

RESOLUTION 2018-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA APPROVING A PROPOSAL FOR PHOTOGRAPHIC ART WORK/SIGNAGE UNDER THE CITY'S ECONOMIC DEVELOPMENT AND GOVERNMENTAL SIGNAGE; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; APPROVING AN ALTERNATIVE FORM OF ECONOMIC DEVELOPMENT ACTIVITY SIGN LICENSE; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.021(9), *Florida Statutes*, provides as follows:

“(9)(a) The Legislature finds and declares that this state faces increasing competition from other states and other countries for the location and retention of private enterprises within its borders. Furthermore, the Legislature finds that there is a need to enhance and expand economic activity in the municipalities of this state by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, in order to provide a stronger, more balanced, and stable economy in the state, to enhance and preserve purchasing power and employment opportunities for the residents of this state, and to improve the welfare and competitive position of the state. The Legislature declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the municipalities of the state.

(b) The governing body of a municipality may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such economic development goals constitutes a public purpose. The provisions of this chapter which confer powers and duties on the governing body of a municipality, including any powers not specifically prohibited by law which can be exercised by the governing body of a municipality, shall be liberally construed in order to effectively carry out the purposes of this subsection.

(c) For the purposes of this subsection, it constitutes a public purpose to expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community.

(d) Nothing contained in this subsection shall be construed as a limitation on the home rule powers granted by the State Constitution for municipalities.”

; and

WHEREAS, Section 187.201(21), *Florida Statutes*, (part of the *State Comprehensive*

Plan) provides as follows:

“(21) THE ECONOMY.--

(a) Goal. --Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.

(b) *Policies*--

1. Attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, and research and development facilities to provide quality employment for the residents of Florida.
2. Promote entrepreneurship and small and minority-owned business startup by providing technical and information resources, facilitating capital formation, and removing regulatory restraints which are unnecessary for the protection of consumers and society.
3. Maintain, as one of the state's primary economic assets, the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources.
4. Strengthen Florida's position in the world economy through attracting foreign investment and promoting international banking and trade.
5. Build on the state's attractiveness to make it a leader in the visual and performing arts and in all phases of film, television, and recording production.
6. Promote economic development for Florida residents through partnerships among education, business, industry, agriculture, and the arts.
7. Provide increased opportunities for training Florida's workforce to provide skilled employees for new and expanding business.
8. Promote economic self-sufficiency through training and educational programs which result in productive employment.
9. Promote cooperative employment arrangements between private employers and public sector employment efforts to provide productive, permanent employment opportunities for public assistance recipients through provisions of education opportunities, tax incentives, and employment training.
10. Provide for nondiscriminatory employment opportunities.
11. Provide quality child day care for public assistance families and others who need it in order to work.
12. Encourage the development of a business climate that provides opportunities for the growth and expansion of existing state industries, particularly those industries which are compatible with Florida's environment.
13. Promote coordination among Florida's ports to increase their utilization.
14. Encourage the full utilization by businesses of the economic development enhancement programs implemented by the Legislature for the purpose of extensively involving private businesses in the development and expansion of permanent job opportunities, especially for the economically disadvantaged, through the utilization of enterprise zones, community development corporations, and other programs designed to enhance economic and employment opportunities.”

; and

WHEREAS, the City Council of the City of Daytona Beach Shores desires that the economy of the City of Daytona Beach Shores be one that is vibrant, creative, flexible, dynamic, and modern as well as an economy that attracts and retains high quality businesses and economic generators to the City of Daytona Beach Shores; and

WHEREAS, the City Council of the City of Daytona Beach Shores has concluded that a positive means and method to economically develop the City of Daytona Beach Shores in an effective and beneficial manner would be to provide for a system of economic development activity signage whereby the City could provide for governmental speech at targeted locations that encourage economic development activity relating to real property sales and purchases within the City; and

WHEREAS, a significant part of the economic activity within the City of Daytona Beach Shores is generated by real property transaction and the purchase of properties by persons who become permanent or regular residents of the City and the City Council of the City of Daytona Beach Shores has concluded that the City signage program as herein provided will promote targeted essential economic activity within the City; and

WHEREAS, the City Council of the City of Daytona Beach Shores enacted Section 6-18 of the *City Code* relating to government speech on signage, the licensure of economic development activity signage and related matters; and

WHEREAS, the City Council of the City of Daytona Beach Shores has deemed approval of this Resolution and the approval to be in the best interest of the residents and citizens of the City of Daytona Beach Shores and to further the public health, safety and welfare; and

WHEREAS, the City Council of the City of Daytona Beach Shores desires to ensure and enhance the economic development of the City and the economic wellbeing of the citizens of the City; and

WHEREAS, this Resolution is enacted pursuant to the home rule powers of the City of Daytona Beach Shores as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, and other applicable controlling law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, as follows:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

- (a). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing this Resolution.
- (b). The foregoing recitals (whereas clauses) are hereby ratified, affirmed and confirmed as being true and correct and are hereby made a part of this Resolution.

SECTION 2. APPROVAL OF ECONOMIC DEVELOPMENT ACTIVITY SIGNAGE.

- (a). The City Council of the City of Daytona Beach Shores have reviewed and evaluated, and hereby approves, the economic development activity signage proposed by 1901 1903 S ATLANTIC LP relative to property described in the attached “Sign Art License For Economic Development Activity Signage” which relates to the placement of a public message in the context of photographic art work/signage promoting the sale of real property and the economy of the City.
- (b). The photographic art work/signage is depicted in the License as is the location of the photographic art work/signage on the subject property.

SECTION 3. IMPLEMENTING ADMINISTRATIVE ACTIONS.

- (a). The City Manager is hereby authorized and directed to generally implement the provisions of this Resolution and to take any and all necessary administrative actions to bring into effect the

provisions of this Resolution in accordance with controlling law as he may deem appropriate under the *City of Daytona Beach Shores City Charter*.

(b). Without limiting the generality of the foregoing, the City Manager shall take steps to memorialize the approval herein including, but not limited to, by obtaining the execution of the License by the Mayor and other appropriate persons.

SECTION 4. SAVINGS.

The prior actions of the City of Daytona Beach Shores in terms of the matters relating to City economic development matters and the implementation of its economic development activity signage program, as well as any and all related matters, are hereby ratified and affirmed.

SECTION 5. CONFLICTS.

All resolutions or part of resolutions in conflict with this Resolution are hereby repealed.

SECTION 6. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Resolution not otherwise to be invalid, unlawful, or unconstitutional.

SECTION 7. EFFECTIVE DATE.

This Resolution shall take effect immediately upon passage and adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

MAYOR, HARRY H. JENNINGS

Attest:

CITY MANAGER, MICHAEL T. BOOKER

CITY CLERK, CHERI SCHWAB

Approved as to form and legality:

CITY ATTORNEY, LONNIE GROOT

Adopted this 24th day of April, 2018.

Posted this 24th day of April, 2018.