



# City of Daytona Beach Shores

*"Life is Better Here"*

*"A Premier, Friendly Place to Be"*

## AGENDA CITY COUNCIL MEETING MARCH 26, 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

### **2. APPROVAL OF THE MINUTES:** March 12, 2008 City Council Meeting

### **CONSENT AGENDA:**

3. Monthly Departmental Reports
4. Monthly Financial Report
5. Approval to award bid for subsurface locates to DRMP not to exceed \$12,500
6. Approval to spend \$13,114.50 from Contraband

### **END CONSENT AGENDA**

### **7. REPORTS OF THE CITY ATTORNEY:**

### **8. REPORTS OF THE CITY MANAGER:**

### **OLD BUSINESS:**

### **9. 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.** Second Reading and Public Hearing.

**10. 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.** Second Reading and Public Hearing.

**NEW BUSINESS:**

**11. Approval to award bid for electrical services in Section D of the underground utilities project to Carter Electric not to exceed \$210,000.**

**12. COUNCIL COMMENTS:**

**13. AUDIENCE REMARKS:**

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

**15. 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 26, 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: *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

Community Services Director Fred Hiatt presented a five year service award to Wayne Delin.

Mayor Northrup commended the Culture & Entertainment Board for their hard work at the recent St. Patrick's Day party.

**2. APPROVAL OF THE MINUTES:** March 12, 2008 City Council Meeting

**CMBR BROWN moved, seconded by CMBR SMITH to approve the minutes of March 12, 2008.**

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

**CONSENT AGENDA:**

3. Monthly Departmental Reports
4. Monthly Financial Report
5. Approval to award bid for subsurface locates to DRMP not to exceed \$12,500
6. Approval to spend \$13,114.50 from Contraband

**END CONSENT AGENDA**

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

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

**7. REPORTS OF THE CITY ATTORNEY:** None.

**8. REPORTS OF THE CITY MANAGER:** The City Manager stated that the lights on Oceans West Boulevard were starting to be installed today. Public Safety Director Stephan Dembinsky announced that the department's re-accreditation process had begun.

**OLD BUSINESS:**

**9. 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. Second Reading and Public Hearing.

**CMBR BROWN moved, seconded by CMBR SMITH to adopt Ordinance 2008-02 on second reading.**

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

**10. 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. Second Reading and Public Hearing.

**CMBR BROWN moved, seconded by CMBR SMITH to adopt Ordinance 2008-04 on second reading.**

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

**NEW BUSINESS:**

**11.** Approval to award bid for electrical services in Section D of the underground utilities project to Carter Electric not to exceed \$210,000.

The City Manager explained this bid would allow the ornamental and overhead street lighting to be installed and wired. CMBR Smith inquired why the city staff couldn’t do the work and expressed his displeasure with this expense. It was explained that staff did not have the proper equipment to install

the forty foot poles. The electrician will observe the installation so he is familiar with the wiring.  
**CMBR BROWN moved, seconded by CMBR CELONA to approve the bid for electrical services in Section D with Carter Electric.**

<b>ROLL CALL VOTE:</b>	<b>NORTHRUP</b>	<b>YES</b>
	<b>CELONA</b>	<b>YES</b>
	<b>BROWN</b>	<b>YES</b>
	<b>LARGE</b>	<b>YES</b>
	<b>SMITH</b>	<b>NO (motion passed 4-1)</b>

**12. COUNCIL COMMENTS:** CMBR CELONA encouraged the citizens to write to their legislators in opposition of SB2276 and HB991. If passed it would put restrictions on meeting procedures. It was also noted that the proposed rules would not have to be followed by the state legislature. CMBR BROWN thanked the Vice Mayor for traveling to Washington DC to promote the city.

**13. AUDIENCE REMARKS:** None.

**14. ITEMS FOR THE NEXT AGENDA:** None.

**15. ADJOURNMENT:** There being no further business to be considered, the meeting adjourned at approximately 7:20 p.m.

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MAYOR  
GREG NORTHRUP

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CITY MANAGER  
MICHAEL T. BOOKER

ATTEST:

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CITY CLERK, CHERI SCHWAB