. The Parties agree that the CITY will obtain 10% of any net revenues generated on the Parks from pavilion rentals. Other sources of revenue, such as paid surface parking and other potential commercial uses, shall be negotiated prior to commencement of those uses.
- iii. County Portion. The Parties agree that the COUNTY will obtain 90% of any net revenues generated on the Parks from pavilion rentals. Other sources of revenue, such

- as paid surface parking and other potential commercial uses shall be negotiated prior to commencement of those uses.
- iv. Net revenues under this Agreement shall mean revenue generated after the deduction of the remittance of any applicable sales or service tax.
  - v. Exclusions. The following are not considered revenue subject to this Agreement and are excluded from any revenue sharing provision:
    - a. Special Event Permit application fees under the Beach Code, Chapter 20, of the Code of Ordinances, County of Volusia.
    - b. The collection of beach access fees.
    - c. Fines resulting from a violation of a County or City parking ordinance.
    - d. Any upland concession.

**Section 6: Termination.**

The COUNTY or the CITY may terminate this Agreement by notification of intent to the other party by January 31 of any given year. Termination of this Agreement shall then become effective on the first day of October of the year of notification.

**Section 7: Indemnification; No waiver of sovereign immunity.**

- a. To the extent allowed by law, each party will be responsible for its own acts or omissions and the results thereof and shall not be responsible for the acts or omissions of the other party or the results thereof as a result of the undertakings set forth in this Agreement. Under this Agreement, each party further agrees that it will indemnify and/or defend the other party, at the other party's option, for any injury to persons or damage to property resulting in any manner from a negligent act or omission of the indemnifying party or anyone

directly or indirectly employed by the indemnifying party which arise from the undertakings set forth in this Agreement.

- b. Nothing in this Agreement shall be deemed as a waiver of sovereign immunity or limits of liability of any of the parties hereto beyond any statutory limited waiver of sovereign immunity or limits of liability which may have been adopted by the Florida Legislature whether sounding in tort, contract, or otherwise. Nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the Doctrine of Sovereign Immunity or by operation of law.

#### **Section 8: Conflict Resolution.**

- a. The respective staffs of the COUNTY and the CITY shall attempt to resolve any disagreement which arise in regard to the interpretation or enforcement of this Agreement. Should the respective staffs be unable to resolve a disagreement, the COUNTY and CITY shall proceed through the conflict resolution procedures set forth in Chapter 164, Florida Statutes. If there is a failure to resolve the conflict, no later than 30 days following the conclusion of the conflict resolution procedures within Chapter 164, the COUNTY or the CITY may file an action in a court of competent jurisdiction.

#### **Section 9: Notices.**

All notices, consents, approvals, waivers and elections which any party shall desire to make under this Agreement shall be in writing and shall be given only by hand delivery for which a receipt is obtained or certified mail. Notices shall be addressed to the addresses set forth below or that a party may otherwise designate in the manner prescribed herein.



If to COUNTY: Volusia County Coastal Division  
Attn: Jessica Winterwerp, Director  
515 S. Atlantic Ave.,  
Daytona Beach, FL 32118

If to CITY: City of Daytona Beach Shores  
Attn: City Manager  
2990 S. Atlantic Ave.  
Daytona Beach Shores, FL 32118

Notices, consents, approvals, waivers and elections shall be deemed given when received by the party for whom intended at such party's address first herein specified, or such other address as such party may have substituted therefore by notice to the other.

**Section 10: Joint Preparation.**

This Agreement has been negotiated by the parties and their respective counsel. This Agreement will be fairly interpreted in accordance with its terms. Any ambiguity will not be construed against either party.

**Section 11: Miscellaneous**

- a. Amendment. This Agreement may not be modified or waived orally and shall only be amended pursuant to any instrument in writing jointly executed by both parties hereto, shall be enforceable by, binding upon and inure to the benefit of the parties hereto and their benefits and assigns. Any party to this Agreement shall have the right, but not the obligation, to waive in writing the rights or conditions herein reserved for the benefit of such party.
- b. Venue. This Agreement shall be governed by the laws of the State of Florida. The parties hereby consent to venue in the Circuit Court of Volusia County.

- c. Headings. The headings of the Sections of this Agreement are inserted for convenience or reference and in no way define, limit, or describe the scope or intent of, or otherwise affect this Agreement.
- d. Construction. The provisions of this Agreement shall be liberally construed as an expression of inter-governmental cooperation enabling each party to make the most efficient use of its powers to effectuate the purposes hereof and the powers conferred by this Agreement. Both parties have participated in the preparation of this Agreement, and the provisions hereof shall not be construed for or against any party by reason of authorship.
- e. Severability. If any provision of this Agreement is declared invalid by laws applicable thereto the invalidity shall not affect other validly enacted portions of this Agreement.
- f. Third Parties. This Agreement is solely for the benefit of the formal parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party to this Agreement.
- g. Attorneys' Fees and Costs. Each party shall pay its own costs and attorneys' fees relating to any dispute, mediation or litigation arising out of this Agreement.

IN WITNESS WHEREOF, CITY and COUNTY have executed this Agreement on behalf of their respective local governments on the date set forth above.

CITY OF DAYTONA BEACH  
SHORES

By: Nancy J Miller  
Date: Sept 15, 2021

ATTEST:

By: Ch Schwab  
Cheri Schwab  
City Clerk  
Date: Sept. 13, 2021

Approved as to form and legality

By: John Cary  
John Cary,  
City Attorney

COUNTY OF VOLUSIA

By: Jeffrey S. Brower  
Jeffrey S. Brower  
County Chair  
Date: 10/6/2021  
SEAL

ATTEST:

By: George Recktenwald  
George Recktenwald  
County Manager  
Date: 10/8/2021

Approved as to form and legality

By: Michael Dyer, Esq.  
Michael Dyer, Esq.  
County Attorney  
Paolo S. Soriano  
Sr. Assistant County Attorney

**EXHIBIT A**  
**PARK SITES AND LEGAL DESCRIPTION**

1. Van Avenue Park – 3101 S Atlantic Ave, Daytona Beach Shores. See Exhibit A-1 for legal description.
2. Frank Rendon Park – 2705 S. Atlantic Ave., Daytona Beach Shores. See Exhibit A-2 for legal description.
3. Dahlia Avenue Park – 3621 S Atlantic Ave, Daytona Beach Shores. See Exhibit A-3 for legal description.
4. Edwin W. Peck, Sr. Park – 3167 S Atlantic Ave, Daytona Beach Shores. See Exhibit A-4 for legal description.

Exhibit A-1

Van Avenue Park

Legal Description

THE SOUTH 10 FEET OF LOT 1, BLOCK 12 AND ALL OF LOT 2, BLOCK 12, AS SHOWN ON THE PLAT OF RODGERS NORTH ORITA RECORDED IN MAP BOOK 1, PAGE 115 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

THE PROPERTY APPRAISER'S PARCEL IDENTIFICATION NUMBER OF THE PROPERTY IS: 5334-02-12-0020

## Exhibit A-2

### Frank Rendon Park

#### Legal Description

A PART OF GOVERNMENT LOT 4, SECTION 22, TOWNSHIP 15 SOUTH, RANGE 33 EAST, AND A PART OF GOVERNMENT LOT 1, SECTION 27, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTH LINE OF SAID GOVERNMENT LOT 4, SECTION 22, WITH THE EASTERLY RIGHT OF WAY OF SOUTH ATLANTIC AVENUE (A-1-A), AN 80 FOOT RIGHT OF WAY, RUN SOUTH 23 DEGREES 48 MINUTES 48 SECONDS EAST, ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID SOUTH ATLANTIC AVENUE, A DISTANCE OF 1315.28 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN NORTH 72 DEGREES 08 MINUTES 13 SECONDS EAST, A DISTANCE OF 17.32 FEET; THENCE NORTH 00 DEGREES 22 MINUTES 15 SECONDS WEST, A DISTANCE OF 8.07 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 45 SECONDS EAST, A DISTANCE OF 123.19 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 31 SECONDS WEST, A DISTANCE OF 3.35 FEET; THENCE NORTH 89 DEGREES 21 MINUTES 29 SECONDS EAST, PARALLEL WITH AND 135.95 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID GOVERNMENT LOT 4, SECTION 22, A DISTANCE OF 386.61 FEET TO THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; THENCE SOUTH 25 DEGREES 23 MINUTES 28 SECONDS EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 259.81 FEET; THENCE SOUTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, PARALLEL WITH AND 100 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID GOVERNMENT LOT 1, SECTION 27, AND THE NORTH RIGHT OF WAY OF RICHARDS LANE, A 25 FOOT RIGHT OF WAY, A DISTANCE OF 540.99 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID SOUTH ATLANTIC AVENUE; THENCE NORTH 23 DEGREES 48 MINUTES 48 SECONDS WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 239.29 FEET TO THE POINT OF BEGINNING.

Exhibit A-3  
Dahlia Avenue Park  
Legal Description

LOTS 11 & 12, BLOCK 3, PLAT OF OCEAN VIEW SECTION OF HALIFAX ESTATES, AS RECORDED IN MAP BOOK 11, PAGE 100, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF 3<sup>rd</sup> STREET (DAHLIA AVENUE) LYING EAST OF ATLANTIC AVENUE, PLAT OF OCEAN VIEW SECTION OF HALIFAX ESTATES, AS RECORDED IN MAP BOOK 11, PAGE 100, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Exhibit A-4

Edwin W. Peck Sr. Park

Legal Description

BEING THE SOUTHERLY 100 FEET OF THE LUFBERRY TRACT, AS RECORDED IN MAP BOOK 1, PAGE 115, ALSO RECORDED IN MAP BOOK 14, PAGES 121 AND 122, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LOTS 1, 2, 3, 4, 26, 27, 28, AND 29, BLOCK A, TOGETHER WITH VACATED PORTION OF OCEAN BOULEVARD (AN 80 FOOT RIGHT OF WAY), AS SHOWN ON RIOMAR BEACHES SUBDIVISION, AS PER MAP RECORDED IN MAP BOOK 6, PAGE 95, ALSO RECORDED IN MAP BOOK 22, PAGES 154, 155, 156, AND 157, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALL LYING EASTERLY OF SOUTH ATLANTIC AVENUE (STATE ROAD A1A), (A 80 FOOT RIGHT OF WAY AS NOW LAID OUT), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHWEST CORNER OF LOT 29, BLOCK A, RIOMAR BEACHES SUBDIVISION, AS PER MAP RECORDED IN MAP BOOK 6, PAGE 95, ALSO RECORDED IN MAP BOOK 22, PAGES 154, 155, 156, AND 157, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE EASTERLY RIGHT OF WAY LINE OF SOUTH ATLANTIC AVENUE (STATE ROAD A1A), (A 80 FOOT RIGHT OF WAY AS NOW LAID OUT); RUN THENCE NORTH 25°52'32" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID SOUTH ATLANTIC AVENUE, A DISTANCE OF 128.34 FEET TO A POINT OF CURVE, CONCAVE NORTHEASTERLY AND TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 2082.26 FEET, A CENTRAL ANGLE OF 02°20'43", A CHORD DISTANCE OF 85.23 FEET, A CHORD BEARING NORTH 24°42'10" WEST; THENCE ALONG THE ARC LENGTH OF SAID CURVE A DISTANCE OF 85.24 FEET; THENCE DEPARTING EASTERLY RIGHT OF WAY LINE OF SAID SOUTH ATLANTIC AVENUE NORTH 64°24'22" EAST, A DISTANCE OF 391.82 FEET TO THE MEAN HIGH WATER LINE ELEVATION 2.11 NATIONAL GEODETIC VERTICAL DATUM 1929; THENCE SOUTH 24°30'00" EAST ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 150.00 FEET; THENCE DEPARTING SAID LINE, SOUTH 64°24'22" WEST, A DISTANCE OF 59.95 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OCEAN BOULEVARD (AN 80 FOOT RIGHT OF WAY APPEARS TO BE VACATED AND ABANDONED), THENCE SOUTH 25°52'32" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 60.63 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 4 OF AFORESAID RIOMAR BEACHES SUBDIVISION; THENCE SOUTH 63°53'49" WEST ALONG THE SAID SOUTHERLY LINE, A DISTANCE OF 330.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

BEING A PORTION OF SECTION 35, TOWNSHIP 15 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA LYING EASTERLY OF VACATED PORTION OF OCEAN BOULEVARD (AN 80 FOOT RIGHT OF WAY, VACATED AND ABANDONED PER OFFICIAL RECORDS BOOK 5492, PAGES 2791 THROUGH 2796 INCLUSIVE), AS



SHOWN ON RIOMAR BEACHES SUBDIVISION, AS PER MAP RECORDED IN MAP BOOK 6, PAGE 95, ALSO RECORDED IN MAP BOOK 22, PAGES 154, 155, 156, AND 157, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALL LYING EASTERLY OF SOUTH ATLANTIC AVENUE (STATE ROAD A1A) (AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A REFERENCE POINT COMMENCE AT THE INTERSECTION OF THE SOUTHWEST CORNER OF LOT 29, BLOCK A, RIOMAR BEACHES SUBDIVISION AS PER MAP RECORDED IN MAP BOOK 6, PAGE 95, ALSO RECORDED IN MAP BOOK 22, PAGES 154, 155, 156, AND 157, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE EASTERLY RIGHT OF WAY LINE OF SOUTH ATLANTIC AVENUE (STATE ROAD A-1-A) (AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT); RUN THENCE NORTH  $63^{\circ}53'49''$  EAST FOR A DISTANCE OF 330.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OCEAN BOULEVARD (AN 80 FOOT RIGHT OF WAY VACATED AND ABANDONED PER OFFICIAL RECORDS BOOK 5492, PAGES 2791-2796, INCLUSIVE), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH  $25^{\circ}52'32''$  WEST ALONG SAID EASTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 60.63 FEET; THENCE NORTH  $64^{\circ}24'22''$  EAST DEPARTING SAID EASTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 59.95 FEET TO THE MEAN HIGH WATER LINE ELEVATION 2.11 NATIONAL GEODETIC VERTICAL DATUM 1929; THENCE SOUTH  $24^{\circ}30'00''$  EAST ALONG SAID MEAN HIGH WATER LINE FOR A DISTANCE OF 60.12 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 4 OF AFORESAID RIOMAR BEACHES SUBDIVISION, THENCE SOUTH  $63^{\circ}53'49''$  WEST ALONG THE SAID SOUTHERLY LINE FOR A DISTANCE OF 58.51 FEET TO THE POINT OF BEGINNING.

**FIRST AMENDMENT TO  
COASTAL PARKS MAINTENANCE AGREEMENT**

**BETWEEN THE COUNTY OF VOLUSIA AND THE CITY OF DAYTONA BEACH  
SHORES**

This First Amendment to the Coastal Parks Maintenance Agreement dated September 13, 2021 (“First Amendment”) by and between the COUNTY OF VOLUSIA, a political subdivision of the State of Florida, (Hereinafter referred to as “COUNTY”) and the CITY OF DAYTONA BEACH SHORES, a municipal corporation of the state of Florida (hereinafter referred to as “City”).

**RECITALS**

WHEREAS, the County and the City entered into a Coastal Parks Maintenance Agreement dated September 13, 2021 (hereinafter “Agreement”) under which the City provides maintenance responsibilities to County owned and operated parks within the City of Daytona Beach Shores;

WHEREAS, in winter of 2022, Hurricanes Ian and Nicole did significant damage to the coastline of Volusia County, including damage and closure to all of the parks subject to the Agreement, rendering use of some of the parks not suitable for a portion, if not all, of the 2023 Fiscal Year as outlined in the Agreement;

WHEREAS, as a result of the force majeure caused by the Hurricanes, the parties agreed to delay payment of the maintenance fee as provided in the Agreement and to reassess the maintenance fee payment due under the Agreement for Fiscal Years 2023, 2024, and 2025;

WHEREAS, the parties have mutually determined the reasonable maintenance cost of the parks that were able to open for public use during FY 2023; and,

WHEREAS, Edwin W. Peck, Sr. Park remains closed as of the date of this agreement and requires major reconstruction in Fiscal Year 2024 in order to serve the purposes of a public park under the Agreement.

NOW THEREFORE, in consideration of the foregoing recitals which are incorporated herein by reference, and other specific considerations set forth in this First Amendment, the receipt

and sufficiency of which is acknowledge by the City and the County, the parties agree to amend the Agreement as follows:

1. The parties agree that the foregoing recitals are true, correct and material to this Agreement.
2. The parties agree to modify Section 5.a of the Agreement below which shall now read as follows:

a. Payment.

- i. No later than the 31<sup>st</sup> of January, 2022, and annually thereafter, COUNTY shall pay CITY the City portion of any net revenues generated on the Parks for the County's prior fiscal year as provided in sub-section 5(b), Revenue Sharing.
- ii. No later than the 31<sup>st</sup> of January, 2024, due to the effects of the Hurricanes, COUNTY shall pay the CITY fifty-seven thousand six-hundred thirty-two dollars and eighty-eight cents (\$57,632.88) for the 2023 Fiscal Year operations.
- iii. No later than the 31<sup>st</sup> of January, 2024, COUNTY shall pay the CITY one-hundred and six thousand five-hundred and fifteen dollars (\$106,515) for the 2024 Fiscal Year operations. The CITY shall provide COUNTY the CITY's 2024 Fiscal Year maintenance operations cost and supporting data prior to November 30 2024 to true up the actual 2024 annual maintenance fee payment. The 2025 Fiscal Year maintenance fee payment from the COUNTY to CITY is reduced by the difference between the 2024 Fiscal Year maintenance fee payment and the actual 2024 Fiscal Year operational cost.
- iv. Subject to any credit reductions to the COUNTY for the 2024 Fiscal Year maintenance fee payment per paragraph 5.a.iii above, no later than the 31<sup>st</sup> of January, 2025, for maintenance reimbursement, COUNTY shall pay the CITY one-hundred nine thousand, seven hundred ten dollars and forty-five cents (\$109,710.45), and annually thereafter at the same amount with an adjustment, not to exceed three percent (3%) per year compared to the immediately preceding year, for the percentage rise in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average – All Items, not seasonally adjusted (1982-1984=100), published by the United States Department of Labor, Bureau of Labor Statistics or successor government agency, from a base year of 2025.

3. This First Amendment, including any exhibits, sets forth the entire modification to the Agreement with respect to the services provided under this First Amendment, unless the Agreement is otherwise amended or modified, and supersedes all prior proposals, agreements, and communications, both written and oral.
4. This First Amendment is incorporated by reference into the Agreement as if fully set forth therein. Except as provided herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect and are hereby ratified and reaffirmed by the parties hereto. In the event of any conflict or inconsistency between the provisions set forth in this First Amendment and the Agreement, this First Amendment shall govern and control.

\* REMAINDER OF PAGE LEFT INTENTIONALLY BLANK \*

IN WITNESS WHEREOF, the parties have made and executed this First Amendment to the Coastal Parks Maintenance Agreement between the County of Volusia and the City of Daytona Beach Shores, on the respective dates under each signature.

CITY OF DAYTONA BEACH  
SHORES

By: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form and legality

By: \_\_\_\_\_

COUNTY OF VOLUSIA

By: \_\_\_\_\_

Jeffrey. S. Brower  
County Chair

Date: \_\_\_\_\_

SEAL

ATTEST:

By: \_\_\_\_\_

George Recktenwald  
County Manager

Date: \_\_\_\_\_

Approved as to form and legality

By: \_\_\_\_\_

Michael Dyer, Esq.  
County Attorney



**CITY COMMISSION AGENDA MEMORANDUM  
DECEMBER 12, 2023 AGENDA**

**TO:** Honorable Mayor and Members of the City Commission  
**FROM:** Kurt Swartzlander, City Manager  
**PREPARED BY:** Kurt Swartzlander, City Manager  
**SUBJECT:** Labor/Employment Contract with Allen, Norton, and Blue

**SYNOPSIS:**

The city is adding an attorney for Labor/employment issues on an as needed basis

**FISCAL IMPACT STATEMENT:**

Will vary by usage of the attorney's services.

**BACKGROUND:**

N/A

**LEGAL REVIEW:**

**RECOMMENDATION:**

Approve as presented.

**SUGGESTED MOTION:**

Approve as presented.

**ATTACHMENT:** 1. DBS Agreement for legal services

**AGREEMENT FOR EMPLOYMENT AND LABOR LAW  
LEGAL SERVICES**

THIS AGREEMENT is made and entered into effective on date last signed below by and between the City of Daytona Beach Shores, Florida ("City") and Allen Norton & Blue, P.A. ("Law Firm").

**WITNESSETH:**

WHEREAS, the City desires to retain the services of the Law Firm in connection with general consultation and representation on labor and employment matters, and

WHEREAS, the Law Firm has been selected to represent the City's interests in these matters.

**NOW THEREFORE**, in consideration of the following mutual covenants and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged by all parties hereto, Law Firm and the City hereby agree as follows:

1. The City hereby engages Law Firm to provide legal representation to the City for labor and employment related legal matters as set forth in this Agreement in a timely, professional, and competent manner.
2. The services to be rendered under this Agreement are as follows:
  - a. Representation of the City's interests with regard to labor and employment matters, as requested by the City;
  - b. Consultation with the City Attorney's office as needed concerning labor and employment legal issues; and
  - c. Legal services related to the above.
3. The billing rate is \$300.00 per hour for partners and associates and \$125.00 per hour for paralegals. These rates will not be increased during the term of this Agreement without approval of the City.
4. The City will pay reasonable costs and out-of-pocket expenses.
5. Law Firm will send a monthly itemized billing statement showing the correct amount of time for each person who renders billable services, the hourly rate, the amount of fees for the services and the services provided. Clerical services are deemed to be overhead and not billable as paralegal time. The billing will also itemize the expenses. The City will pay upon correct billings at its next billing cycle, not to exceed forty-five (45) days.

6. For the duration of this Agreement the Law Firm will not accept or represent clients in matters adverse to the City without prior written authorization.
7. The term of this Agreement shall commence on date set forth below and shall remain in effect for one (1) year. This Agreement is terminable by either party upon fifteen (15) days written notice by one to the other. As long as the Law Firm is not in breach of this Agreement, the City will pay the Law Firm for all services rendered to the date of the receipt of the notice of termination. The Law Firm will not terminate the Agreement at such a time or in such a manner that the rights of the City in any proceeding will be prejudiced.
8. This Agreement shall be modified only by a written agreement duly executed by the City and Law Firm.
9. This Agreement contains all agreements between the Parties. There are no other representations, warranties, promises, agreements, or understandings, oral, written, or implied, among the Parties, except to the extent reference is made thereto in this Agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement as the dates and year written below.

**CITY OF DAYTONA BEACH SHORES**

Attest: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_, 2022

Date: \_\_\_\_\_, 2023

**ALLEN NORTON & BLUE, P.A.**

By: \_\_\_\_\_

Wayne L. Helsby

Date: \_\_\_\_\_, 2023





**CITY COMMISSION AGENDA MEMORANDUM  
DECEMBER 12, 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 - October 2023

**SYNOPSIS:**

**FISCAL IMPACT STATEMENT:**

**BACKGROUND:**

**LEGAL REVIEW:**

**RECOMMENDATION:**

**SUGGESTED MOTION:**

**ATTACHMENT:**

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

# City of Daytona Beach Shores

## Planning & Building Division Statistics

### Monthly Report – October, 2023

### Planning Division

#### Site Plans - Submittals and Approvals:

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

### Building Division

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

| PROJECT                  | WORK ADDRESS                          | DATE  | WORK DESCRIPTION                                      | VALUE        | REVENUE    |
|--------------------------|---------------------------------------|-------|-------------------------------------------------------|--------------|------------|
| Romano Residence         | 3 Oceans West Boulevard, Unit 3D6     | 10/2  | Replace counter tops in kitchen and bathrooms         | \$13,300.00  | \$146.20   |
| McBride Residence        | 2967 South Atlantic Avenue, Unit 1005 | 10/3  | Kitchen remodel, raise ceiling, remodel bathrooms     | \$87,891.00  | \$568.23   |
| Daytona Ocean Retail LLC | 2518 South Atlantic Avenue            | 10/3  | Replace windows                                       | \$220,000.00 | \$1,116.23 |
| Daytona Ocean Retail LLC | 2518 South Atlantic Avenue            | 10/3  | Replace roof decking                                  | \$29,431.00  | \$238.15   |
| Surfside Club            | 3601 South Atlantic Avenue            | 10/5  | Placement of concrete band                            | \$61,500.00  | \$420.20   |
| Galivity Residence       | 3820 South Atlantic Avenue            | 10/6  | Install fiberglass swimming pool and deck             | \$90,227.00  | \$585.10   |
| Tennant Residence        | 2545 South Atlantic Avenue, Unit 2006 | 10/9  | Reinstall hurricane shutters on 3 openings            | \$13,050.00  | \$146.20   |
| Caribbean Condo          | 2425 South Atlantic Avenue            | 10/9  | Install conduit, GFCI receptacles, lights             | \$37,700.00  | \$73.06    |
| Walker Residence         | 2937 South Atlantic Avenue, Unit 201  | 10/9  | Convert tub to shower, reinstall vanity               | \$16,000.00  | \$161.50   |
| Bergeron Residence       | 2811 South Atlantic Avenue            | 10/9  | Electric for new pool house                           | \$12,000.00  | \$86.00    |
| Engelien Residence       | 3333 South Atlantic Avenue, Unit 1106 | 10/9  | Replace windows in den, bay, dining room, and balcony | \$21,970.00  | \$193.73   |
| DiMucci Twin Towers      | 3315 South Atlantic Avenue            | 10/11 | Install new fencing                                   | \$92,000.00  | \$85.35    |

| PROJECT                     | WORK ADDRESS                          | DATE  | WORK DESCRIPTION                                    | VALUE          | REVENUE    |
|-----------------------------|---------------------------------------|-------|-----------------------------------------------------|----------------|------------|
| Hawaiian Inn                | 2301 South Atlantic Avenue            | 10/11 | Restore pool damaged by hurricane, replace pavers   | \$120,000.00   | \$716.48   |
| Mulligan's Lagoon Putt Putt | 2504 South Atlantic Avenue            | 10/11 | Site work, power, lighting, connect equipment       | \$185,000.00   | \$184.50   |
| Sand Castle Motel           | 3619 South Atlantic Avenue            | 10/11 | Re-roof TPO flat roof                               | \$217,500.00   | \$1,108.08 |
| Goodale Residence           | 3425 South Atlantic Avenue, Unit 1804 | 10/12 | Change out 3 ton heat pump system                   | \$13,712.00    | \$130.30   |
| Taverna Greek Island Zante  | 3100 South Atlantic Avenue            | 10/13 | Re-roof building                                    | \$40,246.00    | \$300.66   |
| Ashley Condo                | 3757 South Atlantic Avenue            | 10/13 | Replace fire alarm devices with new                 | \$13,975.00    | \$417.50   |
| Grand Coquina               | 3333 South Atlantic Avenue            | 10/13 | Replace existing windows in units 1401 & 1601       | \$24,730.00    | \$209.87   |
| Opus Condo                  | 2071 South Atlantic Avenue            | 10/17 | Reconstruct seawall                                 | \$949,752.00   | \$79.84    |
| Towers Grande               | 2055 South Atlantic Avenue            | 10/17 | Reconstruct seawall                                 | \$2,390,005.00 | \$160.89   |
| Sea Fern Condo              | 3807 South Atlantic Avenue            | 10/17 | Replace beach access stairs                         | \$10,000.00    | \$112.00   |
| Delta Marriott              | 2505 South Atlantic Avenue            | 10/18 | Modify existing pool                                | \$200,000.00   | \$1,386.28 |
| Larson Residence            | 3815 South Atlantic Avenue, Unit 702  | 10/18 | Change out 2 ton A/C system                         | \$11,705.00    | \$117.10   |
| Ambros Daytona              | 3247 South Atlantic Avenue            | 10/18 | Replace seawall                                     | \$300,000.00   | \$35.03    |
| Ambros Daytona              | 3247 South Atlantic Avenue            | 10/18 | Replace beach access stairs                         | \$40,250.00    | \$300.66   |
| Fantasy Island II           | 3175 South Atlantic Avenue            | 10/18 | Replace beach access landings and stairs            | \$78,000.00    | \$511.37   |
| Marinucci Residence         | 2937 South Atlantic Avenue, Unit 1706 | 10/18 | Bathroom remodel, walk in shower, new vanity top    | \$11,000.00    | \$120.55   |
| Mustacchio Residence        | 3333 South Atlantic Avenue, Unit 1202 | 10/19 | Remodel kitchen, tray ceiling, cabinets, and tops   | \$35,000.00    | \$266.76   |
| Dolphin Beach Club          | 3355 South Atlantic Avenue            | 10/19 | Replace beach access landings and stairs            | \$76,500.00    | \$505.53   |
| Vlad Residence              | 3807 South Atlantic Avenue, Unit 304  | 10/23 | Replace 7 windows and 3 sliding glass doors         | \$25,758.00    | \$215.49   |
| Vlad Residence              | 3115 South Atlantic Avenue, Unit 403  | 10/23 | Replace 2 sliding glass doors                       | \$13,241.00    | \$146.20   |
| Vlad Residence              | 3807 South Atlantic Avenue, Unit 204  | 10/23 | Replace 3 windows and 3 sliding glass doors         | \$21,126.00    | \$193.73   |
| Jackson Residence           | 3013 South Atlantic Avenue, Unit 1005 | 10/23 | Remodel kitchen and shower, new vanities            | \$38,000.00    | \$282.82   |
| County of Volusia           | 3625 South Atlantic Avenue            | 10/23 | Install modular building in Dahlia Park parking lot | \$51,000.00    | \$357.78   |
| Chamberlain Residence       | 3743 South Atlantic Avenue, Unit 10A  | 10/23 | Replace cabinets, rebuild walk in shower            | \$65,745.00    | \$443.04   |
| Unatin Residence            | 1925 South Atlantic Avenue, Unit 1001 | 10/23 | Bathroom remodel                                    | \$21,205.00    | \$193.73   |
| Radford Residence           | 3703 South Atlantic Avenue, Unit 602  | 10/23 | Change out 5 ton A/C split system                   | \$10,100.00    | \$110.50   |
| Rivera Residence            | 3043 South Atlantic Avenue, Unit 202  | 10/25 | Remodel kitchen and 2 bathrooms, cabinets, tops     | \$34,500.00    | \$266.60   |

| PROJECT                     | WORK ADDRESS                          | DATE  | WORK DESCRIPTION                                    | VALUE          | REVENUE     |
|-----------------------------|---------------------------------------|-------|-----------------------------------------------------|----------------|-------------|
| Cook Residence              | 2855 South Atlantic Avenue, Unit 503  | 10/25 | Change out 3 ton heat pump system                   | \$10,000.00    | \$103.90    |
| Gillis Residence            | 107 Van Avenue                        | 10/26 | Replace modified roof, remove chimney, skylight     | \$22,700.00    | \$199.11    |
| Waters Residence            | 3115 South Atlantic Avenue, Unit 1202 | 10/26 | Replace 2 sliding glass doors and 1 window          | \$14,767.00    | \$154.75    |
| Daytona Seabreeze           | 3125 South Atlantic Avenue            | 10/27 | Replace beach access landing and stairs             | \$75,000.00    | \$494.31    |
| Mulligan's Lagoon Putt Putt | 2504 South Atlantic Avenue            | 10/30 | Install HVAC for new construction                   | \$82,670.00    | \$613.98    |
| Stringer Residence          | 1925 South Atlantic Avenue, Unit 507  | 10/30 | Shower remodel, demo walls to remove fireplace area | \$18,500.00    | \$177.58    |
| Helmick Residence           | 2823 South Atlantic Avenue            | 10/30 | Construct beach access walkover stairs              | \$60,000.00    | \$408.98    |
| Curran Shores South         | 3641 South Atlantic Avenue            | 10/31 | Install new swimming pool and plumbing pack         | \$177,100.00   | \$1,298.05  |
| Avalon Capital Group        | 109 White Cap Avenue                  | 10/31 | Re-roof with modified bitumen roof system           | \$14,155.00    | \$154.75    |
| Bella Vista Condo           | 2515 South Atlantic Avenue            | 10/31 | Replace wooden beach access stairs                  | \$50,000.00    | \$352.09    |
|                             |                                       |       |                                                     |                |             |
| TOTALS                      | WORK ADDRESS                          | DATE  | WORK DESCRIPTION                                    | \$6,218,011.00 | \$16,652.28 |

### Building Division Revenue by Permit Category:

| PERMIT TYPE            | OCTOBER 2023 | FISCAL YEAR-TO-DATE 2023 TO 2024 | OCTOBER 2022 | LAST FISCAL YEAR-TO-DATE 2022 TO 2023 |
|------------------------|--------------|----------------------------------|--------------|---------------------------------------|
| BUILDING               | \$23,719.39  | \$23,719.39                      | \$5,412.32   | \$5,412.32                            |
| ROOF                   | \$1,667.85   | \$1,667.85                       | \$1,281.38   | \$1,281.38                            |
| DEMOLITION             | \$0.00       | \$0.00                           | \$0.00       | \$0.00                                |
| ELECTRICAL             | \$2,814.87   | \$2,814.87                       | \$1,556.88   | \$1,556.88                            |
| MECHANICAL             | \$7,327.42   | \$7,327.42                       | \$2,541.16   | \$2,541.16                            |
| PLUMBING               | \$3,173.25   | \$3,173.25                       | \$1,888.75   | \$1,888.75                            |
| SIGN                   | \$458.00     | \$458.00                         | \$392.55     | \$392.55                              |
| POLITICAL SIGN BONDS   | \$0.00       | \$0.00                           | \$0.00       | \$0.00                                |
| STORMWATER MANAGEMENT  | \$0.00       | \$0.00                           | \$0.00       | \$0.00                                |
| MISCELLANEOUS          | \$240.60     | \$240.60                         | \$131.25     | \$131.25                              |
| DEVELOPMENT FEES       | \$235.00     | \$235.00                         | \$220.00     | \$220.00                              |
| PROMOTIONAL ACTIVITIES | \$0.00       | \$0.00                           | \$0.00       | \$0.00                                |
| TOTALS                 | \$39,636.38  | \$39,636.38                      | \$13,424.29  | \$13,424.29                           |

## Building Division Activities:

| ACTIVITY                                                                         | OCTOBER 2023     | FISCAL YEAR-TO-DATE 2023 TO 2024 | OCTOBER 2022 | LAST FISCAL YEAR-TO-DATE 2022 TO 2023 |
|----------------------------------------------------------------------------------|------------------|----------------------------------|--------------|---------------------------------------|
| INSPECTIONS                                                                      | (279) + (55) 334 | (279) + (55) 334                 | 219          | 219                                   |
| FINAL CERTIFICATES OF OCCUPANCY ISSUED                                           | 0                | 0                                | 0            | 0                                     |
| TEMPORARY CERTIFICATES OF OCCUPANCY ISSUED                                       | 0                | 0                                | 0            | 0                                     |
| FINAL INSPECTIONS                                                                | (190) + (30) 220 | (190) + (30) 220                 | 131          | 131                                   |
| FAILED INSPECTIONS                                                               | (16) + (9) 25    | (16) + (9) 25                    | 12           | 12                                    |
| NOTE: (No. of DBS Staff Inspections); (No. of Universal Engineering Inspections) |                  |                                  |              |                                       |

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

Projects Begun Current Fiscal Year-to-Date – 10/2023 to Present: \$6,218,011.00

Projects Begun Last Fiscal Year – 2022 to 2023: \$88,785,455.00

Projects Begun Two Fiscal Years Ago – 2021 to 2022: \$64,300,811.00

# PUBLIC WORKS & SEWER DIVISIONS

## MONTHLY REPORT - OCTOBER 2023

### **FACILITIES MAINTENANCE DIVISION:**

This division currently has 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 within the staff's capabilities. The facilities staff has an HVAC certification therefore certain related repairs can be performed inhouse. Among other things, Staff pressure wash buildings, clean window exteriors, paint, lubricate the locks, deliver water jugs and perform any other general maintenance needed with the city buildings and city owned properties. Tasks outside the expertise of the staff are contracted to third party specialists.

#### **Additionally, this month:**

- City Hall: Continued assisting electrical contractor with miscellaneous repairs, worked on third floor server room AC split unit and drainage, cleaned the roof, put up sunshades and cleaned windows
- Public Safety: Continued assisting the electrical contractor with miscellaneous repairs, assisted with a fire inspection at the Urgent Care building, repaired a stationary bike in the gym area and removed and replaced the evidence refrigerator
- Community Center: Continued assisting the electrical contractor with miscellaneous repairs, helped electrical contractor with continued ice machine problems
- Public Works facility: Trouble shot and changed the oil in the air compressors, pick up of repaired golf cart, installed new paint cabinet

## **PARKS / STREETS DIVISION:**

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

Currently this division has ten maintenance positions. The electrician has finally been filled, welcome Christian Downer, but we still have one Maintenance Worker position currently vacant.

### **Normal monthly duties:**

This division performs maintenance, upkeep and general appearance of all the City 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:**

- Fixed cones and caution tape around McElroy playground
- Began refreshing plant beds around city properties, mulch, rock, plants, weeding, pressure washing park buildings
- Continued replacing broken brackets, electrical plugs and light poles along Atlantic Avenue
- Cleaned storm drains on Rosalyn and install new grate on Lindley
- Started assembling road closed detour signs
- Continued replacing ADA pads on sidewalks
- Fixed irrigation break at Peck Park
- Help to remove/replaced contaminated soil from a diesel line leak on the generator at public safety
- Began prepping Christmas decorations

- Assisted in emptying/demolishing and hauling away the old shed at public safety
- Set up and take down for Food Truck Event at McElroy

Electrician:

- The new electrician started on October 25<sup>th</sup>

### **SEWER DIVISION:**

This division is again back down to three positions and short one position.

#### **Normal monthly duties:**

This division maintains and inspects 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 the Finance Department every month, performs cooling tower readings, and quarterly grease trap inspections.

#### **Additionally, this month:**

- Sewer/Electrical locates – 51
- Sewer meter reads – 0
- Changed water solenoid at master station
- Cleaned storm drains at Rosalyn and Marilyn
- Assisted electrical contractor with miscellaneous station repairs
- Cleared a sewer back up at 2209 A1A
- TV'd lines around station 2 and 3247 La Paloma clean out





**CITY COMMISSION AGENDA MEMORANDUM  
DECEMBER 12, 2023 AGENDA**

**TO:** Honorable Mayor and Members of the City Commission

**FROM:**

**PREPARED BY:** Joanne Sweeney, Admin Asst

**SUBJECT:** Public Safety monthly report - September 2023

**SYNOPSIS:**

**FISCAL IMPACT STATEMENT:**

**BACKGROUND:**

**LEGAL REVIEW:**

**RECOMMENDATION:**

**SUGGESTED MOTION:**

**ATTACHMENT:** 1. September





**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 SEPTEMBER 2023**

|                                      | Sep-23 | 23/YTD | Sep-22 | 22/YTD |
|--------------------------------------|--------|--------|--------|--------|
| <i>Police Related Calls</i>          | 1,711  | 16,546 | 2,608  | 18,768 |
| <i>Fire Related Calls</i>            | 58     | 605    | 131    | 375    |
| <i>Rescue Related Calls</i>          | 51     | 532    | 98     | 959    |
| <i>Fire Related Alarms Sounding</i>  | 27     | 185    | 23     | 252    |
| <i>Traffic Citations</i>             | 144    | 1,563  | 182    | 2,208  |
| <i>Written Warnings</i>              | 19     | 237    | 76     | 445    |
| <i>Building Inspections</i>          | 87     | 350    | 34     | 304    |
| <i>Arrests: Adults</i>               | 34     | 277    | 49     | 330    |
| <i>Juveniles</i>                     | 1      | 5      | 0      | 7      |
| <i>City Ordinance Charges</i>        | 0      | 3      | 2      | 4      |
| <i>Florida State Statute Charges</i> | 45     | 456    | 61     | 528    |
| <i>Accidents: Total</i>              | 15     | 141    | 11     | 190    |
| <i>Street/Highway</i>                | 5      | 95     | 5      | 97     |
| <i>Parking Lot</i>                   | 10     | 53     | 6      | 93     |

**Michael Fowler, Public Safety Director**



POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-09-01 through 2023-09-30

LOCATION: ALL | ZONE: ALL | RD: ALL

| DESCRIPTION              | SIGNAL | TOTAL CALLS | % OF ALL CALLS | DAILY AVG |
|--------------------------|--------|-------------|----------------|-----------|
| MISCELLANEOUS LE CALL    | MISC   | 299         | 17.48 %        | 9.97      |
| EXTRA PATROL             | EP     | 244         | 14.26 %        | 8.13      |
| TRAFFIC STOP             | TS     | 199         | 11.63 %        | 6.63      |
| PROPERTY CHECK           | PRC    | 190         | 11.10 %        | 6.33      |
| DIRECTED PATROL REQUEST  | DPR    | 176         | 10.29 %        | 5.87      |
| TELEPHONE HANDLE         | THC    | 50          | 2.92 %         | 1.67      |
| SUSP PERSON              | SPER   | 40          | 2.34 %         | 1.33      |
| SUSP VEHICLE             | SVEH   | 34          | 1.99 %         | 1.13      |
| MEDICAL EMERGENCY        | MED1   | 33          | 1.93 %         | 1.10      |
| FIRE ALARM               | ALARMF | 31          | 1.81 %         | 1.03      |
| SUSP INCIDENT            | SINC   | 22          | 1.29 %         | 0.73      |
| ZONE ACCOUNTABILITY PATR | ZAP    | 21          | 1.23 %         | 0.70      |
| SUSPECT STOP             | SS     | 20          | 1.17 %         | 0.67      |
| TRESPASSERS              | TRES   | 17          | 0.99 %         | 0.57      |
| SCHOOL ZONE              | SZ     | 16          | 0.94 %         | 0.53      |
| DISTURBANCE              | DIST   | 13          | 0.76 %         | 0.43      |
| SPECIAL DETAIL           | SDL    | 13          | 0.76 %         | 0.43      |
| RECKLESS DRIVER          | RD     | 11          | 0.64 %         | 0.37      |
| FALL- NON EMERGENCY      | TRAU3  | 10          | 0.58 %         | 0.33      |
| MEDICAL UNKNOWN          | ALARMM | 10          | 0.58 %         | 0.33      |
| MVA                      | MV     | 10          | 0.58 %         | 0.33      |
| WALKUP                   | WALKUP | 10          | 0.58 %         | 0.33      |
| WARRANT                  | WAR    | 10          | 0.58 %         | 0.33      |
| NARCOTICS                | NARC   | 9           | 0.53 %         | 0.30      |
| TOWED VEHICLE            | TOW    | 9           | 0.53 %         | 0.30      |
| FOUND PROPERTY           | PROPF  | 8           | 0.47 %         | 0.27      |
| ELEVATOR CALL            | ELEV   | 7           | 0.41 %         | 0.23      |
| INVESTIGATION            | INV    | 7           | 0.41 %         | 0.23      |
| TEST LE CALL             | TEST   | 7           | 0.41 %         | 0.23      |
| WELL BEING CHECK         | WBC    | 7           | 0.41 %         | 0.23      |
| DISABLED VEHICLE         | DAV    | 6           | 0.35 %         | 0.20      |
| FRAUD                    | FRAUD  | 6           | 0.35 %         | 0.20      |
| NOISE                    | NOISE  | 6           | 0.35 %         | 0.20      |
| RADAR                    | RADAR  | 6           | 0.35 %         | 0.20      |
| THEFT                    | THEFT  | 6           | 0.35 %         | 0.20      |
| TRAUMA EMERGENCY         | TRAU1  | 6           | 0.35 %         | 0.20      |
| WALK & TALK              | WT     | 6           | 0.35 %         | 0.20      |
| ANIMAL COMPLAINT         | AC     | 5           | 0.29 %         | 0.17      |
| BLS - MED/TRAUMA         | BLS3   | 5           | 0.29 %         | 0.17      |
| ILLEGAL PARKING          | PARK   | 5           | 0.29 %         | 0.17      |
| INFORMATION GIVEN        | INFO   | 5           | 0.29 %         | 0.17      |
| MEDICAL NON-EMERG        | MED2   | 5           | 0.29 %         | 0.17      |
| MVA W/ INJURIES          | MVI    | 5           | 0.29 %         | 0.17      |
| STROKE / CVA             | CVA    | 5           | 0.29 %         | 0.17      |
| 911 CK/OPEN LINE         | 911CK  | 4           | 0.23 %         | 0.13      |
| BUSINESS ALARM           | ALARMB | 4           | 0.23 %         | 0.13      |



POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-09-01 through 2023-09-30

LOCATION: ALL | ZONE: ALL | RD: ALL

| DESCRIPTION              | SIGNAL | TOTAL CALLS | % OF ALL CALLS | DAILY AVG |
|--------------------------|--------|-------------|----------------|-----------|
| DANGEROUS COND FD        | DCFD   | 4           | 0.23 %         | 0.13      |
| DRUNK DRIVER             | DUI    | 4           | 0.23 %         | 0.13      |
| FLAG DOWN                | FLAG   | 4           | 0.23 %         | 0.13      |
| ROAD OBSTRUCTION         | RDOB   | 4           | 0.23 %         | 0.13      |
| BURG/RESD                | BURGR  | 3           | 0.18 %         | 0.10      |
| CIVIL COMPLAINT          | CIVIL  | 3           | 0.18 %         | 0.10      |
| DOMESTIC DISTURBANCE     | DV     | 3           | 0.18 %         | 0.10      |
| ESCORT                   | ESCORT | 3           | 0.18 %         | 0.10      |
| NE ASST- FIRE REQ        | LEO2   | 3           | 0.18 %         | 0.10      |
| REPOSSESSED VEH          | REPO   | 3           | 0.18 %         | 0.10      |
| STOLEN VEHICLE           | SV     | 3           | 0.18 %         | 0.10      |
| ASSAULT/BATTERY          | ABAT   | 2           | 0.12 %         | 0.07      |
| ASSIST AGENCY            | ASSIST | 2           | 0.12 %         | 0.07      |
| ATT TO CONTACT           | ATC    | 2           | 0.12 %         | 0.07      |
| BOLO                     | BOLO   | 2           | 0.12 %         | 0.07      |
| BURGLARY                 | BURG   | 2           | 0.12 %         | 0.07      |
| CARDIAC ARREST           | CPR    | 2           | 0.12 %         | 0.07      |
| DEAD PERSON              | DEAD   | 2           | 0.12 %         | 0.07      |
| DRUNK PERSON             | IP     | 2           | 0.12 %         | 0.07      |
| FIGHT                    | FIGHT  | 2           | 0.12 %         | 0.07      |
| LOST/FOUND PET INFO      | PET    | 2           | 0.12 %         | 0.07      |
| SHOPLIFTING              | SHOP1  | 2           | 0.12 %         | 0.07      |
| TRAUMA CRITICAL          | TRAUE  | 2           | 0.12 %         | 0.07      |
| VANDALISM                | VAND   | 2           | 0.12 %         | 0.07      |
| ALZHEIMERS               | ALZ    | 1           | 0.06 %         | 0.03      |
| ASSIST                   | ASST   | 1           | 0.06 %         | 0.03      |
| BURG/BUSINESS            | BURGB  | 1           | 0.06 %         | 0.03      |
| BURG/IN PROG             | BURGIP | 1           | 0.06 %         | 0.03      |
| CARBREAK                 | CB     | 1           | 0.06 %         | 0.03      |
| DROWNING                 | DROWN  | 1           | 0.06 %         | 0.03      |
| FAILURE TO PAY           | FTP1   | 1           | 0.06 %         | 0.03      |
| FIRE ALARM COMM/HIGHRISE | ALARCH | 1           | 0.06 %         | 0.03      |
| FIRE OUT                 | FOUT   | 1           | 0.06 %         | 0.03      |
| FIRE OUTSIDE STRUCTURE   | FOS    | 1           | 0.06 %         | 0.03      |
| FIREWORKS                | FIREWK | 1           | 0.06 %         | 0.03      |
| FLEEING DRIVER           | FLEE   | 1           | 0.06 %         | 0.03      |
| HIT&RUN MVA              | MVHR   | 1           | 0.06 %         | 0.03      |
| JUVENILE                 | JUV    | 1           | 0.06 %         | 0.03      |
| LOST PROPERTY            | PROPL  | 1           | 0.06 %         | 0.03      |
| MISC FIRE SERVICE CALL   | MISCF  | 1           | 0.06 %         | 0.03      |
| MISSING PERSON           | MP     | 1           | 0.06 %         | 0.03      |
| MVA MAJOR                | MVMI   | 1           | 0.06 %         | 0.03      |
| MVA W/ HAZARD            | MVH    | 1           | 0.06 %         | 0.03      |
| OVERDOSE/POISONING       | OD     | 1           | 0.06 %         | 0.03      |
| PANIC ALARM              | ALARM  | 1           | 0.06 %         | 0.03      |
| POWER LINES HAZARD       | PL     | 1           | 0.06 %         | 0.03      |



POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-09-01 through 2023-09-30

LOCATION: ALL | ZONE: ALL | RD: ALL

| DESCRIPTION              | SIGNAL | TOTAL CALLS | % OF ALL CALLS | DAILY AVG |
|--------------------------|--------|-------------|----------------|-----------|
| PROWLER                  | PROW   | 1           | 0.06 %         | 0.03      |
| RIP CURRENT WATER        | WATERR | 1           | 0.06 %         | 0.03      |
| SMOKE INVESTIGATION      | SMOKE  | 1           | 0.06 %         | 0.03      |
| SUICIDAL PERSON          | SP     | 1           | 0.06 %         | 0.03      |
| TRAFFIC CONTROL          | TC     | 1           | 0.06 %         | 0.03      |
| TRAFFIC LITE OUT         | TLO    | 1           | 0.06 %         | 0.03      |
| UNCONSCIOUS              | UNC    | 1           | 0.06 %         | 0.03      |
| WELL BEING CHECK MEDICAL | WBCF   | 1           | 0.06 %         | 0.03      |
| TOTAL CALLS:             |        | 1,711       | 100.00%        | 57.03     |

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  
SEPTEMBER 2023 STATISTICS

| FIRE CALLS                           | CURRENT MONTH | YEAR TO DATE | PRIOR YEAR |
|--------------------------------------|---------------|--------------|------------|
| STRUCTURE FIRES                      | 0             | 8            | 3          |
| HAZARDOUS CONDITIONS                 | 3             | 89           | 50         |
| VEHICLE FIRES                        | 0             | 1            | 0          |
| BOAT FIRES                           | 0             | 0            | 0          |
| OTHER FIRES NOT LISTED               | 1             | 24           | 13         |
| VEHICLE CRASHES<br>W/ENGINE RESPONSE | 3             | 22           | 5          |
| SERVICE CALLS                        | 37            | 544          | 174        |
| FIRE ALARMS                          | 27            | 320          | 139        |
| CANCELLED EN ROUTE                   | 14            | 223          | 115        |
| TOTALS                               | 85            | 1231         | 499        |

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             | 6             | 3         | 68           | 54        | 63         | 58        |
| HOTEL/MOTEL           | 6             | 6         | 61           | 53        | 35         | 31        |
| ASSEMBLY              | 0             | 0         | 1            | 2         | 2          | 1         |
| MERCANTILE            | 0             | 0         | 39           | 14        | 20         | 3         |
| RESTAURANT            | 0             | 0         | 29           | 16        | 12         | 4         |
| BUSINESS              | 6             | 5         | 116          | 31        | 64         | 8         |
| OTHER                 | 3             | 0         | 215          | 45        | 24         | 2         |
| CONSTRUCTION          | 1             | 0         | 40           | 8         | 38         | 5         |
| OCCUPATIONAL LICENSES | 0             | 0         | 0            | 0         | 0          | 0         |
| APARTMENTS/CONDO      | 1             | 0         | 51           | 29        | 18         | 10        |
| TOTALS                | 23            | 14        | 620          | 252       | 276        | 122       |

PLANS EXAMINATION HOURS: 9 HRS



DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY

SEPTEMBER 2023 STATISTICS

| EMS CALLS | CURRENT MONTH | YEAR TO DATE | PRIOR YEAR |
|-----------|---------------|--------------|------------|
| ALS CALLS | 28            | 560          | 334        |
| BLS CALLS | 23            | 599          | 353        |
| TOTALS    | 51            | 1159         | 687        |





**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 September 2023*

|                                          |                |                                                                |
|------------------------------------------|----------------|----------------------------------------------------------------|
| <i>Enrique Rosario</i>                   | <i>9/6-8</i>   | <i>Detection Deception<br/>DSC</i>                             |
| <i>Kathryn Gotz<br/>Anthony McCulley</i> | <i>9/7-8</i>   | <i>Lithium- Ion Battery Symposium<br/>Ocala</i>                |
| <i>Ronnie Eubanks</i>                    | <i>9/12-14</i> | <i>Fire Apparatus training.<br/>Ocala</i>                      |
| <i>Bill Frank</i>                        | <i>9/21-22</i> | <i>Property &amp; Evidence Room Mgmt<br/>Altamonte Springs</i> |
| <i>Kathryn Gotz</i>                      | <i>9/25-28</i> | <i>Building Construction<br/>POFD</i>                          |
| <i>Enrique Rosario</i>                   | <i>9/25-29</i> | <i>Interview &amp; Interrogations<br/>DSC</i>                  |
| <i>Billie Phillips</i>                   | <i>9/25-29</i> | <i>The Reid Technique<br/>Flagler SO</i>                       |





**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 SEPTEMBER 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:**

|                                   |                 |
|-----------------------------------|-----------------|
| <b>Replace trailer brake</b>      | <b>veh #142</b> |
| <b>Replace rear brake pads</b>    | <b>veh #163</b> |
| <b>Replace air filter</b>         | <b>veh #163</b> |
| <b>Replace tag light assembly</b> | <b>veh #94</b>  |
| <b>Replace brake calipers</b>     | <b>veh #108</b> |
| <b>Replace air filter</b>         | <b>veh #162</b> |
| <b>Replace wiper blades</b>       | <b>veh #171</b> |
| <b>Replace wiper blades</b>       | <b>veh #167</b> |
| <b>Replace wiper blades</b>       | <b>veh #162</b> |
| <b>Replace wiper blades</b>       | <b>veh #165</b> |





**CITY COMMISSION AGENDA MEMORANDUM  
DECEMBER 12, 2023 AGENDA**

**TO:** Honorable Mayor and Members of the City Commission

**FROM:**

**PREPARED BY:** Joanne Sweeney, Admin Asst

**SUBJECT:** Public Safety monthly report - October 2023

**SYNOPSIS:**

**FISCAL IMPACT STATEMENT:**

**BACKGROUND:**

**LEGAL REVIEW:**

**RECOMMENDATION:**

**SUGGESTED MOTION:**

**ATTACHMENT:** 1. October





**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 OCTOBER 2023**

|                                      | Oct-23 | 23/YTD | Oct-22 | 22/YTD |
|--------------------------------------|--------|--------|--------|--------|
| <i>Police Related Calls</i>          | 1,713  | 18,259 | 2,067  | 20,835 |
| <i>Fire Related Calls</i>            | 55     | 660    | 109    | 484    |
| <i>Rescue Related Calls</i>          | 73     | 605    | 93     | 1,052  |
| <i>Fire Related Alarms Sounding</i>  | 17     | 202    | 31     | 283    |
| <i>Traffic Citations</i>             | 135    | 1,698  | 208    | 2,416  |
| <i>Written Warnings</i>              | 39     | 276    | 28     | 473    |
| <i>Building Inspections</i>          | 47     | 397    | 151    | 455    |
| <i>Arrests: Adults</i>               | 21     | 298    | 59     | 389    |
| <i>Juveniles</i>                     | 1      | 6      | 1      | 8      |
| <i>City Ordinance Charges</i>        | 0      | 3      | 1      | 8      |
| <i>Florida State Statute Charges</i> | 26     | 482    | 112    | 640    |
| <i>Accidents: Total</i>              | 15     | 156    | 21     | 211    |
| <i>Street/Highway</i>                | 9      | 104    | 11     | 108    |
| <i>Parking Lot</i>                   | 6      | 59     | 10     | 103    |

**Michael Fowler, Public Safety Director**



# POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-10-01 through 2023-10-31

LOCATION: ALL | ZONE: ALL | RD: ALL

| DESCRIPTION              | SIGNAL | TOTAL CALLS | % OF ALL CALLS | DAILY AVG |
|--------------------------|--------|-------------|----------------|-----------|
| MISCELLANEOUS LE CALL    | MISC   | 313         | 18.27 %        | 10.10     |
| EXTRA PATROL             | EP     | 312         | 18.21 %        | 10.06     |
| TRAFFIC STOP             | TS     | 265         | 15.47 %        | 8.55      |
| DIRECTED PATROL REQUEST  | DPR    | 127         | 7.41 %         | 4.10      |
| PROPERTY CHECK           | PRC    | 114         | 6.65 %         | 3.68      |
| SUSP PERSON              | SPER   | 40          | 2.34 %         | 1.29      |
| MEDICAL EMERGENCY        | MED1   | 33          | 1.93 %         | 1.06      |
| TELEPHONE HANDLE         | THC    | 33          | 1.93 %         | 1.06      |
| SCHOOL ZONE              | SZ     | 32          | 1.87 %         | 1.03      |
| SUSP INCIDENT            | SINC   | 32          | 1.87 %         | 1.03      |
| SUSP VEHICLE             | SVEH   | 25          | 1.46 %         | 0.81      |
| SUSPECT STOP             | SS     | 24          | 1.40 %         | 0.77      |
| FIRE ALARM               | ALARMF | 18          | 1.05 %         | 0.58      |
| ILLEGAL PARKING          | PARK   | 17          | 0.99 %         | 0.55      |
| DISTURBANCE              | DIST   | 14          | 0.82 %         | 0.45      |
| TRESPASSERS              | TRES   | 14          | 0.82 %         | 0.45      |
| WALKUP                   | WALKUP | 14          | 0.82 %         | 0.45      |
| SPECIAL DETAIL           | SDL    | 13          | 0.76 %         | 0.42      |
| RADAR                    | RADAR  | 11          | 0.64 %         | 0.35      |
| MVA                      | MV     | 10          | 0.58 %         | 0.32      |
| FALL- NON EMERGENCY      | TRAU3  | 9           | 0.53 %         | 0.29      |
| TEST LE CALL             | TEST   | 9           | 0.53 %         | 0.29      |
| WARRANT                  | WAR    | 9           | 0.53 %         | 0.29      |
| FRAUD                    | FRAUD  | 8           | 0.47 %         | 0.26      |
| INVESTIGATION            | INV    | 8           | 0.47 %         | 0.26      |
| FLAG DOWN                | FLAG   | 7           | 0.41 %         | 0.23      |
| NARCOTICS                | NARC   | 7           | 0.41 %         | 0.23      |
| NOISE                    | NOISE  | 7           | 0.41 %         | 0.23      |
| TRAUMA EMERGENCY         | TRAU1  | 7           | 0.41 %         | 0.23      |
| ZONE ACCOUNTABILITY PATR | ZAP    | 7           | 0.41 %         | 0.23      |
| ANIMAL COMPLAINT         | AC     | 6           | 0.35 %         | 0.19      |
| BUSINESS ALARM           | ALARMB | 6           | 0.35 %         | 0.19      |
| DISABLED VEHICLE         | DAV    | 6           | 0.35 %         | 0.19      |
| ELEVATOR CALL            | ELEV   | 6           | 0.35 %         | 0.19      |
| FOUND PROPERTY           | PROPF  | 6           | 0.35 %         | 0.19      |
| HIT&RUN MVA              | MVHR   | 6           | 0.35 %         | 0.19      |
| MENTALLY ILL PER         | MIP    | 6           | 0.35 %         | 0.19      |
| RECKLESS DRIVER          | RD     | 6           | 0.35 %         | 0.19      |
| ROAD OBSTRUCTION         | RDOB   | 6           | 0.35 %         | 0.19      |
| ASSAULT/BATTERY          | ABAT   | 5           | 0.29 %         | 0.16      |
| BLS - MED/TRAUMA         | BLS3   | 5           | 0.29 %         | 0.16      |
| 911 CK/OPEN LINE         | 911CK  | 4           | 0.23 %         | 0.13      |
| BURGLARY ALARM           | ALARM  | 4           | 0.23 %         | 0.13      |
| MEDICAL UNKNOWN          | ALARMM | 4           | 0.23 %         | 0.13      |
| SHOPLIFTING              | SHOP1  | 4           | 0.23 %         | 0.13      |
| STROKE / CVA             | CVA    | 4           | 0.23 %         | 0.13      |



# POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-10-01 through 2023-10-31

LOCATION: ALL | ZONE: ALL | RD: ALL

| DESCRIPTION              | SIGNAL | TOTAL CALLS | % OF ALL CALLS | DAILY AVG |
|--------------------------|--------|-------------|----------------|-----------|
| VANDALISM                | VAND   | 4           | 0.23 %         | 0.13      |
| ASSIST AGENCY            | ASSIST | 3           | 0.18 %         | 0.10      |
| FIGHT                    | FIGHT  | 3           | 0.18 %         | 0.10      |
| FIREWORKS                | FIREWK | 3           | 0.18 %         | 0.10      |
| FLEEING DRIVER           | FLEE   | 3           | 0.18 %         | 0.10      |
| HAZARDOUS COND           | HZM    | 3           | 0.18 %         | 0.10      |
| MEDICAL NON-EMERG        | MED2   | 3           | 0.18 %         | 0.10      |
| RECOVERED SIG 10         | SVR    | 3           | 0.18 %         | 0.10      |
| STEP ZONE                | STP    | 3           | 0.18 %         | 0.10      |
| SUICIDAL PERSON          | SP     | 3           | 0.18 %         | 0.10      |
| THEFT                    | THEFT  | 3           | 0.18 %         | 0.10      |
| WALK & TALK              | WT     | 3           | 0.18 %         | 0.10      |
| WELL BEING CHECK         | WBC    | 3           | 0.18 %         | 0.10      |
| 911 CK/OPN LINE/MED HAZ  | 911MED | 2           | 0.12 %         | 0.06      |
| ATT TO CONTACT           | ATC    | 2           | 0.12 %         | 0.06      |
| BOLO                     | BOLO   | 2           | 0.12 %         | 0.06      |
| BURG/JUST OCCD           | BURGJO | 2           | 0.12 %         | 0.06      |
| CITY ORDINANCE VIOLATION | COV    | 2           | 0.12 %         | 0.06      |
| CIVIL COMPLAINT          | CIVIL  | 2           | 0.12 %         | 0.06      |
| DRUNK DRIVER             | DUI    | 2           | 0.12 %         | 0.06      |
| DRUNK PERSON             | IP     | 2           | 0.12 %         | 0.06      |
| ESCORT                   | ESCORT | 2           | 0.12 %         | 0.06      |
| INFORMATION GIVEN        | INFO   | 2           | 0.12 %         | 0.06      |
| JUVENILE                 | JUV    | 2           | 0.12 %         | 0.06      |
| LOST PROPERTY            | PROPL  | 2           | 0.12 %         | 0.06      |
| WEAPONS COMPL            | WC     | 2           | 0.12 %         | 0.06      |
| ALZHEIMERS               | ALZ    | 1           | 0.06 %         | 0.03      |
| BOATER ASSIST            | BOAT   | 1           | 0.06 %         | 0.03      |
| BRUSH FIRE               | BF     | 1           | 0.06 %         | 0.03      |
| CAR BREAK                | CB1    | 1           | 0.06 %         | 0.03      |
| CARBREAK                 | CB     | 1           | 0.06 %         | 0.03      |
| CARDIAC ARREST           | CPR    | 1           | 0.06 %         | 0.03      |
| CHOKING                  | CHK    | 1           | 0.06 %         | 0.03      |
| DANGEROUS COND FD        | DCFD   | 1           | 0.06 %         | 0.03      |
| DEAD PERSON              | DEAD   | 1           | 0.06 %         | 0.03      |
| LASER                    | LASER  | 1           | 0.06 %         | 0.03      |
| LOST CHILD               | CHILDL | 1           | 0.06 %         | 0.03      |
| MVA MAJOR                | MVMI   | 1           | 0.06 %         | 0.03      |
| MVA W/ HAZARD            | MVH    | 1           | 0.06 %         | 0.03      |
| NE ASST- FIRE REQ        | LEO2   | 1           | 0.06 %         | 0.03      |
| OVERDOSE/POISONING       | OD     | 1           | 0.06 %         | 0.03      |
| PERSON SHOT              | PSHOT  | 1           | 0.06 %         | 0.03      |
| REPOSSESSED VEH          | REPO   | 1           | 0.06 %         | 0.03      |
| SEXUAL OFFENDER          | SXF    | 1           | 0.06 %         | 0.03      |
| STOLEN VEHICLE           | SV     | 1           | 0.06 %         | 0.03      |
| STRUC FIRE COMM/HIGHRISE | SFCH   | 1           | 0.06 %         | 0.03      |



POLICE CALLS TOTALS BY TYPE (NO CIVIL)

DB SHORES POLICE

DATES: 2023-10-01 through 2023-10-31

LOCATION: ALL | ZONE: ALL | RD: ALL

| DESCRIPTION      | SIGNAL | TOTAL CALLS | % OF ALL CALLS | DAILY AVG |
|------------------|--------|-------------|----------------|-----------|
| THREATENING CALL | TCALL  | 1           | 0.06 %         | 0.03      |
| TOWED VEHICLE    | TOW    | 1           | 0.06 %         | 0.03      |
| TRAUMA CRITICAL  | TRAUE  | 1           | 0.06 %         | 0.03      |
| UNCONSCIOUS      | UNC    | 1           | 0.06 %         | 0.03      |
| TOTAL CALLS:     |        | 1,713       | 100.00%        | 55.26     |

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

OCTOBER 2023 STATISTICS

| FIRE CALLS                           | CURRENT MONTH | YEAR TO DATE | PRIOR YEAR |
|--------------------------------------|---------------|--------------|------------|
| STRUCTURE FIRES                      | 0             | 8            | 7          |
| HAZARDOUS CONDITIONS                 | 5             | 94           | 63         |
| VEHICLE FIRES                        | 0             | 1            | 0          |
| BOAT FIRES                           | 0             | 0            | 0          |
| OTHER FIRES NOT LISTED               | 2             | 26           | 14         |
| VEHICLE CRASHES<br>W/ENGINE RESPONSE | 1             | 23           | 5          |
| SERVICE CALLS                        | 38            | 582          | 223        |
| FIRE ALARMS                          | 17            | 337          | 170        |
| CANCELLED EN ROUTE                   | 9             | 232          | 130        |
| TOTALS                               | 72            | 1303         | 612        |

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             | 2             | 4         | 70           | 58        | 41         | 34        |
| HOTEL/MOTEL           | 3             | 5         | 64           | 58        | 37         | 22        |
| ASSEMBLY              | 0             | 1         | 1            | 3         | 1          | 2         |
| MERCANTILE            | 1             | 1         | 40           | 15        | 28         | 7         |
| RESTAURANT            | 1             | 1         | 30           | 17        | 17         | 11        |
| BUSINESS              | 1             | 2         | 117          | 33        | 77         | 9         |
| OTHER                 | 16            | 0         | 231          | 45        | 185        | 3         |
| CONSTRUCTION          | 2             | 0         | 42           | 8         | 23         | 7         |
| OCCUPATIONAL LICENSES | 0             | 0         | 0            | 0         | 0          | 0         |
| APARTMENTS/CONDO      | 0             | 7         | 51           | 36        | 33         | 9         |
| TOTALS                | 26            | 21        | 646          | 273       | 442        | 104       |

PLANS EXAMINATION HOURS: 0 HRS



DAYTONA BEACH SHORES DEPARTMENT OF PUBLIC SAFETY  
OCTOBER 2023 STATISTICS

| EMS CALLS | CURRENT MONTH | YEAR TO DATE | PRIOR YEAR |
|-----------|---------------|--------------|------------|
| ALS CALLS | 39            | 599          | 378        |
| BLS CALLS | 34            | 603          | 402        |
| TOTALS    | 73            | 1202         | 780        |





**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 October 2023*

|                                         |                   |                                              |
|-----------------------------------------|-------------------|----------------------------------------------|
| <i>Ronald Eubanks</i>                   | <i>10/16-19</i>   | <i>Fire apparatus training<br/>Ocala</i>     |
| <i>Gary Malphurs<br/>Bill Phillips</i>  | <i>10/19-20</i>   | <i>Firearms Training Update<br/>DSC</i>      |
| <i>Kathryn Gotz<br/>Timothy Meineke</i> | <i>10/23-25</i>   | <i>Agency Inspector<br/>DSC</i>              |
| <i>Jack Ransom</i>                      | <i>10/30-11/3</i> | <i>Advanced Report Writing<br/>DSC</i>       |
| <i>Kathryn Gotz</i>                     | <i>10/30-11/3</i> | <i>Fire Service Course<br/>Delivery-POFD</i> |





**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 OCTOBER 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:**

|                                        |                 |
|----------------------------------------|-----------------|
| <b>Replace wiper blades</b>            | <b>veh #120</b> |
| <b>Replace air filter</b>              | <b>veh #163</b> |
| <b>Replace wiper blades</b>            | <b>veh #117</b> |
| <b>Replace wiper blades</b>            | <b>veh #94</b>  |
| <b>Replace brake pads &amp; rotors</b> | <b>vh #166</b>  |





## **CITY COMMISSION AGENDA MEMORANDUM DECEMBER 12, 2023 AGENDA**

**TO:** Honorable Mayor and Members of the City Commission

**FROM:** Stewart Cruz, Community Services Director

**PREPARED BY:** Stewart Cruz, Community Services Director

**SUBJECT:** Ordinance 2023-16: Authorizing Sewer Development (Impact) Fee Establishment By Resolution Of The City Commission

### **SYNOPSIS:**

Ordinance 2023-16, if adopted, removes the sewer development impact fee from the City's Land Development Code and authorizes the establishment of said fee by means of a resolution by the City Commission. A corresponding resolution establishing the sewer development impact fee will be on the agenda for adoption at the second reading of this ordinance if approved.

Sewer development impact fees apply to new developments. The City administers a sewer development impact fee on new users of the city's sanitary sewer system in order to finance the cost of capital improvements needed to facilitate the orderly expansion of the city's wastewater collection system. These fees have two components: (1) sewer collection service development fee, imposed by the City of Daytona Beach Shores, and (2) sewer treatment service development fee, imposed by the City of Port Orange.

Recently, the City of Port Orange increased its sewer treatment service development fee for new development within its service area, which includes the city limits of the City of Daytona Beach Shores. Adopting sewer development impact fees by resolution is common practice in local government and allows the City to respond effectively to market conditions.

NOTE: Per Sec. 166.041(4), Florida Statutes, a Business Impact Estimate is attached.

### **FISCAL IMPACT STATEMENT:**

### **BACKGROUND:**

### **LEGAL REVIEW:**

### **RECOMMENDATION:**



Staff recommends approval of Ordinance 2023-16 as presented.

**SUGGESTED MOTION:**

Approval of Ordinance 2023-16 as presented.

- ATTACHMENT:**
1. Ord. 2023-16 Sewer Development Impact Fee By Resolution
  2. Ordinance 2023-16 - Business Impact Estimate



## ORDINANCE 2023-16

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA RELATING TO SEWER SERVICE, AMENDING THE MUNICIPAL CODE OF ORDINANCES, APPENDIX “G”, LAND DEVELOPMENT CODE, SECTION 12-4.36 ENTITLED “DEVELOPMENT FEE (IMPACT FEE),” PROVIDING FOR THE ESTABLISHMENT AND AMENDMENT OF SEWER DEVELOPMENT FEE (IMPACT FEE) BY RESOLUTION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the City of Daytona Beach Shores administers a sewer development (impact) fee on new users of the city’s sanitary sewer system in order to finance the cost of capital improvements needed to facilitate the orderly expansion of the city’s wastewater collection system; and

**WHEREAS**, the Daytona Beach Shores sewer development (impact) fee has two components, (1) sewer collection service development fee, imposed by the City of Daytona Beach Shores, and (2) sewer treatment service development fee, imposed by the City of Port Orange, and

**WHEREAS**, the City of Port Orange has increased its sewer treatment service development fee for new development within its service area, which includes the city limits of the City of Daytona Beach Shores; and

**WHEREAS**, the City of Port Orange new sewer treatment service development fee becomes effective January 1, 2024; and

**WHEREAS**, amending the city’s sewer development (impact) fee by resolution provides for efficiency and improved responsiveness to fee changes by the City of Port Orange; and

**WHEREAS**, the City Commission of the City of Daytona Beach Shores finds this Ordinance is in the best interest and welfare of the citizens; and



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

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

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

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

**SECTION ONE. LEGISLATIVE FINDINGS AND INTENT.**

(a). The City Commission of the City of Daytona Beach Shores hereby adopts the City staff report relating to this Ordinance as additional legislative findings which shall not be codified as a part of this Ordinance.

(b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

**SECTION TWO.** Section 12-4.36, Land Development Code, Chapter 12, Appendix “G”, Code of Ordinances of the City of Daytona Beach Shores, entitled “Development Fee (Impact Fee),” is amended to read as follows:

*12-4.36. Development Fee (Impact Fee).*

*1. Purpose of Section and Method of Finance.*

a. This section establishes procedures to facilitate the orderly expansion of the city's wastewater collection system.

b. In order to finance these capital improvements, several combined methods of financing will be necessary, one of which is a development fee defined as "a new building's contribution toward its equitable share of the cost of capital improvements required to serve new users."

*2. Development Fee Review.* The development fee amount shall be reviewed in August of every even year in order to determine if the cost of system improvements necessitates a change in the amount of the fee.

*3. Fee Schedule.* There is hereby imposed a development fee based on the city commission's determination of the equitable portion of the cost of financing the extension of the system upon the equivalent living unit responsible for the need for additional system financing. The development fees shall be established and amended by resolution as determined by the city commission. ~~as follows:~~

~~a. For each equivalent living unit (E.L.U.) connected to the system:  
Sewer collection service development fee: \$644.00.~~



~~Sewer treatment service development fee: \$956.00~~  
~~Total impact fee: \$1,600.00.~~

b. Properties currently connected to the River Point Sewer System shall not be required to pay an impact fee upon their becoming new retail customers of the City of Daytona Beach Shores. Properties adjacent to this sewer system that are either undeveloped or are not connected to the existing sewer system on the effective date of this ordinance shall be required to pay the total impact fee ~~listed in a. above~~ before obtaining a building permit, requesting a connection, or being required by provisions of this ordinance to connect to the sewer system.

c. Each equivalent living unit occasioned by changes in property usage subsequent to the effective date of this section shall be subject to a development fee computed in accordance with the foregoing criteria.

*4. Imposing Fee; When Payable; Penalty for Nonpayment.*

a. The above and foregoing fee shall be paid in full with the purchase of the building permit and will be imposed on every equivalent living unit (E.L.U.) connected to the sewer system whether those units are new or existing and inside or outside the city limits.

b. The person applying for the issuance of a building permit shall pay the required water and sewer development (impact) fee prior to the issuance of a building permit and no building permit for any activity requiring payment of a development (impact) fee pursuant to this chapter [section] shall be issued unless and until the water and sewer development (impact) fee hereby required has been paid. Once paid, such fees shall not be refundable.

*5. Use of Proceeds.*

a. The proceeds accumulated by the City of Daytona Beach Shores for the sewer collection service development fee will be used only for the extension and enlargement of the primary sanitary sewerage system.

b. The proceeds accumulated from the sewer treatment service development fee will be forwarded to the City of Port Orange as specified in the sewer treatment agreement and addendum dated November 12, 1984 between the cities of Port Orange and Daytona Beach Shores.

*6. Trust Fund.* There is hereby established a trust fund, designated as "Development Fee Capital Improvement Trust Fund for the Extension of Primary Wastewater System," wherein all development fees shall be deposited to be held in a separate account used only for the purpose of the extension and enlargement of the City of Daytona Beach Shores primary wastewater collection and treatment system. Funds may be disbursed from this account in the general way pursuant to the charter with the added requirements of acquiring approval of the city's consulting engineer.

*7. Reserved.*

*8. Development Fee in Addition to Other Fee; Terms.* The development fee herein described shall be in addition to other fees provided for in this section.



### **SECTION THREE: IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative policies.

### **SECTION FOUR: SAVINGS.**

The prior actions of the City of Daytona Beach Shores relating to the collection, imposition, establishment or other action relative to sewer development (impact) fees or any other similar matters and any other fees, charges, rates or any other similar matters by the City and the establishment of fees, charges, rates or any other similar matters by the City, and any and all matters relating thereto, are hereby ratified and affirmed.

### **SECTION FIVE: 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 Three, Four, Five, Six, Seven and Eight shall not be codified.

### **SECTION SIX: CONFLICTS.**

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

### **SECTION SEVEN: SEVERABILITY.**

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

### **SECTION EIGHT: EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon enactment.

**SIGNATURE PAGE FOLLOWS**



**CITY OF DAYTONA BEACH SHORES, FLORIDA**

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**NANCY MILLER, MAYOR**

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**KURT SWARTZLANDER, CITY MANAGER    CHERI SCHWAB, CITY CLERK**

**Approved as to form and legality:**

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**GRETCHEN R. H. VOSE, CITY ATTORNEY**

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.



# Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Daytona Beach Shores has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Daytona Beach Shores may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

## Proposed ordinance’s title/reference:

### ORDINANCE 2023-13

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO SEWER UTILITY RATES, CHARGES AND FEES; REPEALLING ORDINANCE 2005-09; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE APPENDIX “G”*, CHAPTER 12 ENTITLED “UTILITIES,” SECTION 12-4 “ENTITLED SEWERS AND SEWAGE DISPOSAL” TO PROVIDE FOR ADMINISTRATIVE “HOUSE CLEANING” RELATING TO SEWER UTILITY RATES, CHARGES AND FEES; GRANTING THE CITY COMMISSION AUTHORITY TO ADOPT A RESOLUTION ESTABLISHING RATES AND FEES FOR SEWER UTILITIES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

## Applicable Exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or



- ☐ The proposed ordinance is enacted to implement the following:
- ☐ Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
  - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

**Business Impact Estimate:**

**The City of Daytona Beach Shores hereby publishes the following information:**

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

The public purpose of Ordinance 2023-13 is to repeal a prior unadopted ordinance, which was never codified or enforced (Ordinance 2005-09); to perform administrative “house cleaning” amendments to existing sections of the Code of Ordinances relating to sanitary sewer utility rates, charges and fees; and, to grant the City Commission the authority to adopt a future resolution to establish rates and fees for sewer utilities.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

Ordinance 2023-13 has no direct compliance costs.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

There are no new fees or charges associated with Ordinance 2023-13.

- (c) An estimate of the municipality’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

There will be no regulatory costs associated with Ordinance 2023-13.

- 3. A good faith estimate of the number of businesses likely to be impacted by**



**the ordinance:**

Ordinance 2023-13 will have no impact on businesses in the City of Daytona Beach Shores.

**4. Additional information the governing body determines may be useful (if any):**

None

**Note:** The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.





## **CITY COMMISSION AGENDA MEMORANDUM DECEMBER 12, 2023 AGENDA**

**TO:** Honorable Mayor and Members of the City Commission

**FROM:**

**PREPARED BY:** Stewart Cruz, Community Services Director

**SUBJECT:** Ordinance 2023-17: Requiring The Posting Of Addresses On The East side Of Properties Adjacent To The Beach

### **SYNOPSIS:**

Ordinance 2023-17, if adopted, will require the proper posting of building address numbers on the east side of properties adjacent to the Atlantic Ocean Beach. Posting address numbers is critical for public safety response time. Beachside addresses will assist emergency personnel (fire/paramedic/police) to determine locations and help tourists and visitors to our beach guide first responders.

The ordinance also gives property owners a 120-day compliance period, subsequent to the adoption of this ordinance. If a seawall is not available, the ordinance provides that the numbers may be installed on a posted sign or fence, easily visible from the driving lanes of the beach.

NOTE: Per Sec. 166.041(4), Florida Statutes, the required Business Impact Estimate is attached.

### **FISCAL IMPACT STATEMENT:**

### **BACKGROUND:**

### **LEGAL REVIEW:**

### **RECOMMENDATION:**

Staff Recommends approval of Ordinance 2023-17 as presented.

### **SUGGESTED MOTION:**

Approval of Ordinance 2023-17 as presented.



- ATTACHMENT:**
1. Ord 2023-17 Building Addresses Along Atlantic Ocean Beach (002)
  2. Business Impact Estimate-Ord. 2023-17 Building Adresses along Oceanfront



## ORDINANCE 2023-17

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO POSTING OF NUMBERS (ADDRESSES) ON PROPERTIES ADJACENT TO ATLANTIC OCEAN BEACH; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 5, ARTICLE V ENTITLED “BUILDING NUMERALS,” BY AMENDING SECTION 5-10 ENTITLED “NUMERALS,” TO PROVIDE FOR THE POSTING OF BUILDING NUMBERS (ADDRESSES) EAST OF THE BUILDING FOR PROPERTIES ADJACENT TO THE ATLANTIC OCEAN BEACH; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the proper posting of building address numbers in the rear of properties adjacent to the Atlantic Ocean Beach is critical for public safety response; and

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

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

**WHEREAS**, the City Commission of the City of Daytona Beach Shores finds this ordinance is in the best interest of its citizens, businesses and visitors; and

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

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



## SECTION ONE. LEGISLATIVE FINDINGS AND INTENT.

(a). The City Commission of the City of Daytona Beach Shores hereby adopts the City staff report relating to this Ordinance as additional legislative findings which shall not be codified as a part of this Ordinance.

(b). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

**SECTION TWO:** Section 5-10, *Land Development Code*, Chapter 5, Appendix “G”, *Code of Ordinances of the City of Daytona Beach Shores*, entitled “Building Numerals,” is amended to read as follows:

\*\*\*

### Sec. 5-10. – Posting of Address Numerals.

All buildings within city limits shall have their assigned building (address) numbers properly displayed, whether or not mail is delivered to such buildings or property. It shall be the duty of the owners and occupants of each building to post the assigned building number on the property in the following manner:

1. Approved numerals shall be provided for all new and existing buildings within the city limits of the City of Daytona Beach Shores. The building (address) number shall be affixed to the front of the building in such a manner so as to be clearly visible and legible from the public or private way on which the building fronts. Additionally, this requirement shall apply to the rear of the building for properties adjacent to the Atlantic Ocean so that the address is clearly visible from the beach. The addressing for all buildings and properties fronting the Atlantic Ocean Beach shall be in place within 120 days of the effective date of this ordinance.

2. Such numerals shall be plainly visible and legible from the street and/or roadway. All properties shall have numerals with Arabic font and numerals shall not be less than four inches in height and a stroke width of not less than one-half inch in width.

3. Numerals in the street side of buildings shall not be less than three (3) inches in height. Numerals for properties located adjacent to the Atlantic Ocean Beach shall have Arabic numbers with a minimum of 12 inches in height and a stroke width of not less than one inch in width.

4. Numerals on seawalls or beach front shall not be less than six (6) inches in height.

5. All numerals shall be of contrasting colors, with the immediate background color of the building or structure on which such numerals are affixed, so as to be visible to an oncoming emergency vehicle.

6. Where a building is more than fifty (50) feet from the street or numerals cannot be made clearly visible from the public or private way, numerals shall also be placed on a streetside mailbox or a posted sign, where a streetside mailbox is not available.



7. For properties adjacent to the Atlantic Ocean Beach, ~~Where~~ where a seawall is not available, numerals shall be plainly visible, affixed to a posted sign or fence, easily visible from the driving lanes along the Atlantic Ocean Beach.

8. Numerals shall be maintained, and if they should become cracked, faded or deteriorated, they shall be replaced by the owner of the property.

9. In plazas, or where similar conditions exist of several different businesses or dwellings sharing the same primary address number, each business or dwelling shall display its secondary number for its address.

\*\*\*

### **SECTION THREE: ENFORCEMENT AND PENALTIES.**

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

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

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

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

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

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

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



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

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

\_\_\_\_\_  
**NANCY MILLER, MAYOR**

\_\_\_\_\_  
**KURT SWARTZLANDER, CITY MANAGER**    **CHERI SCHWAB, CITY CLERK**

**Approved as to form and legality:**

\_\_\_\_\_  
**GRETCHEN R. H. VOSE, CITY ATTORNEY**

**Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

**Adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.**



# Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Daytona Beach Shores has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Daytona Beach Shores may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

## Proposed ordinance’s title/reference:

### ORDINANCE 2023-17

**AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO POSTING OF NUMBERS (ADDRESSES) ON PROPERTIES ADJACENT TO ATLANTIC OCEAN BEACH; AMENDING THE *MUNICIPAL CODE OF ORDINANCES, LAND DEVELOPMENT CODE*; AMENDING APPENDIX “G”, AMENDING CHAPTER 5, ARTICLE V ENTITLED “BUILDING NUMERALS,” BY AMENDING SECTION 5-10 ENTITLED “NUMERALS,” TO PROVIDE FOR THE POSTING OF BUILDING NUMBERS (ADDRESSES) EAST OF THE BUILDING FOR PROPERTIES ADJACENT TO THE ATLANTIC OCEAN BEACH; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

## Applicable Exemptions: None of the below exemptions are applicable to Ordinance 2023-17

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;



- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - ☐ Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
  - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

**Business Impact Estimate:**

**The City of Daytona Beach Shores hereby publishes the following information:**

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

Proposed Ordinance 2023-17 serves to protect the public health, safety, morals and welfare by requiring oceanfront properties to post addresses on their seawall or attach the addresses to a fence or sign in a place visible from the beach driving lane if no seawall exists. This assists emergency responders (fire/paramedic/police) to determine locations.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

The costs of affixing addresses for oceanfront businesses is unknown and dependent on the business owner's selection of contractor or materials.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

N/A

- (c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be**



**imposed on businesses to cover such costs:**

N/A

**3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

For FY 22/23 (9/30/2022 to 10/01/2023), there were 48 registered oceanfront businesses within the City of Daytona Beach Shores.

**4. Additional information the governing body determines may be useful (if any):**

None

**Note:** The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.





## **CITY COMMISSION AGENDA MEMORANDUM DECEMBER 12, 2023 AGENDA**

**TO:** Honorable Mayor and Members of the City Commission

**FROM:** Lory Irwin, Finance Director

**PREPARED BY:** Lory Irwin, Finance Director

**SUBJECT:** Resolution 23-18 Revising Wastewater Rates, Monthly Base Rates and Establishing Automatic Adjustments

### **SYNOPSIS:**

The City of Daytona Beach Shores has an agreement with the City of Port Orange dated November 12, 1984, for the provision of sewage transportation, treatment and disposal for the City's wastewater service area. An amendment to the contract was entered into on November 14, 2023 for an increase in the current treatment and disposal rate to \$4.05/M as of January 1, 2024 .

Per Florida Statute 180.136 a notice was included in the October utility bill giving notice of a hearing on Tuesday, December 12, 2023 for all sewer customers to discuss a sewer rate increase to all sewer accounts, as the City of Port Orange has notified the city of a rate increase as of January 1, 2024.

The hearing discussed the \$0.59/M increase in sewer processing and how this increase would be passed to all customers. Current monthly base charges including up to 3,000 gallons of sewer for "in-city" customers will increase from \$36.63 per month to \$38.40 per month. Monthly usage above 3,000 gallons will increase from \$12.05/M to \$12.64/M. For "outside-city" customers the monthly base rate will increase from \$54.68 to \$57.34 with usage above 3,000 gallons increasing from \$18.08/M to \$18.96/M.

### **FISCAL IMPACT STATEMENT:**

This should have no fiscal impact as the city would like to pass through the price increase to the city by Port Orange as of 1/1/2024 for sewer treatment to sewer customers. This would be a \$0.59/M increase to sewer customers within the city limits.

### **BACKGROUND:**

The City of Daytona Beach Shores has an agreement with the City of Port Orange dated November 12, 1984, for the provision of sewage transportation, treatment and disposal for the City's wastewater service area. An amendment to the contract was entered into on November 14, 2023 for an increase in the current treatment and disposal rate to \$4.05/M as of January 1, 2024.



**LEGAL REVIEW:**

**RECOMMENDATION:**

Motion to approve.

**SUGGESTED MOTION:**

Motion to approve Resolution 2023-18 as is.

**ATTACHMENT:**     1.     2023-18 sewer rate resolution



**RESOLUTION NO. 2023-18**

**A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, RELATING TO SEWER UTILITY RATES, CHARGES AND FEES; REVISING WASTEWATER RATES; REVISING MONTHLY RETAIL CUSTOMER BASE CHARGES; ESTABLISHING AUTOMATIC RATE ADJUSTMENTS; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City of Daytona Beach Shores and the City of Port Orange entered into a Retail Sewer Service Agreement, dated November 12, 1984, as amended from time to time (Shores Agreement) for the provision of sewage transportation, treatment and disposal for the Shores wastewater service area; and

**WHEREAS**, the Parties entered into a Sixth Addendum to the Wholesale Service Agreement on November 14, 2023 amending the current disposal fees charged to the city from \$3.46 to \$4.05 per thousand gallons effective January 1, 2024; and

**WHEREAS**, a notice of public hearing to consider the increase in sewer rates was duly published on all utility account invoices at least 30 days prior to the hearing; and

**WHEREAS**, on December 12, 2023, the city commission held a public hearing to consider Resolution No. 2013-18; and

**WHEREAS**, at the public hearing, the commission disclosed all purposes for which any increased and/or new rates, fees and charges established in Resolution No. 2023-18 will be used; and

**WHEREAS**, the City Commission of the City of Daytona Beach Shores finds it is in the best interest of the city and the customers of the city wastewater system to establish revised rates, fees, and other charges for the services furnished by the wastewater system according to Chapter 12-4.60 of the Code of Ordinances.

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

**Section 1      Recitals:** The “WHEREAS” clauses are hereby incorporated by reference herein.

**Section 2.      Adoption of Sewer Utility Rates:** The City Commission of the City of Daytona Beach Shores, Florida hereby adopts the following Sewer Utility Fee schedule:

**a. Monthly Sewer Charges:**

The following monthly charges shall apply for the use, or availability for use, of the sanitary sewage facilities of the City. Charges shall be based on consumption recorded on an approved water or sewer meter.

1) Within the City:

- (i) The minimum per month charge for customers within the City connected to the sewer shall be \$38.40 including a \$0.50 administrative charge and the first three thousand (3,000) gallons of usage. Non-connected customers shall be billed a monthly minimum monthly availability charge of \$38.40.
- (ii) The rate for any and all use beyond three thousand gallons is \$12.64 per each thousand gallons.

2) Outside the City:

- (i) The current minimum per month charge for system availability is increased from \$54.68 to \$57.34 including an unchanged \$0.50 administrative charge and the first three thousand (3,000) gallons of use.
- (ii) The rate for any and all use beyond three thousand gallons is increased from \$18.08 to \$18.96 per each thousand gallons

**b. Annual Price Index Rate Adjustment**

The City shall automatically adjust and increase the rate, fees and charges as identified in Section 1 above annually by applying a price index factor established for that year as provided in this section to offset the estimated effects of inflation on the cost of operating, maintaining, repairing, replacing and improving the wastewater facilities of the city. All Applicable Rates so adjusted (hereinafter referred to as "Indexed Rates") shall be implemented by the City.

(1) Adjustment Schedule. Rate Indexing shall not be employed more than once in any fiscal year and the Indexed Rates shall be automatically implemented by the city effective with bills rendered on and after October 1<sup>st</sup> of the year in which the price index factor was determined. Nothing herein shall preclude the City from making additional changes to the Applicable Rates in any year through the adoption of a commission resolution.



(2) **Price Index Factor.** A price index adjustment factor expressed on a percentage basis as determined annually (hereinafter referred to as "Price Index Factor") shall be applied to the Applicable Rates. The Price Index Factor to be applied by the City shall be equal to the percentage change in the U.S. Bureau of Labor Statistics Water and Sewer Maintenance Index (Series ID CUSR0000SEHG CPI-All Urban Consumers or its equivalent if changed) when comparing i) the average twelve month index factor ended May of the current fiscal year immediately prior to the fiscal year that the Rate Index is to be applied and ii) the average twelve month index factor ended May of the prior fiscal year (the "Effective Price Index"). By way of example, the Effective Price Index for Fiscal Year 2025 which would be implemented effective with bills rendered on October 1, 2025, would be calculated as the percentage change in the average index calculated for the twelve months ended May 2025 to the average index calculated for the twelve months ended May 2024. The Price Index Factor shall not be less than three percent (3%).

(3) **Determination of Indexed Rates:** The Applicable Rates shall be adjusted annually according to Section 1(b)(1) above, entitled Adjustment Schedule, by an amount equal to the Price Index Factor as determined in the current fiscal year. The application of the Annual Price Index Adjustment will begin with bills rendered on October 1, 2024. The Indexed Rates shall be rounded to the nearest cent.

**Section 3. Implementing Administrative Actions.** The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative policies.

**Section 4. Savings.** The prior actions of the City of Daytona Beach Shores not addressed herein relating to the collection, imposition, establishment or other action relative to utility fees, charges, rates or any other similar matters and any other fees, charges, rates or any other similar matters by the City and the establishment of fees, charges, rates or any other similar matters by the City, and any and all matters relating thereto, are hereby ratified and affirmed.

**Section 5. Conflicts.** All resolutions or parts thereof in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 7. Effective Date.** This Resolution shall take effect immediately upon enactment.

**CITY OF DAYTONA BEACH SHORES, FLORIDA**

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**NANCY MILLER**  
**MAYOR**

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**KURT SWARTZLANDER**  
**CITY MANAGER**

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**CHERI SCHWAB**  
**CITY CLERK**

**Approved as to form and legality:**

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**GRETCHEN R. H. VOSE, CITY ATTORNEY**

Passed and adopted on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.