

MINUTES

REGULAR MEETING – CITY COMMISSION

January 9, 2019

Minutes of the Regular Business Meeting of the City Commission of The City of Daytona Beach, Florida, held on Wednesday, January 9, 2019 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. Roll Call.

Commissioner Dannette Henry	Present
Commissioner Paula Reed	Present
Commissioner Ruth Trager	Present
Commissioner Aaron Delgado	Present
Commissioner Quanita May	Present
Commissioner Robert Gilliland	Present
Mayor Derrick Henry	Present

Also Present:

James Chisholm, City Manager
Robert Jagger, City Attorney
Letitia LaMagna, City Clerk

- 2. The Invocation was led by Commissioner Trager.
- 3. The Pledge of Allegiance was led by Commissioner Henry.

4A. APPROVAL OF MINUTES

Approval of the Minutes of the December 19, 2018 Shade Meeting and the December 19, 2018 Business Meeting of the City Commission.

It was moved by Commissioner Gilliland to approve the minutes. Seconded by Commissioner Reed. The motion passed 7-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Yea
Commissioner Delgado	Yea
Commissioner May	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

5. AGENDA APPROVAL

James Chisholm, City Manager read the Agenda changes as follows:

No changes.

It was moved by Commissioner Trager to approve the Agenda with changes. Seconded by Commissioner Gilliland. The motion passed 7-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Yea
Commissioner Delgado	Yea
Commissioner May	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

6. PRESENTATION

A. BEAUTIFICATION AWARDS - DECEMBER - 2018

Residential Award:

Shane and Ave Applegate, 135 South Peninsula Drive, Commissioner Quanita May, Zone 3, to present.

Commercial Award:

Bethune-Cookman University-Historic District, 640 Dr. Mary McLeod Bethune Boulevard, Mayor Derrick L. Henry to present.

7. CITIZENS COMMENTS

John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated the concerns about the rec center being torn down and now funds are being appropriated for rehab; he wondered how this would effect the trail and if someone had offered to use the center.

8. CONSENT AGENDA

A. Adopted/Resolution No. 19-01 amending Resolution No. 18-325, which adopted the FY 2018/19 budget, in order to increase revenues by \$4,038,967, operating expenditures by \$2,549,205, and transfers and capital projects by \$1,489,762. This budget amendment increases funding for the Jimmy Ann Repaving project, establishes funding for the City Island Rec Center Rehab project, rolls forward available bike week funds and a donation received in FY 2017/18, increases the transfer to the Cultural Services Fund, adjusts the Appropriation of Fund Balance and the budgeted current year revenues in the trust and impact fee funds, increases the transfer from the Transportation 5Cent Fund to the 2010 Capital Improvement Revenue Note Fund, and rolls forward funds in the Water and Sewer Fund for a vehicle ordered but not delivered in FY 2017/18. A RESOLUTION AMENDING THE FY 2018/19 BUDGET TO INCREASE REVENUES, OPERATING EXPENDITURES, AND TRANSFERS AND CAPITAL EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

B. Adopted/Resolution No. 19-02 ratifying the Emergency Replacement of the HVAC system at the Schnebly Center in the amount of \$211,333 with General Mechanical Corporation, 418 N. Seagrave Street, Suite B, Daytona Beach, FL 32114 that was approved under the City Managers Emergency Authority. This was needed to provide a new HVAC system for the Schnebly Center which suffered

a catastrophic failure last August. This covers supplying the labor and materials to install the new HVAC system and removal of the old one. A RESOLUTION APPROVING A GENERAL SERVICES CONTRACT WITH GENERAL MECHANICAL CORPORATION FOR THE REPLACEMENT OF THE HVAC SYSTEM AT THE SCHNEBLY CENTER, FOR A FIXED FEE OF \$211,333.00, AS AN EMERGENCY PURCHASE PURSUANT TO SECTION 30-52(b) OF THE CITY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

C. Adopted/Resolution No. 19-03 approving a sole source contract with Utility Service Co., SUEZ Advanced Solutions, 1230 Peachtree St NE, Suite 1100, Atlanta, GA 30309 for potable water distribution system cleaning with the following provisions:

- Authorize the terms of the contract to be three years with two one-year options to renew;
- Authorize the City Manager to spend up to \$120,000 in FY2019; and
- Authorize the City Manager to renew the contract annually and expend such sums as budgeted each year.

Over time, the potable water distribution system develops a build-up of biofilm and other soft deposits that can impact water quality. Ice Pigging is a method to effectively clean pipes without damaging the pipe and appurtenances as other pigging methods can. Standard pigging utilizes a rigid object that is pushed through the pipe by a large amount of water. The hard pig can get stuck in the pipe and by virtue of its unpliant nature, it is not able to clean around appurtenances protruding into the pipe. During ice pigging, an ice slurry is pushed through the pipe and naturally flows and scrubs around cracks, crevices, and protrusions in the pipes and does not rely on large amounts of water nor is there a possibility of the ice causing an obstruction. In addition, excavation is required when utilizing a rigid pig but ice pigging enters through a hydrant or a tap. The department utilized this method in January 2018 and confirmed that Ice Pigging uses significantly less water during the cleaning period and appears to clean more thoroughly than other cleaning methods. Furthermore, this method lessened downtime of the system and ensures available water to our customers in a timely manner. The pipe lines to be cleaned in the first contract year are:

Tournament Drive (LPGA to Champion Middle School)	5,100 LF
Thames Avenue	1,000 LF
Halifax Avenue N (Seabreeze Blvd to University Blvd)	2,350 LF
S. Peninsula Blvd. (Ames Lane to Thames Avenue)	3,850 LF
Wisteria Rd and Ocean Dunes Terrace	2,270 LF

A RESOLUTION APPROVING A TERM SERVICES CONTRACT WITH UTILITY SERVICE CO., INC., AS SOLE-SOURCE PROVIDER, FOR ICE PIGGING SERVICES USED TO CLEAN UTILITY LINES OF THE CITY'S WATER DISTRIBUTION SYSTEM FOR A TERM OF THREE YEARS, WITH OPTIONS TO RENEW FOR TWO ONE-YEAR TERMS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE EXPENDITURE OF UP TO \$120,000 FOR ICE PIGGING SERVICES UNDER SAID CONTRACT DURING THE REMAINDER OF FY 2018/2019; AUTHORIZING THE CITY MANAGER TO EXERCISE THE CITY'S RENEWAL OPTIONS, AND TO MAKE EXPENDITURES FOR ICE PIGGING SERVICES IN FUTURE FISCAL YEARS SUBJECT TO BUDGETING AND APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

D. Adopted/Resolution No. 19-04 awarding a Construction Contract to the lowest responsive bidder, Saboungi Construction Inc., 290A North Highway 1, Ormond Beach, FL 32174 in the amount of \$94,842 for the Bethune Point Observation Pier to repair damages to the piling and boardwalk caused by Hurricane Irma. The pier abruptly lifted as result of the storm surge generated during the Hurricane,

destroying components of the pier. Since this damage occurred during Hurricane Irma the project is potentially eligible for 75% (\$71,131.50) cost share from Federal Emergency Management Agency (FEMA) and an additional 12.5% (\$11,855.25) cost share from the State of Florida. A RESOLUTION ACCEPTING THE LOW BID OF SABOUNGI CONSTRUCTION INC., IN THE AMOUNT OF \$94,842 FOR THE BETHUNE POINT OBSERVATION PIER REPAIR; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PROJECT-SPECIFIC CONSTRUCTION CONTRACT WITH SABOUNGI CONSTRUCTION, INC., CORRESPONDING TO THE BID AWARD; AND PROVIDING AN EFFECTIVE DATE.

E. Adopted/Resolution No. 19-05 approving a contract with Bryson Crane Rental Service, LLC, 225 Marion Street, Daytona Beach, FL 32114 for rental of cranes on an “asneeded” basis to be billed out using the hourly rates in the contract. The contract approval includes the following provisions:

- Authorize the terms of the contract to be two years with three one-year options to renew;
- Authorize the City Manager to spend an amount not expected to exceed \$33,000.00 in FY2019; and
- Authorize the City Manager to exercise the renewal options and expend such sums as budgeted each year.

The Utilities Department requires the use of cranes to perform routine and emergency repairs at all three treatment Plants. These treatment systems include associated well fields, booster pump stations, reuse pump stations, and wastewater lift stations. A RESOLUTION ACCEPTING THE LOW BID OF BRYSON CRANE RENTAL SERVICE LLC, TO PROVIDE AS-NEEDED CRANE RENTAL SERVICES FOR CITY TREATMENT PLANTS FOR A TWO-YEAR TERM, WITH OPTIONS TO RENEW FOR THREE ONE-YEAR TERMS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GENERAL SERVICES CONTRACT IN ACCORDANCE WITH THE BID DOCUMENTS; AUTHORIZING THE EXPENDITURE OF FUNDS NOT-TO-EXCEED \$33,000 FOR AS-NEEDED CRANE RENTALS PURSUANT TO THE CONTRACT FOR THE REMAINDER OF FY 2018/2019; AUTHORIZING THE CITY MANAGER TO EXERCISE THE CITY’S RENEWAL OPTIONS, AND MAKE EXPENDITURES IN FUTURE FISCAL YEARS SUBJECT TO BUDGETING AND APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

It was moved by Commissioner Gilliland to dispense with the reading of the Resolutions on the Consent Agenda and to adopt the Resolutions. Seconded by Commissioner Henry. The motion passed 7-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Yea
Commissioner Delgado	Yea
Commissioner May	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

9. PUBLIC HEARINGS

- A. Adopted/Resolution No. 19-06 approving a partial replat of Tomoka Town Center Parcel B Preliminary and Final plats for development of multifamily housing on 17.73 +/- acres of land. The project is located on the north side of Mason Avenue and west of Williamson Blvd. The Preliminary Plat was recommended for approval by the Planning Board at their May 24th, 2018 meeting with a 7-0 vote. City Clerk LaMagna read the Resolution by title only. A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PARTIAL REPLAT FOR TOMOKA TOWN CENTER PARCEL B, ON 17.73± ACRES OF LAND FOR DEVELOPMENT OF A MULTIFAMILY RESIDENTIAL SUBDIVISION LOCATED ON THE NORTH SIDE OF MASON AVENUE AND WEST OF WILLIAMSON BOULEVARD; AUTHORIZING THE CITY MANAGER TO SIGN THE FINAL PARTIAL REPLAT AND PERMIT RECORDATION THEREOF UPON MEETING CERTAIN CONDITIONS PRECEDENT; AND PROVIDING AN EFFECTIVE DATE.

No comments

It was moved by Commissioner Gilliland to adopt the Resolution. Seconded by Commissioner Delgado. The Resolution was adopted 7-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Yea
Commissioner Delgado	Yea
Commissioner May	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

10. ADMINISTRATIVE HEARINGS

- A. Passed/Ordinance approving a request to rezone 0.246± acre of land located at 617 Bellevue Avenue from Single Family Residential-5 (SFR-5) to Redevelopment Midtown-Neighborhood Center Mixed Use (RDM-2) to allow the construction of a parking lot to serve the adjacent restaurant and proposed grocery store. Applicant: Rashid Jamalabad, P.E., RJ Engineering, LLC, on behalf of the property owner, Mr. Wang Tianfu. City Clerk LaMagna read the Ordinance on first reading by title only. AN ORDINANCE AMENDING THE ZONING MAP OF THE LAND DEVELOPMENT CODE TO REZONE 0.246 ± ACRE OF PROPERTY LOCATED AT 617 BELLEVUE AVENUE FROM SFR-5 (SINGLE FAMILY RESIDENTIAL) TO RDM-2 (REDEVELOPMENT MIDTOWN - NEIGHBORHOOD CENTER MIXED USE); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

No comments

It was moved by Commissioner Reed to pass the Ordinance on first reading. Seconded by Commissioner Trager. The Resolution was adopted 7-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Yea
Commissioner Delgado	Yea
Commissioner May	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

- B. Passed/Ordinance approving a request to rezone 2.176± acres of land located at 41 S. Ocean Avenue from Beachside Redevelopment-Hotel/Mixed Use (RDB-1) to Planned Development-Redevelopment (PDRD) to allow the construction of a hotel with associated site improvements, and authorizing the Mayor to execute the Avista Hotel Planned District Agreement. Applicant: Glenn D. Storch, P.A. on behalf of Avista Properties VII, LLC. City Clerk LaMagna read the Ordinance on first reading by title only. AN ORDINANCE AMENDING THE ZONING MAP OF THE LAND DEVELOPMENT CODE TO REZONE 2.176± ACRES OF PROPERTY LOCATED AT 41 SOUTH OCEAN AVENUE FROM RDB-1 (BEACHSIDE REDEVELOPMENT – HOTEL/MIXED USE) TO PD-RD (PLANNED DEVELOPMENT – REDEVELOPMENT); AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AVISTA PLANNED DISTRICT AGREEMENT WITH AVISTA PROPERTIES VII, LLC; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

No comments

It was moved by Commissioner Trager to pass the Ordinance on first reading. Seconded by Commissioner Gilliland. The Resolution was adopted 7-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Yea
Commissioner Delgado	Yea
Commissioner May	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

- C. Adopted/Resolution No. 19-07 granting Florida Power & Light (FPL) an Easement on City-Owned property located at the First Step Shelter site on SR-92 (International Speedway Boulevard), to install and maintain electrical services to the building and site and authorizing the City Manager to execute related FPL documents needed to give effect to this Resolution. There is no cost to the City associated with the application for Utility Easement. City Clerk LaMagna read the Resolution by title only. A RESOLUTION GRANTING FLORIDA POWER AND LIGHT COMPANY (“FPL”) AN EASEMENT ON CITY-OWNED PROPERTY LOCATED ON STATE ROUTE 92 TO INSTALL AND MAINTAIN ELECTRICAL SERVICES TO THE FIRST STEP SHELTER BUILDING SITE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE EASEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED FPL DOCUMENTS NEEDED TO GIVE EFFECT TO THIS RESOLUTION; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.

John Nicholson 413 N. Grandview Avenue, Daytona Beach stated the lines for this project as well as any future public related entities should be placed underground.

Robert Jagger, City Attorney stated this is underground.

It was moved by Commissioner Trager to adopt the Resolution. Seconded by Commissioner Delgado. The Resolution was adopted 7-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Yea
Commissioner Delgado	Yea
Commissioner May	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

- D. Adopted/Resolution No. 19-08 appointing one (1) member to the Planning Board. The Board shall consist of seven (7) members serving staggered terms of four years commencing January 1 and expiring December 31, with at least one member residing in each Zone within the City and one at-large member. Must be qualified electors in the City and hold no other City office. The membership term of James Newman (Zone 3) expired on December 31, 2018 and Mr. Newman would like to continue to serve. City Clerk LaMagna read the Resolution by title only. A RESOLUTION APPOINTING ONE MEMBER TO THE PLANNING BOARD FOR A TERM EXPIRING DECEMBER 31, 2022; AND PROVIDING AN EFFECTIVE DATE.

Betty Goodman, Assistant City Manager stated this Agenda Item is to appoint one (1) member to the Planning Board. The membership term of James Newman expired on December 31, 2018 and Mr. Newman would like to continue to serve. She asked Commissioner May if she was ready to appoint.

Commissioner May stated she would like to appoint Mr. Newman.

It was moved by Commissioner May to appoint James Newman to the Planning Board and adopt the Resolution. Seconded by Commissioner Gilliland. The Resolution was adopted 7-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Yea
Commissioner Delgado	Yea
Commissioner May	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

12. COMMISSION COMMENTS

Commissioner Henry asked for clarification regarding the food truck workshop. She asked if the 1000 feet distance from a residential area was also for churches.

Jim Morris, Deputy City Manager, stated 1000 feet from the church isn't correct.

Commissioner Henry stated from a neighborhood.

Dennis Mrozek, Planning Director, asked if she was talking about the restriction from a single-family. He stated when it's dealing with a food truck they set up for 500 feet from the food truck to the single-family property. He stated they didn't add the restriction to the produce truck.

Commissioner Henry stated her concern is that it would limit every church in Zones five and six. She stated food trucks and barbeques are a weekly event. She stated it would affect everyone in her Zone because there are 250 feet between every church to a house.

Robert Jagger, City Attorney, stated they don't have a separation requirement from churches.

Commissioner Henry stated you do from residential. She stated from every home, to every church in the zone is within the 250 feet.

Mr. Mrozek stated if it were a single-family within that distance, they wouldn't be able to do it unless the property owner gives permission.

Commissioner Henry stated that maybe an issue because many of the churches participate in some type of food event. She stated each church in her zone is within 250 feet of a home. She asked what they could do with that.

Mr. Mrozek stated they could modify the language to discuss churches and the location of churches to the single-family.

Mr. Jagger asked if she was proposing there not be a separation requirement from churches or they have a minimal separation requirement.

Mr. Morris stated what they are suggesting, is that churches be permitted to do it even though they are within 250 feet.

Commissioner Henry stated that works for her, she just wants a remedy.

Mr. Morris stated they could do it that way. He stated when you look at the food truck verses an activity at a church that may involve a food truck, they are not treating them the same. He stated they could adjust that and not eliminate the churches from doing that. He stated they would take care of that. He asked Mr. Jagger if they're able to treat it as a non-substantial amendment and bring it back

Mr. Jagger stated they are putting it in to staff as first reading.

Commissioner Reed thanked Commissioner Henry for looking out for her zone. She mentioned the history of Dr. Martin Luther King Jr. and asked everyone to join them as they clean up MLK Blvd. She stated it would be Saturday, January 12, 2019 from 9a-12p. She stated the starting points are Allen Chapel and the Dickerson Center moving south to Shady Place.

Commissioner Trager reminded everyone of the Mayor's fitness challenge. She thanked the police for everything they do.

Commissioner Delgado stated he's looking forward to getting some things done this year.

Commissioner May reflected on her walk with John Nicholson and drive with Chief Capri. She thanked him for pointing some things out to her and asked Chief Capri to explain what they found.

Craig Capri, Chief of Police, stated they found several locations with graffiti that they are addressing. He stated there are some code enforcement officers that have paint in their cars so they can address it as they see it.

Commissioner May asked if he could address the speeding on South Beach Street and Eastwood she brought to his attention.

Chief Capri stated they are working traffic there and put it on their selective traffic enforcement plan.

Commissioner May asked if it was a necessary spot.

Chief Capri stated yes. He stated they also included Mary McLeod Bethune. He stated they are doing a two-week study and will look at it again in two weeks. He stated they are looking at some other areas too.

Commissioner May asked Mr. Chisholm where they are on the sanitation issue.

James V. Chisholm, City Manager, stated that public works provide those facilities at the locations when the bathrooms are closed.

Commissioner May stated even tourist can benefit from that. She inquired about permits during bike week. She mentioned reports on what an open business looked like and asked if they were still tracking that.

James Morris, Deputy City Manager stated we have a report but we did do checks of all the businesses on Main Street. He stated the Bike Week Master Plan is presently being finished by the Chamber of Commerce and other agencies. He stated the businesses that didn't qualify are able to have outside activities. He stated there were three total that didn't qualify. He stated we are looking at modest code enforcement changes to address the fact that it is a privilege to do outside activities. He stated that they did address this with the Chamber of Commerce about places that did not qualify because of code violations. He stated they got immediate responses for corrections of known code violations on Main Street. He stated they took immediate steps to correct the issues.

Commissioner May asked does that mean they were closed or open.

Mr. Morris stated they were closed and from the perspective of it, there were maintenance, landscaping, graffiti, roofing, and paving issues. He stated we had perhaps the most cohesive effort from Code Enforcement, Assenses, intensive staff review by two people and he took three people with him to the Chamber meeting and went thru everything.

Commissioner May asked when is the 250 days triggered and how is it counted.

Mr. Morris stated from the perspective of the requirement to participate in outside sale activities. He stated you have to do business for 250 days per year. He stated the Police Department and Code Enforcement does check to see if the business is open. He stated you can still do business indoors even if you are not open for 250 days out the year as long as you pass the proper inspections. He stated they have businesses that are not open, and open for Bike Week if they pass the inspections necessary to be licensed for business for that time and then close the doors. He stated we have some control on the outside thru the privilege aspect for outside sales that are not normally permitted, verses as a matter of right in a property, zone correctly with the proper licenses, you have the right to open and close the doors.

Commissioner May stated are we trying to figure a way to create something for that.

Mr. Morris stated it's a property right. He stated there is no way to compel a person to do business or to operate and lose business.

Mr. Chisholm stated we have to address the economic issue more than the keep the door open issue. He stated it's recommended out of the Beachside Committee to develop a plan for the redevelopment of that area and in that plan to include all amenities and to use it for economic investments. He stated to get a better internal investment is to find the right remedy of solutions to bring economic development.

Commissioner May asked where they are with the lighting on Main Street and thanked them for checking the lighting on Beach Street. She asked if they focus on affordable housing right now as a commission.

Mayor Henry stated that it will be chief priority over the next two years and he would like a workshop to address some concerns and other issues.

Commissioner May stated that it is complex and it involves multiple layers of finance and builders, developers, and design execution. She asked if they considered getting a consultant that only focus on affordable workforce housing and having a conversation in the future about having a local organization that has experience.

Mayor Henry stated that's not a bad idea but we need to have a conversation about things they've done in the past and rules that they want to have in place. He stated they need to determine how many affordable houses they want to see in the region and to see what they can do. He stated the documents have a lot of layers to those and some of them have to do with changes they have control over. He stated the Affordable Housing Advisory Board need to be up and operating so that it can be advised to do their job.

Mr. Chisholm stated the City has participated in affordable housing with the Housing Authority. He stated there are numerous ways to address it whether it is separate private function and have participation from a private sector or have the housing authority or a similar agency that has direct funding from the government to assist in the next step housing.

Mayor Henry stated that there are so many layers to that and we have invested in the property on George Ingram owned by the Housing Authority and we need to revisit that project. He stated we need to create an agenda and set up for a workshop to discuss these documents.

Commissioner Reed stated to the Chief it's January.

Craig Capri, Chief of Police, stated they are ready for the ribbon cutting for the Midtown Substation. He stated some furniture got back order but everything else is ready and we need a date.

Mr. Chisholm stated he is getting staff in there and we will be ready to do it.

Commissioner Gilliland asked Mr. James V. Chisholm, what's going on with talking to the city of Ormond Beach, Florida about the utility agreement for the second phase of the Latitude Margaritaville.

Mr. Chisholm stated he's in a back and forward discussion with them now.

Commissioner Gilliland stated the second phase was dead and wasn't going to happen so it was \$800 million in taxpayers down the drain. Minto Tomoka said, they'll give it 190 days and that extension they entered runs out in the month of January. Now the public has the tendency to think since the

City is building a big development then let's make them put money into affordable housing when in reality most of the developments are barely getting built today. All the extra fees being splurged are going through the impact fees, portion fair share agreements and in this case it's a burden with the utility agreement but hopes it will still get worked out. He's glad to hear that dialogue is happening but the clock is ticking and if asked to do another extension by Minto Tomoka purchase agreement then they'll want to know where the City is status wise and the deadline of when something can be presented forward.

Mr. Chisholm stated he wasn't aware Minto were benching all their bets on solving the agreement.

Commissioner Gilliland stated to Mr. Chisholm that was only one of the things he mentioned and not to twist his words.

Mr. Chisholm stated he wasn't trying to twist his words but wanted a better understanding.

Commissioner Gilliland stated it's a part of it but they'll have to figure out if the number work because to him they don't work. Those are a piece of the solution and the conversations Mr. Chisholm had with the city of Ormond Beach, FL are an integral part of whether or not there's a possibility of breathing life back into the project.

Mr. Chisholm stated they've failed to tell him or he's failed to receive that kind of information and understand it.

Commissioner Gilliland stated to Mr. Chisholm that he's talked about it on several occasions.

Mr. Chisholm stated in the agreement they approved with the City didn't agree with the city of Ormond Beach.

Commissioner Gilliland stated that agreement ended up being transferred to consolidated, it wasn't with Minto Tomoka, it was part of the light preserver at the end to try and keep it alive. There was a 90 day window to have those conversations but that was the only part the City could fix and what was up with the county and DOT was not the City's responsibility to move forward but he said to Mr. Chisholm, it's good he's already started having dialogue with them but the clock is ticking and that extension will soon run out. He asked, Mr. Chisholm to get a hold of Robert Merrell to where the City stands because Minto has a lot of soft cost involved with what they've already spent on the second phase. However, if they're going to build it and lose money then they'll walk instead.

Mayor Henry asked Mr. Chisholm, did he not have any knowledge with them about the deal with Ormond because they seemed to have had the same conversation with him and he didn't consider it as a soul breaker but to his understanding their conversation with the City is paramount they get that address and asked him to make contact with their Mayor to make sure their side was willing to have serious conversation.

Mr. Chisholm stated he's had discussions with the city of Ormond Beach, one face to face discussion and several letters of correspondence back and forth but he doesn't recall the communications. He asked, Mr. Jim Morris, Deputy City Manager if he has heard anything from Minto.

Jim Morris, Deputy City Manager, stated he hasn't had any communication with from Mr. Merrell or from any of the other Minto representatives and what Commissioner Gilliland stated was quite a surprise to him. He hasn't been previewed of any of the communication and nothing has been said

pertaining to the extension of the tournament, consolidated Tomoka did pick that up and had discussions with Minto about the utility lines from the Minto side of the northern phase over to terminate looping water but they were unwilling to work with the City. The agreement with Ormond exists as it does because they also worked out extensions to Tymber Creek which they are only extending to the northern boundary, they've talked about the water caliber which is a \$2 million expenditure as well as a place for a fire station to provide fire service. That was his last conversation he's had with anyone whether it was from Minto or the city of Ormond and he's talked with Mr. Merrell almost 10 times a week and he's never said a word.

Mr. Chisholm stated he's had a conversation with them wanting to change or modify the agreement but the only sense of expense it has is an extension of a line from a water tank to their commercial project is the only expense that agreement would cost.

Commissioner Gilliland stated from the conversations he and Mr. Chisholm had were the City Manager wanting to create a utilities district out there so that the additional charges because Ormond would get all the money for and the City would be responsible for all of the repairs. He asked, Mr. Chisholm if the conversations sounded familiar.

Mr. Chisholm answered yes there has been some discussions about looking at the utility district but never got to the point of getting something finalized.

Commissioner Gilliland stated he had a different outlook of the discussions and expressed that it was an important project to make sure it doesn't fail. It is a very important project but they only had 90 days to get something done. Lastly, he said that Mr. Chisholm and Mr. Merrell need to figure out where Minto is and what needs to happen. He started talking about a previous circumstance in comparison to Minto. If the Tymber Creek gets cut then it will make it more reasonable for an overpass at Hand Avenue because there's a North South connector for that road to connect to on the Westside of I-95.

Mayor Henry stated they need to have some serious discussions concerning the project. Having reasonable growth is important to a community and this would be growth the people would have anticipated to transpire. That particular project almost gives the City a guaranteed consistent growth experience so he wants to make sure the City has done all that they can do.

Commissioner Gilliland stated a project with DOT and the ½ Cent Sales Tax are moving forward and there can be more talked about during the commentary on Monday.

Mayor Henry stated it's critical that he has that list and he'll revisit what he has said in the past. It has to be a lot in it for the residents for it to sale, they have to really see the people who live in the City and it can't all be for new thoroughfares but it has to be for existing areas that are the most challenged.

Commissioner Gilliland stated they all get complaints about the roads being repaved. Its \$2.5 million a year to repave every street once every twenty years and get \$8 to 9\$ million out of gas tax. The City just can't do it so this is one of his priorities and an opportunity for the City to have a plan for the people to know when their streets will get repaved.

Mayor Henry stated he agrees. Commissioner Trager has already mentioned the Mayor's Fitness Challenge there's a \$500 prize for the person who loses the most weight not by pound but by percentage. It will be a great time for fellowship and watching what they eat.

13. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:09p.m.

14. PUBLIC COMMENT FORUM Convened 7:10pm

John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated his concerns regarding the roundabout, the sales tax at the airport, the sidewalks and the maintenance of the traffic lights on A1A. He also asked to require kitchen in some restaurants.

Reverend C. Smyth, 250 Pelican Avenue, Daytona Beach, asked to pave the streets, extend the boardwalk and beach access. He also asked to clean up the abandoned properties and propose more hotels and business.

Marjorie Johnson, 122 S. Keech Street, Daytona Beach, asked to open the park next by the library. She stated her concerns regarding cleaning up the Midtown area and the paving of Orange Avenue and MLK and the roads near by Bethune Cookman College.

Patricia Heard, 822 Vernon Street, Daytona Beach, stated her appreciation regarding the LED lighting in the Community and thanked the Police Department and Code enforcement. She asked the Code Enforcement to take action regarding the cars, boats and mobile homes parking on the grass in her neighborhood. She stated her concerns regarding people hanging out in front of stores. She also stated her concerns regarding placing posters on people properties and the traffic speeding negligence. She asked if there is a timeline for people to fix the blue tarps on their houses.

Commissioner Reed stated this is the first year we didn't have a consecutive storm, the roofing material is so expensive, and a lot of people are waiting on their insurance.

Commissioner May stated Chief Capri is aware of the matter and they are working on it.

Jim Sweeney, 20 N. Halifax Avenue, Daytona Beach, asked for appeal to give him a permit to use his lot for Bike Week parking.

James V. Chisholm, City Manager stated that the appeal would go to the Special Magistrate not to the City Commission.

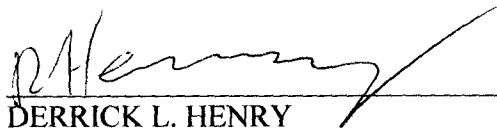
Jenny Nazak, 501 Harvey, Daytona Beach, thanked everybody for their work and efforts on the beachside area and for bringing beautification and crime reduction. She spoke about the opening of new businesses on Main Street and the movie theater. She gave highlights on economic improvements on Seabreeze and other events and activities on the beach area.

Doyle Lewis, stated his concerns regarding the homeless situation.

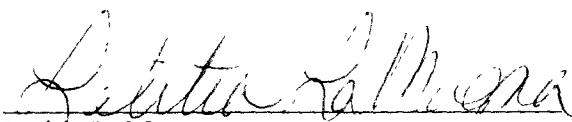
Jim Schultz, 117 Harvard Drive, Ormond Beach, FL, spoke about information regarding EPA and CDC testing and related environmental issues.

01-09-19

There being no further discussion or comments the forum was adjourned at 7:32p.m.


DERRICK L. HENRY
Mayor

ATTEST:


Letitia LaMagna
City Clerk

Adopted: January 23, 2019

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a cd of the meeting for \$2.00 at the City Clerk's office. Copies of cds are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.