



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COUNCIL MEETING MARCH 12, 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:

- Employee service award
- Certificate of Completion for Hank Smith for IEMO
- Rob Wallace with Tigershark Endurance Events

2. APPROVAL OF THE MINUTES: February 27, 2008 City Council Meeting

CONSENT AGENDA:

- 3. Approval for Ocean's West Blvd. change order (net decrease of \$50,616)

END CONSENT AGENDA

4. REPORTS OF THE CITY ATTORNEY:

5. REPORTS OF THE CITY MANAGER:

OLD BUSINESS:

- 6. Ordinance 2008-03 **AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ACCEPTING DEDICATION OF PROPERTY FROM PALMA BELLA, LLC, PURSUANT TO SECTION 7.05 OF THE CITY CHARTER, PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**
Second Reading and Public Hearing.

NEW BUSINESS:

7. 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.

8. ORDINANCE 2008-04 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING THE MUNICIPAL CODE OF ORDINANCES, APPENDIX G, LAND DEVELOPMENT CODE, AMENDING CHAPTER 2 ENTITLED "DEFINITIONS", BY ADDING DEFINITIONS FOR CONCURRENCY SERVICE AREA (CSA), CONCURRENCY SERVICE AREA LEVEL OF SERVICE STANDARDS, FLORIDA INVENTORY OF SCHOOL HOUSES (FISH); SCHOOL BOARD, SCHOOL DISTRICT AND SCHOOL DISTRICT FIVE-YEAR FACILITIES WORK PROGRAM; AMENDING CHAPTER 3, ENTITLED "CONCURRENCY MANAGEMENT SYSTEM" TO ADD PUBLIC SCHOOLS TO THE LIST OF PUBLIC FACILITIES FOR WHICH CONCURRENCY IS REQUIRED, TO ESTABLISH A CRITERIA FOR DETERMINING DI MINIMUS DEVELOPMENT NOT SUBJECT TO PUBLIC SCHOOL CONCURRENCY REVIEW, TO ESTABLISH A CRITERIA FOR DETERMINING RESIDENTIAL IMPACT ON SCHOOL FACILITIES, TO ESTABLISH PUBLIC SCHOOL FACILITIES AS ELIGIBLE FOR PROPORTIONATE FAIR SHARE PROGRAM AND TO ESTABLISH AN APPLICATION PROCESS FOR DETERMINING PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. First Reading.

9. RESOLUTION 2008-06 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SUPPORTING FLORIDA FOREVER AND A SUCCESSOR PROGRAM AND SETTING AN EFFECTIVE DATE. Public Hearing.

10. Board Appointment – Code Enforcement Board: Reappointment for John Ersland as regular member.

11. COUNCIL COMMENTS:

12. AUDIENCE REMARKS:

13. ITEMS FOR THE NEXT AGENDA:

14. 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
MARCH 12, 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, CMBR RON BROWN, and CMBR DON LARGE.
MEMBER EXCUSED: VICE-MAYOR JENNIE CELONA and CMBR HANK SMITH. Staff: *City Manager Michael T. Booker, 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:

Employee service award – Director Dembinsky presented Officer Michael Lynn with a five-year service award.

Certificate of Completion for Hank Smith for IEMO – City Manager Michael Booker explained that CMBR Smith had completed the program for elected officials.

Rob Wallace with Tigershark Endurance Events – Rob Wallace presented his endurance event to the Council. The event would be a triathlon for all age groups. It would begin early in the morning and finish before noon. It would require closing one lane of S. Atlantic Avenue each way during the time of the event. The Council agreed it would be a good event for the City.

2. APPROVAL OF THE MINUTES: February 27, 2008 City Council Meeting
CMBR BROWN moved, seconded by CMBR LARGE to approve the minutes of February 27, 2008.

ROLL CALL VOTE:	NORTHRUP	YES
	BROWN	YES
	LARGE	YES (motion passed 3-0)

CONSENT AGENDA:

3. Approval for Ocean’s West Blvd. change order (net decrease of \$50,616)

END CONSENT AGENDA

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

ROLL CALL VOTE:	NORTHRUP	YES
	BROWN	YES
	LARGE	YES (motion passed 3-0)

4. REPORTS OF THE CITY ATTORNEY: Attorney Ambrose reported that closing on the Go Cart property would occur in the next week.

5. REPORTS OF THE CITY MANAGER: City Manager Booker stated that the Oceans West Blvd. project was close to completion. The lights should arrive Friday, March 14th with a completion date of March 27th. Director Dembinsky gave a brief report on the recent Bike Week. He stated that it was much slower than in past years. Fewer tickets were written and no fatalities occurred.

OLD BUSINESS:

6. Ordinance 2008-03 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, ACCEPTING DEDICATION OF PROPERTY FROM PALMA BELLA, LLC, PURSUANT TO SECTION 7.05 OF THE CITY CHARTER, PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Second Reading and Public Hearing.

CMBR BROWN moved, seconded by CMBR LARGE to adopt Ordinance 2008-03 on second reading.

ROLL CALL VOTE:	NORTHRUP	YES
	BROWN	YES
	LARGE	YES (motion passed 3-0)

NEW BUSINESS:

7. 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.

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

ROLL CALL VOTE:	NORTHRUP	YES
	BROWN	YES
	LARGE	YES (motion passed 3-0)

8. ORDINANCE 2008-04 AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, AMENDING THE MUNICIPAL CODE OF ORDINANCES, APPENDIX G, LAND DEVELOPMENT CODE, AMENDING CHAPTER 2 ENTITLED “DEFINITIONS”, BY ADDING DEFINITIONS FOR CONCURRENCY SERVICE AREA (CSA), CONCURRENCY SERVICE AREA LEVEL OF SERVICE STANDARDS, FLORIDA INVENTORY OF SCHOOL HOUSES (FISH); SCHOOL BOARD, SCHOOL DISTRICT AND SCHOOL DISTRICT FIVE-YEAR FACILITIES WORK PROGRAM; AMENDING CHAPTER 3, ENTITLED “CONCURRENCY MANAGEMENT SYSTEM” TO ADD PUBLIC SCHOOLS TO THE LIST OF PUBLIC FACILITES FOR WHICH CONCURRENCY IS REQUIRED, TO ESTABLISH A CRITERIA FOR DETERMINING DI MINIMUS DEVELOPMENT NOT SUBJECT TO PUBLIC SCHOOL CONCURRENCY REVIEW, TO ESTABLISH A CRITERIA FOR DETERMINING RESIDENTIAL IMPACT ON SCHOOL FACILITIES, TO ESTABLISH PUBLIC SCHOOL FACILITIES AS ELIGIBLE FOR PROPORTIONATE FAIR SHARE PROGRAM AND TO ESTABLISH AN APPLICATION PROCESS FOR DETERMINING PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. First Reading.

CMBR LARGE moved, seconded by CBMR BROWN to approve Ordinance 2008-04 on first reading.

ROLL CALL VOTE: **NORTHRUP** **YES**
 BROWN **YES**
 LARGE **YES (motion passed 3-0)**

9. RESOLUTION 2008-06 A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SUPPORTING FLORIDA FOREVER AND A SUCCESSOR PROGRAM AND SETTING AN EFFECTIVE DATE. Public Hearing.

CMBR BROWN moved, seconded by CMBR LARGE to adopt Resolution 2008-06 on first reading.

ROLL CALL VOTE: **NORTHRUP** **YES**
 BROWN **YES**
 LARGE **YES (motion passed 3-0)**

10. Board Appointment – Code Enforcement Board: Reappointment for John Ersland as regular member.

CMBR BROWN moved, seconded by CMBR LARGE to re-appoint John Ersland to the Code Enforcement Board.

ROLL CALL VOTE: **NORTHRUP** **YES**
 BROWN **YES**
 LARGE **YES (motion passed 3-0)**

11. COUNCIL COMMENTS: None.

12. AUDIENCE REMARKS: Molly Zurheide wished to thank the City Manager and staff for the work on Ocean’s West Boulevard.

13. ITEMS FOR THE NEXT AGENDA: None.

14. ADJOURNMENT: There being no further business to be considered, the meeting adjourned at approximately 7:17 p.m.

MAYOR
GREG NORTHRUP

CITY MANAGER
MICHAEL T. BOOKER

ATTEST:

CITY CLERK, CHERI SCHWAB