



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING JANUARY 30, 2008

**7:00 p.m., Community Center, 3048 S. Atlantic Ave.
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Council Meeting Hall. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

CALL TO ORDER:

INVOCATION: Rev. Larry Deitch, Drive-In Christian Church

PLEDGE OF ALLEGIANCE:

ROLL CALL:

1. PRESENTATIONS AND PUBLIC NOTICES:

20 year service award to Officer Sean Rooney

Rick D'Louhy of the Daytona Beach Area Convention & Visitors Bureau regarding the Daytona Beach Dream Cruise on October 25, 2008

2. APPROVAL OF THE MINUTES: January 9, 2008 City Council Meeting and workshop

CONSENT AGENDA:

3. Monthly Departmental Reports
4. Monthly Financial Reports
5. Approval to spend \$10,410 to replace Cat 6 wiring and a support agreement

END CONSENT AGENDA

6. REPORTS OF THE CITY ATTORNEY:

7. REPORTS OF THE CITY MANAGER:

OLD BUSINESS:

City Council 1-30-08

8. Ordinance 2007-27 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING THE MUNICIPAL CODE OF ORDINANCES, APPENDIX G, LAND DEVELOPMENT CODE, ARTICLE IX “CONSTRUCTION SITES”, SECTION 5-14, ENTITLED “SITES”, TO PROVIDE FOR THE EXEMPTION OF PUBLIC PROJECTS CONSTRUCTION SITES FROM THE SITE DEVELOPMENT APPROVAL REQUIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Second Reading and Public Hearing.

NEW BUSINESS:

9. Ordinance 2008-01 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING ORDINANCE 2003-31, AMENDING THE CITY’S CIVIL SERVICE ORDINANCE REGARDING SECTION 20. LEAVE OF ABSENCE WITH PAY; AND PROVIDING AN EFFECTIVE DATE. First Reading.

10. Ordinance 2008-02 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE DAYTONA BEACH SHORES COMPREHENSIVE PLAN UPDATE 2010; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT AND CREATING THE PUBLIC SCHOOLS FACILITIES ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. First Reading.

11. Resolution 2008-02 A RESOLUTION UPDATING THE CITY OF DAYTONA BEACH SHORES INVESTMENT POLICY FOR MUNICIPAL FUNDS AND PROVIDING AN EFFECTIVE DATE. Public Hearing.

12. APPOINTMENT OF STEPHAN DEMBINSKY, RESIDENT TO THE SCHOOL CONCURRENCE BOARD

13. CONSIDERATION OF DELINQUENT OCCUPATIONAL LICENSES

14. BOARD APPOINTMENTS – Beautification Board: Re-appointment for Marjorie Luciano; Board of Adjustments: Re-appointment for Anne DiGaetano; Civil Service: Re-appointment for Joan King; Code Enforcement: Re-appointment for Henry Fehrmann; Planning & Zoning: Appointment for Billie Wheeler as an alternate member.

15. CONSIDERATION TO APPROVE CONTRACT FOR PROJECT MANAGEMENT OF A1A BEAUTIFICATION PROJECT IN THE AMOUNT OF \$856,400

16. CONSIDERATION TO APPROVE CONTRACT FOR VIDEOGRAPHY OF A1A BEAUTIFICATION PROJECT IN THE AMOUNT OF \$150,000

17. COUNCIL COMMENTS:

18. AUDIENCE REMARKS:

19. ITEMS FOR THE NEXT AGENDA:

20. ADJOURNMENT:

Notice is hereby given to all interested parties that if a person should decide to appeal any decision made at the aforementioned meeting of the City Council, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Please be advised that all City Council Meetings are recorded. Note: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the Office of the City Clerk at 2990 S. Atlantic Avenue, Daytona Beach Shores, FL 32118, or telephone 386-763-5364 at least seven working days prior to the meeting.

**MINUTES
CITY COUNCIL MEETING
JANUARY 30, 2008
3048 S. Atlantic Ave. Daytona Beach Shores, FL 32118**

MAYOR NORTHRUP called the meeting to order at 7:00 p.m.

PRESENT: MAYOR GREG NORTHRUP, VICE-MAYOR JENNIE CELONA, CMBR RON BROWN, CMBR DON LARGE AND CMBR HANK SMITH. Staff: *Assistant City Manager James McCroskey, City Clerk Cheri Schwab, City Attorney Sandra Ambrose, Finance Director Steve Whitmer, Community Services Director Fred Hiatt, City Planner Stewart Cruz and Public Safety Director Stephan Dembinsky.*

1. PRESENTATIONS AND PUBLIC NOTICES:

Public Safety Director Stephan Dembinsky presented a 20 year service award to Officer Sean Rooney.

Rick D'Louhy of the Daytona Beach Area Convention & Visitors Bureau spoke to the council regarding the Daytona Beach Dream Cruise on October 25, 2008. The date is the weekend after Biketoberfest. It would not be one long continuous line of cars. The owners would drive up and down Atlantic Avenue at their leisure. The visitors bureau is hoping to bring a fun family style event to the area.

2. APPROVAL OF THE MINUTES: January 9, 2008 City Council Meeting and workshop
CMBR BROWN moved, seconded by CMBR LARGE to approve the minutes of January 9, 2008.

ROLL CALL VOTE:	NORTHRUP	YES
	CELONA	YES
	BROWN	YES
	LARGE	YES
	SMITH	YES (motion passed 5-0)

CONSENT AGENDA:

3. Monthly Departmental Reports
4. Monthly Financial Reports
5. Approval to spend \$10,410 to replace Cat 6 wiring and a support agreement

END CONSENT AGENDA

CMBR LARGE moved, seconded by CMBR BROWN to approve the consent agenda.

ROLL CALL VOTE:	NORTHRUP	YES
	CELONA	YES
	BROWN	YES
	LARGE	YES
	SMITH	YES (motion passed 5-0)

6. REPORTS OF THE CITY ATTORNEY: None.

7. REPORTS OF THE CITY MANAGER: Assistant City Manager Jim McCroskey informed the Council that with the installation of new street lights the maintenance and repair of them also would need to be furnished by the City. Currently, there is not an electrician on staff but he requested one be added. The position will also be able to provide a service to the sewer department. Council agreed to allow the city to advertise for an electrician position.

Mr. McCroskey explained that the sidewalk work would begin soon. The stamped concrete would be removed and asked council to consider adding a one foot strip of grass between the sidewalk and the property owner. After a short discussion, it was determined that council preferred to have a six foot open sidewalk with no strip of grass.

The last item Mr. McCroskey brought before council involved sea walls. There are currently 21 sea walls that need to be repainted. He asked council to consider approving a \$100 grant per property owner to assist them with bringing their sea wall into compliance with our City code. The paint permit fee would also be waived by the Building Department.

CMBR LARGE moved, seconded by CMBR BROWN to allow a maximum of \$2,500 at \$100 per grant for business owners to paint non-compliant sea walls.

ROLL CALL VOTE:	NORTHRUP	YES
	CELONA	YES
	BROWN	YES
	LARGE	YES
	SMITH	YES (motion passed 5-0)

OLD BUSINESS:

8. Ordinance 2007-27 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING THE MUNICIPAL CODE OF ORDINANCES, APPENDIX G, LAND DEVELOPMENT CODE, ARTICLE IX “CONSTRUCTION SITES”, SECTION 5-14, ENTITLED “SITES”, TO PROVIDE FOR THE EXEMPTION OF PUBLIC PROJECTS CONSTRUCTION SITES FROM THE SITE DEVELOPMENT APPROVAL REQUIREMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Second Reading and Public Hearing.

CMBR BROWN moved, seconded by CMBR CELONA to adopt Ordinance 2007-27 on second reading.

ROLL CALL VOTE:	NORTHRUP	YES
	CELONA	YES
	BROWN	YES
	LARGE	YES
	SMITH	YES (motion passed 5-0)

NEW BUSINESS:

9. Ordinance 2008-01 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING ORDINANCE 2003-31, AMENDING THE CITY’S CIVIL SERVICE ORDINANCE REGARDING SECTION 20. LEAVE OF ABSENCE WITH PAY; AND PROVIDING AN EFFECTIVE DATE. First Reading.

CMBR LARGE moved, seconded by CMBR BROWN to approve Ordinance 2008-01 on first reading.

ROLL CALL VOTE:	NORTHRUP	YES
	CELONA	YES
	BROWN	YES
	LARGE	YES
	SMITH	YES (motion passed 5-0)

10. Ordinance 2008-02 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY FLORIDA, RELATING TO COMPREHENSIVE PLANNING; PROVIDING FOR THE ADOPTION OF AMENDMENTS TO THE DAYTONA BEACH SHORES COMPREHENSIVE PLAN UPDATE 2010; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT AND CREATING THE PUBLIC SCHOOLS FACILITIES ELEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. First Reading.

City Planner Stewart Cruz stated that this was required by SB 360 and the interlocal agreement the City signed with Volusia County School Board. The deadline to adopt this amendment is February 1, 2008. Tom Harowski of TMH Consulting spoke on behalf of the Volusia County School Board. He stated that he had been working the past 18 months with the school board on the various comprehensive plan amendments and they support the City on this adoption.

CMBR LARGE moved, seconded by CMBR CELONA to approve Ordinance 2008-02 on first reading.

ROLL CALL VOTE:	NORTHRUP	YES
	CELONA	YES
	BROWN	YES
	LARGE	YES
	SMITH	YES (motion passed 5-0)

11. Resolution 2008-02 A RESOLUTION UPDATING THE CITY OF DAYTONA BEACH SHORES INVESTMENT POLICY FOR MUNICIPAL FUNDS AND PROVIDING AN EFFECTIVE DATE. Public Hearing.

Finance Director Whitmer stated that the current policy had been in place since 1997. This will update our policy and maintain compliance with the state.

CMBR BROWN moved, seconded by CMBR SMITH to adopt Resolution 2008-02 on first reading.

ROLL CALL VOTE:	NORTHRUP	YES
	CELONA	YES
	BROWN	YES
	LARGE	YES
	SMITH	YES (motion passed 5-0)

12. APPOINTMENT OF STEPHAN DEMBINSKY, RESIDENT, TO THE SCHOOL CONCURRENCY BOARD

CMBR BROWN moved, seconded by CMBR CELONA to appoint Stephan Dembinsky to the School Concurrency Board.

ROLL CALL VOTE:	NORTHRUP	YES
	CELONA	YES
	BROWN	YES

LARGE **YES**
SMITH **YES (motion passed 5-0)**

13. CONSIDERATION OF DELINQUENT OCCUPATIONAL LICENSES

CMBR CELONA moved, seconded by CMBR LARGE to cancel the licenses of the delinquent business owners as presented to the Council tonight.

ROLL CALL VOTE: **NORTHRUP** **YES**
CELONA **YES**
BROWN **YES**
LARGE **YES**
SMITH **YES (motion passed 5-0)**

14. BOARD APPOINTMENTS – Beautification Board: Re-appointment for Marjorie Luciano; Board of Adjustments: Re-appointment for Anne DiGaetano; Civil Service: Re-appointment for Joan King; Code Enforcement: Re-appointment for Henry Fehrmann; Planning & Zoning: Appointment for Billie Wheeler as an alternate member.

CMBR LARGE moved, seconded by CMBR CELONA to re-appoint Marjorie Luciano to the Beautification Board.

ROLL CALL VOTE: **NORTHRUP** **YES**
CELONA **YES**
BROWN **YES**
LARGE **YES**
SMITH **YES (motion passed 5-0)**

CMBR LARGE moved, seconded by CMBR CELONA to re-appoint Anne DiGaetano to the Board of Adjustments.

ROLL CALL VOTE: **NORTHRUP** **YES**
CELONA **YES**
BROWN **YES**
LARGE **YES**
SMITH **YES (motion passed 5-0)**

CMBR CELONA moved, seconded by CMBR LARGE to re-appoint Joan King to the Civil Service Board.

ROLL CALL VOTE: **NORTHRUP** **YES**
CELONA **YES**
BROWN **YES**
LARGE **YES**
SMITH **YES (motion passed 5-0)**

CMBR BROWN moved, seconded by CMBR LARGE to re-appoint Henry Fehrmann to the Code Enforcement Board. Audience member John Ersland spoke in favor of this re-appointment.

ROLL CALL VOTE: **NORTHRUP** **YES**
CELONA **YES**
BROWN **YES**

LARGE **YES**
SMITH **YES (motion passed 5-0)**

CMBR BROWN moved, seconded by CMBR LARGE to appoint Billie Wheeler to the Planning & Zoning Board as an alternate member.

ROLL CALL VOTE: **NORTHRUP** **YES**
CELONA **YES**
BROWN **YES**
LARGE **YES**
SMITH **YES (motion passed 5-0)**

15. CONSIDERATION TO APPROVE CONTRACT FOR PROJECT MANAGEMENT OF A1A BEAUTIFICATION PROJECT IN THE AMOUNT OF \$856,400

CMBR BROWN moved, seconded by CMBR LARGE to approve the contract for project management in the amount of \$856,400.

ROLL CALL VOTE: **NORTHRUP** **YES**
CELONA **YES**
BROWN **YES**
LARGE **YES**
SMITH **YES (motion passed 5-0)**

16. CONSIDERATION TO APPROVE CONTRACT FOR VIDEOGRAPHY OF A1A BEAUTIFICATION PROJECT IN THE AMOUNT OF \$150,000

Assistant City Manager McCroskey explained the need for this service. It will act as insurance for the City while providing historical data on each street address during the underground project.

CMBR LARGE moved, seconded by CMBR BROWN to approve the contract for videography in the amount of \$150,000.

ROLL CALL VOTE: **NORTHRUP** **YES**
CELONA **YES**
BROWN **YES**
LARGE **YES**
SMITH **YES (motion passed 5-0)**

17. COUNCIL COMMENTS: CMBR BROWN asked Finance Director Whitmer what the impact would be to the City with the increased homestead exemptions. It was reported that using this year's numbers the impact would be a loss of \$260,000. It is hard to predict the cost for next year at this time. CMBR SMITH requested a cost analysis on creating an electrician position versus using Economy Electric. CMBR CELONA reminded everyone of the St. Patrick's Day Party. There are only forty tickets left. CMBR LARGE explained that he had met with the Historical Society and some ideas for the room were discussed. He would like to display a rendition of the "Bluebird" car that raced on the beach. He also plans to show interview clips of longtime residents and business owners.

18. AUDIENCE REMARKS: Molly Zurheide stated that she was happy with the recent vote results on Amendment 1. She also stated her displeasure with a recent article in the News-Journal on the property at Cardinal Boulevard.

19. ITEMS FOR THE NEXT AGENDA: Discussion on WAV participation

20. ADJOURNMENT: There being no further business to be considered, the meeting adjourned at approximately 8:45 p.m.

MAYOR
GREG NORTHRUP

CITY MANAGER
MICHAEL T. BOOKER

ATTEST:

CITY CLERK, CHERI SCHWAB