





**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
AUGUST 1, 2018  
CITY COMMISSION CHAMBERS  
6:00 PM**

**AGENDA**

Website Address - [www.codb.us](http://www.codb.us) (City Clerk)

**NOTICE-** If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	<p><b>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</b></p>		<p><b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</b></p>
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In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office not later than three days prior to the proceedings.

- 1. ROLL CALL.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**

## AGENDA

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- 1. ROLL CALL.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**
- 4. APPROVAL OF MINUTES.**

**4.A. [Approval of Minutes](#)**

Approval of the Minutes will be on the August 15, 2018 Business Meeting of the City Commission Agenda.

**5. AGENDA APPROVAL.**

*THOSE MATTERS INCLUDED UNDER THE CONSENT AGENDA ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE REVIEW OR DISCUSSION. ITEMS WILL BE ENACTED BY ONE MOTION. IF DISCUSSION IS DESIRED BY ANY MEMBER OF THE COMMISSION, THAT ITEM MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.*

**6. PRESENTATION.**

**6.A. [No Presentation](#)**

No presentation.

**7. CITIZENS.**

**7.A. [PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION](#)**

During this time Citizens have the opportunity to address the City

Commission on any item on the Consent Agenda. Items or discussions not listed on the Agenda will not be heard during this comment section.

## 8. CONSENT AGENDA.

*PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA MAY BE REMOVED FROM CONSIDERATION BY THE CITY COMMISSION AND CONTINUED FOR TWO (2) WEEKS UNTIL THE NEXT REGULARLY SCHEDULED CITY COMMISSION MEETING. (ONLY MEMBERS OF THE CITY COMMISSION MAY REMOVE ITEMS FROM THE AGENDA).*

**8.A.** [Police Department - U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance - FY 2017 Edward Byrne Memorial Justice Assistance Grant \(JAG\) \(pp. 17-21\)](#)

**Resolution** authorizing a grant application, to apply, submit, accept, and expend the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG), Local Solicitation FY 2017 funding to enhance existing law enforcement initiatives including the Juvenile Electronic Monitoring (JEM) program in the amount of \$62,806. Awards are made in the 1st fiscal year of the appropriation and may be expended during the following 3 years, for a total of a 4 year grant period. There is no match requirement.

Recommendation: Chief of Police recommends adoption of the Resolution.

**8.B.** [Legal Department - Foreclosures on Properties with Code Enforcement Liens, Pursuant to Chapter 162, Florida Statutes \(pp. 22-24\)](#)

**Resolution** authorizing the initiation of foreclosure actions on certain properties identified to meet the legal criteria for foreclosure proceedings. Pursuant to Chapter 162 of the Florida Statutes, the local governing body attorney may enforce outstanding Code Enforcement liens through the foreclosure process.

Recommendation: City Attorney recommends adoption of the Resolution.

**8.C.** [Legal Department - Board of Building Codes - Appointment of Attorney \(pp. 25-27\)](#)

**Resolution** appointing Charles J. Cino, Esq. to represent the Board of Building Codes at public hearings pursuant of Section 2.11 of the City Code at a rate of \$125 per hour.

Recommendation: City Attorney recommends adoption of the Resolution.

**8.D.** [Development and Administrative Services - Authorization for Submittal of the 2018-2019 Annual Action Plan \(AAP\) and Approving Certain](#)

[Implementing Actions \(pp. 28-69\)](#)

**Resolution** approving the submittal of the 2018-2019 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD) required to apply for Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) program funding. The AAP describes the proposed use of funds and planned activities to meet housing and Community Development needs in the City. Additionally, this item includes a request for authorization to continue certain implementing actions deemed to support efficient administration of these funds including accepting the funds if awarded; authorizing the Mayor to execute Deeds; authorizing the City Manager or his designee to execute and enforce security documents; and continuing the City Manager's small purchase authority up to \$50,000 for procurements made with the HUD grant funds.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

**8.E.** [Finance/Purchasing Department - Sahasra, LLC \(dba Brooke Cleaners\) - Sole Responsive Bid Contract Award \(pp. 70-96\)](#)

**Resolution** awarding a contract to Sahasra, LLC (dba Brooke Cleaners) the Sole Responsive Bidder, and authorizing the City Manager to execute any renewal options. The contract is a one year contract with four (4) 1-year renewal options for Dry Cleaning Services for the Police, Fire, and Code Enforcement Departments. The estimated annual expenditure is \$29,930; if all options are exercised the five year total is estimated at \$149,650. The new bid represents an annual increase of \$895 over the current contract. Funds available in the General Fund.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

**8.F.** [Fire Department - Ten-8 Fire Equipment, Inc. - Sole Source Purchase \(pp. 97-102\)](#)

**Resolution** authorizing the sole source purchase of twenty-eight (28) sets of department standardized FireDex Personal Protective Firefighting Gear in an amount not to exceed \$59,995.60. Purchase to be made as a standardized purchase from Ten-8 Fire Equipment Inc., 2904 59th Avenue Drive East, Bradenton, Florida 34203 who serves as the sole source distributor of FireDex equipment in the State of Florida; and authorizing the City Manager to execute all applicable documents and budget documents as necessary. Funds available in the General Fund.

Recommendation: Fire Chief recommends adoption of the Resolution.

**8.G.** [Finance Department - Allocation of Bike Week Sponsorship Funds](#)  
[\\*\\*added 08-01-18\\*\\*](#)

**Resolution** authorizing payment in the amount of:

\$250 to One Bad Decision, Inc., for a general donation from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$150 to "She's Covered", Back to School Block Party on August 4, 2018 from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

**9. PUBLIC HEARINGS.**

**9.A.** [Development and Administrative Services, Planning Division - Framework - Rezoning, Planned Development-General \(pp. 103-147\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** - approving a request to rezone 50.35± acres of land located east of Williamson Boulevard, south of Hand Avenue, and north of Strickland Range Road from "County" Urban Single-Family Residential (R-2) and "City" Planned Development-General (PD-G) to Planned Development-General (PD-G) to allow for the development of a multifamily complex with approximately 260 apartments and associated site improvements, with additional office, medical, and commercial uses, and authorizing the Mayor to execute the Framework Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to adopt Ordinance.

**9.B.** [Development and Administrative Services, Planning Division - Frazar Road Beach House - Rezoning to Single-Family Residential-5 \(SFR-5\) \(pp. 148-176\)](#)

**Ordinance on second reading - PUBLIC HEARING** - approving a request to rezone 0.18± acres of land located at 144 Frazar Road from Business Professional (BP) to Single-Family Residential-5 (SFR-5) to allow for the development of a single-family dwelling. Applicant: Lucinda and Terran Freeman.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to adopt Ordinance.

**9.C.** [Development and Administrative Services, Planning Division - DME Sports - Voluntary Annexation \(pp. 177-194\)](#)

**Ordinance on second reading - PUBLIC HEARING** - approving a voluntary annexation of 13.67± acres of land located on the south side of Bellevue Avenue and adjacent to the Daytona Beach Airport, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. The applicant is seeking to annex two parcels, the parent tract is 9.98± acres and serves as the main campus for DME Sports Academy and the second parcel contains 3.69± acres and contains a sports training field affiliated with the main campus. Applicant: Joseph Hopkins, P.E., The Performance Group Inc. on behalf of Michael Panaggio, DME Sports, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

**9.D.** [Development and Administrative Services, Planning Division - DME Sports - Rezoning, Planned Development-General \(pp. 195-285\)](#)

**Ordinance on second reading - Quasi-Judicial Hearing** - approving a request to rezone 13.67± acres of land located on the south side of Bellevue Avenue adjacent to the Daytona Beach International Airport from "County" Planned Unit Development (PUD) and Light Industrial (I-1) to "City" Planned Development-General (PD-G) to allow for the continued operation and future expansion of the DME Sports Academy with additional industrial, medical, and office uses, and authorizing the Mayor to execute the DME Planned District Agreement. Applicant: Joseph H. Hopkins, P.E., The Performance Group, Inc., on behalf of Michael Panaggio, DME Sports, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

**9.E.** [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 2 and 9 \(pp. 286-296\)](#)

**Ordinance on second reading - PUBLIC HEARING** - amending the Land Development Code (LDC) as follows:

Article 2.11. Board of Building Codes.

I. Quorum and Necessary Vote.

1. Quorum. - Amend the number of members from four to three to constitute a quorum.

Article 9.2. International Property Maintenance Code and Local Amendments.

B.7.111.4 Open hearing. Delete text that a quorum shall consist of not less than two thirds of the board membership.

B.7.111.5 Postponed hearing - Delete text in its entirety.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

**9.F.** [Development and Administrative Services, Planning Division - Minto Tomoka Parcel A - Large Scale Comprehensive Plan Amendment \(pp. 297-513\)](#)

**Ordinance on first reading - PUBLIC HEARING** - adopting a Large Scale Comprehensive Plan Amendment (LSCPA), amending the Future Land Use Element, Neighborhood V, to increase the residential density and reduce the non-residential intensity for 1614± acres of land located west of Interstate 95 and south of West Granada Boulevard/State Road 40 to permit the development of 3,250 residential dwelling units and limit commercial development to 200,000 square feet. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 19, 2018.

**9.G.** [Development and Administrative Services, Planning Division - Tomoka Farms Road ILF - Large Scale Comprehensive Plan Amendment \(pp. 514-591\)](#)

**Ordinance on first reading - PUBLIC HEARING** - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) changing the Future Land Use Map (FLUM) designation from "County" Activity Center (AC) and

Environmental Systems Corridor (ESC) to "City" Level 1 Residential and Potential Environmentally Significant (PES) for 46.81± acres of land located at 1510 Tomoka Farms Road, north of First Baptist Parkway and west of Tomoka Farms Road to allow for the development of a 150 unit age restricted independent living facility. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of THP, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 19, 2018.

## 10. ADMINISTRATIVE ITEMS.

### 10.A. [Development and Administrative Services, Planning Division - Tomoka Farms Road ILF - Voluntary Annexation \(pp. 592-610\)](#)

**Ordinance on first reading** - approving a voluntary annexation of 46.81± acres of land located west of Tomoka Farms Road and north of First Baptist Parkway, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. Applicant: A request by Robert A. Merrell III, Esq., Cobb Cole, on behalf of THP, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 19, 2018.

### 10.B. [Development and Administrative Services, Planning Division - Tomoka Farms Road ILF - Rezoning, Planned Development-General \(pp. 611-644\)](#)

**Ordinance on first reading** - approving a request to rezone 46.81± acres of land located at 1510 Tomoka Farms Road, north of First Baptist Parkway and west of Tomoka Farms Road from "County" Rural Agriculture (A-2) and Resource Corridor (RC) to "City" Planned Development-General (PD-G) to allow for the development of a 150 unit age restricted independent living facility, and authorizing the Mayor to execute the Tomoka Independent Living Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of THP, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.



Note: If passed, Public Hearing September 19, 2018.

**10.C.** [Development and Administrative Services, Planning Division - Minto Tomoka Parcel A - Voluntary Annexation \(pp. 645-663\)](#)

**Ordinance on first reading** - approving a voluntary annexation of 2.13± acres of land located west and adjacent to Tymber Creek Road South and south of Old Tomoka Road, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Consolidated-Tomoka Land Co.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 19, 2018

**10.D.** [Development and Administrative Services, Planning Division - Minto Tomoka Parcel A - Rezoning, Planned Development-General \(pp. 664-727\)](#)

**Ordinance on first reading** - approving a request to rezone 1614± acres of land located west of Interstate 95 and south of West Granada Boulevard/State Road 40 from "County" Rural Agriculture (A-2) and Resource Corridor (RC) to "City" Planned Development-General (PD-G) to develop up to 3,250 dwelling units with amenities and up to 200,000 square feet of commercial uses, and authorizing the Mayor to execute the Minto Tomoka - Parcel A Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 19, 2018.

**10.E.** [Development and Administrative Services, Planning Division - Best Buy - Rezoning, Planned Development-General \(pp. 728-762\)](#)

**Ordinance on first reading** - amending the Best Buy Planned District Agreement to allow for additional wall signage on the retail facility located at 1900 W. International Speedway Boulevard, and authorizing the Mayor to execute the Third Amendment to the Best Buy Planned District Agreement. Applicant: Monica Pomroy, Interplan LLC, on behalf of Daytona BTBY Holdings LLC, Daytona BB LLC, and Clocktower Wolf LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 15, 2018.

**10.F.** [Legal Department - City Code Amendment Under Chapter 86, "Streets, Sidewalks And Other Public Places" - Adding A New Section Providing For Trespass Warnings \(pp. 763-765\)](#)

**Ordinance on first reading** amending Chapter 86, "Streets, Sidewalks and Other Public Places," of the City Code of Ordinances by adding a new section providing for trespass warnings under certain circumstances for public property and other property generally open to the public.

Robert Jagger, City Attorney, to report.

Recommendation: City Attorney recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 15, 2018.

**10.G.** [City Manager's Office - Housing Authority Commission - Appointment \(pp. 766-778\)](#)

**Resolution** appointing one (1) member to the Housing Authority Commission. Members are appointed by the Mayor and approved by City Commission. The board shall consist of five (5) members serving four (4) year terms, currently there are four members serving. We have four applications: Rosetta Edwards, Joy Williams, Irma Browne-Jamison and Caroline Riviere.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.H.** [City Manager's Office - Economic Development Advisory Board - Appointments \(pp. 779-790\)](#)

**Resolution** appointing three (3) members to the Economic Development Advisory Board. The membership terms of Larry McDermott, Carol Kilian and Colleen Calnan have expired. The board shall consist of ten (10) members with seven (7) of those to be registered electors of the City and recommended by the City Manager and appointed by the City Commission. These seven (7) members shall be building contractors (BC), developers (D), members of financial institutions (FI), members of educational institutions

(EI), members of cultural institutions (CI), business (B) and industrial representatives (IR). In addition there shall be appointed one ex-officio member who shall represent Team Volusia Economic Development Corporation (TVEDC); one ex-officio member shall represent the Daytona Regional Chamber of Commerce; and one ex-officio member who shall represent the County of Volusia. The ex-officio members shall not be entitled to vote. Ms. Kilian and Mr. McDermott would like to be reappointed and we have two additional applications: Thomas Blawn and Christos Mavronas.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

- 11. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.**
- 12. ADJOURNMENT.**
- 13. PUBLIC COMMENT FORUM - DURING THIS TIME CITIZENS ARE ALLOWED 2.5 MINUTES TO SPEAK ON ANY TOPIC OF CONCERN. Please be courteous and respectful of the views of other speakers. Personal attacks on the City Commission, City Staff or members of the public are not allowed.**