

MINUTES

REGULAR MEETING – CITY COMMISSION

May 15, 2019

Minutes of the Regular Business Meeting of the City Commission of The City of Daytona Beach, Florida, held on Wednesday, May 15, 2019 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. Roll Call.

Commissioner Quanita May	Present
Commissioner Robert Gilliland	Present
Commissioner Dannette Henry	Present
Commissioner Paula Reed	Present
Commissioner Ruth Trager	Present
Commissioner Aaron Delgado	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 Reed.
3. The Pledge of Allegiance was led by Commissioner May.
- 4A. APPROVAL OF MINUTES

Approval of the Minutes of the April 17, 2019 Business Meeting of the City Commission held at City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

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

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

5. AGENDA APPROVAL

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

Continue Agenda Item 9B – Integrated LPGA, Rezoning to Planned Development-General to the June 5, 2019 City Commission Agenda at the request of the Applicant.

Continue Agenda Item 9C – American SW-30 Investments, LLC/Integrated LPGA, Proportionate Fair Share Agreement to the June 5, 2019 City Commission Agenda at the request of the Applicant.

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

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

6. PRESENTATION

A. BEAUTIFICATION AWARDS - MAY 2019

Residential Award:

Sam and Erin Masters, 500 Driftwood Avenue, Commissioner Aaron Delgado, Zone 2 presented.

Commercial Award:

747 Office Suites, 747 South Ridgewood Avenue, Mayor Derrick L. Henry presented.

B. Development and Administrative Services, Planning Division - The Abby - Historic Preservation Award

Doug Gutierrez, Principal Planner, presented on behalf of the Historic Preservation Board the Historic Preservation Award to Yuri and Amira Melnichenko, property owners of The Abby. The Abby was built in 1875 and is listed on the National Register of Historic Places because of its role as one of the most important landmarks of Daytona Beach in the founding settlement of the City and its connection to Laurence Thompson and Harrison G. Rhodes, both who have made important contributions to the City's history. Mr. and Mrs. Melnichenko rehabilitated the building while preserving a historically significant structure. Today it is a Bed and Breakfast located at 426 South Beach Street, Daytona Beach, Florida.

7. CITIZENS COMMENTS

No comments

8. CONSENT AGENDA

A. Adopted/Resolution No. 19-121 authorizing the sole source purchase of Hurst Jaws of Life vehicle extrication equipment and necessary accessories in an amount not to exceed \$31,115 from Municipal Emergency Services, Inc. 3789 62nd Avenue Pinellas Park, FL 33781, who serves as the sole distributor of Hurst Jaws of Life, Inc., equipment for the State of Florida. Purchased equipment to

replace tools purchased in 1998 which are no longer serviceable nor meet current standards. Previous grant attempts at replacement were unsuccessful. A RESOLUTION APPROVING THE PURCHASE OF THREE HURST JAWS OF LIFE VEHICLE EXTRICATION DEVICES AND NECESSARY ACCESSORIES FROM MUNICIPAL EMERGENCY SERVICES, WC., AS SOLE SOURCE PROVIDER, FOR A TOTAL AMOUNT NOT TO EXCEED \$31,115, FOR THE FIRE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

- B. Adopted/Resolution No. 19-112 approving an agreement to temporarily reduce the Base Rent between the City Municipal Golf Course and Worm Burner's, LLC, 1119 Squirrel Nest Lane, Port Orange, FL 32129 by 50% during the five (5) months while the Daytona Beach Golf Club's North Course is closed for greens renovations in order to account for Tenant's potential claims for loss of business or untenability as a result of the partial closure. All other terms and conditions of the lease will remain in full force and effect. The Tenant waives all claims for damages against the City as a result of the North Course greens renovation work to be completed under the above referenced contract with JGCC Golf N Sport's Turf, Inc. The Tenant will be required to pay full Base Rent as provided in the Lease beginning October 1, 2019 and will comply with all other terms and conditions of the Lease, thereafter. A RESOLUTION APPROVING A LETTER AGREEMENT WITH WORM BURNER'S, LLC TO TEMPORARILY REDUCE THE BASE RENT OF THE MUNICIPAL GOLF COURSE RESTAURANT BY 50% DURING THE FIVE MONTHS THAT THE DAYTONA BEACH GOLF CLUB'S NORTH COURSE IS BEING RENOVATED; AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE LETTER AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
- C. Adopted/Resolution No. 19-113 authorizing the City Manager to execute the Federally-Funded Subaward and Grant Agreement No. Z0659 between the Florida Division of Emergency Management (FDEM) and the City of Daytona Beach, as well as any amendments, modifications and ancillary agreements that may be required to secure reimbursements available through the Florida Public Assistance Program.

This Grant Agreement will allow the City to receive Federal and possibly State funding reimbursements for costs incurred from damage caused by Hurricane Irma to City facilities including buildings and roads, and reimbursement for eligible City expenditures or losses related to the storm. This Grant Agreement is for the first obligated project submitted for Hurricane Irma, Lift Stations 22 & 45 which sustained damages that were repaired for a total of \$4,064. As the remaining projects are obligated through the Federal Emergency Management Agency (FEMA) and the State of Florida Public Assistance Program, amendments, modifications, and ancillary agreements for the Grant Agreement will be submitted to provide reimbursements for those projects.

The Grant provides for a minimum of 75% of eligible costs on a costsharing basis, including direct federal assistance (FEMA funded, State administered). The State of Florida historically reimburses 50% (12.5%) of the remaining balance of the local cost share. City funds will be used for costs not reimbursed by FEMA or the State of Florida, anticipated to be 12.5%; a future budget amendment will authorize all remaining Hurricane Irma related costs. A RESOLUTION APPROVING A FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT WITH THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM), PROVIDING FOR FEDERAL AND STATE FUNDS UNDER THE FLORIDA PUBLIC ASSISTANCE PROGRAM, TO REIMBURSE THE CITY FOR CERTAIN COSTS INCURRED IN REPAIRING AND REPLACING CITY EQUIPMENT AND FACILITIES DAMAGED BY HURRICANE; AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE GRANT AGREEMENT; APPROVING AN INITIAL REIMBURSEMENT OF \$4,064.00 PURSUANT TO THE GRANT AGREEMENT;

AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE ANY AMENDMENTS TO THE GRANT AGREEMENT, AND ANCILLARY AGREEMENTS THAT MAY BE REQUIRED TO RECEIVE REIMBURSEMENT FOR COSTS INCURRED IN RESPONSE TO HURRICANE IRMA; AUTHORIZING THE BUDGET TO BE AMENDED TO ACCCOMODATE THE REIMBURSEMENTS PROVIDED BY THE GRANT AGREEMENT, AS AMENDED, OR THE ANCILLARY AGREEMENTS REFERENCED ABOVE; AND PROVIDING AN EFFECTIVE DATE.

D. Adopted/Resolution No. 19-114 ratifying the emergency temporary HVAC rental from Portable Air LC, 555 South Industry Road, Cocoa, FL, 32926, in the amount of \$41,850. The HVAC chiller system at the Schnebly Recreation Center, 1101 North Atlantic Avenue, failed in 2018. In order to avoid any disruption of the regular daily activities scheduled at this facility, a temporary chiller system was installed. The installation of the permanent replacement system by General Mechanical Corporation, per Resolution 19-02, has taken longer than anticipated, extending the need for the temporary rental system. The permanent system has been installed and the temporary system has been disconnected as of 4-05-19. Portable Air provided the lowest quote to install the temporary system, in the amount of \$2,850. Temporary HVAC services have been provided on a monthly basis at a cost of \$3,600 per month. At this time the services have totaled \$38,250, as paid through purchase orders 12883, 13179, 14258, and 15140. An additional payment of \$3,600 for the current service period through April 08, 2019 is pending approval through purchase order 15209. A RESOLUTION RATIFYING THE CITY MANAGER'S EMERGENCY EXPENDITURE IN THE AMOUNT OF \$41,850 TO PAY PORTABLE AIR LC, FOR THE EMERGENCY TEMPORARY HVAC RENTAL AT THE SCHNEBLY RECREATION CENTER; AND PROVIDING AN EFFECTIVE DATE.

E. Adopted/Resolution No. 19-115 awarding Dr. Martin Luther King (MLK) Jr. Boulevard Roadway and Pedestrian Improvement Project, Bid No. 19303 to SanPik, Inc., 3551 W; Lake Mary Blvd., Suite 210, Lake Mary, FL 32746 in the amount of \$2,679,068 and declare the lowest bidder, DB Civil Construction, LLC to be non-responsible. This project is for the complete roadway reconstruction of Dr. Martin Luther King (MLK) Jr. Blvd. from Orange Ave. to International Speedway Boulevard, including widening the sidewalks to 8-feet on both sides, curb and gutter, new water main and water services, new gravity sewer system and sewer laterals, relocating power poles to backside of sidewalk, curb bump outs with landscaping and irrigation, and street lighting. Funds available as listed below:

Capital Projects	\$608,557.14
State Revolving Loan-W&S Const	\$297,342.90
Water & Sewer Impr Construction	\$386,569.30
Renewal and Replacement - 8%	\$458,596.00
Transportation 5 Cent Gas Tax	\$461,629.00
Redevelopment - Midtown	\$466,373.66

A RESOLUTION ACCEPTING THE BID OF SANPIK, INC., FOR THE DR. MARTIN LUTHER KING JR. BOULEVARD AND PEDESTRIAN IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$2,679,068; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROJECTSPECIFIC CONSTRUCTION CONTRACT IN ACCORDANCE WITH THE BID DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

F. Adopted/Resolution No. 19-116 accepting a Project Specific Professional Engineering Services contract with Dredging & Marine Consultants, LLC, (DMC), 4643 S. Clyde Morris Blvd., Unit 302, Port Orange, FL 32129, in a lump sum amount of \$118,310.91 for the design of a new seawall along the east side of Riverfront Park between Orange Avenue and International Speedway Boulevard. The design will include the needed surveys, geotechnical investigations, environmental assessments,

regulatory permitting, permit/construction plans, and technical specification to construct a replacement seawall. A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROFESSIONAL SERVICES CONTRACT WITH DREDGING & MARINE CONSULTANTS, LLC, TO PROVIDE THE CITY WITH THE DESIGN OF A NEW SEAWALL ALONG THE EAST SIDE OF RIVERFRONT PARK BETWEEN ORANGE AVENUE AND INTERNATIONAL SPEEDWAY BOULEVARD IN A LUMP SUM AMOUNT OF \$118, 310. 91; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

G. Adopted/Resolution No. 19-117 authorizing payment in the amount of:

\$250 to Volusia Volunteers in Medicine, for Inaugural Charity Golf Tournament fundraiser June 15, 2019 and \$300 to Juneteenth Festival Committee, Inc., for the 2019 Juneteenth Celebration from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$500 to Juneteenth Festival Committee, Inc., for the 2019 Juneteenth Celebration from the Bike Week Sponsorship Funds of Commissioner Robert Gilliland.

\$150 to Juneteenth Festival Committee, Inc., for the 2019 Juneteenth Celebration from the Bike Week Sponsorship Funds of Commissioner Dannette Henry. A RESOLUTION AUTHORIZING GRANTS FROM THE BIKE WEEK SPONSORSHIP FEES; 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 Reed. The motion passed 7-to-0 with the breakdown as follows:

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

9. PUBLIC HEARINGS

A. Adopted/Ordinance No. 19-118 amending the Williamson Crossing Planned District Agreement to allow increased business signage, add additional uses, approval of the Williamson Crossing Preliminary Plat, and authorizing the Mayor to execute the First Amendment to the Williamson Crossing Planned District Agreement. Applicant: Parker Mynchenberg, P.E., Parker Mynchenberg & Associates, Inc., on behalf of Chuck Whittall, Shoppes at Williamson Crossing, LLC. City Clerk LaMagna read the Ordinance on second and final reading by title only. AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE WILLIAMSON CROSSING PLANNED DISTRICT AGREEMENT TO ALLOW INCREASED BUSINESS SIGNAGE, ADD ADDITIONAL USES, AND APPROVING THE WILLIAMSON CROSSING PRELIMINARY PLAT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FIRST AMENDMENT TO THE WILLIAMSON CROSSING PLANNED DISTRICT AGREEMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Parker Mynchenberg, 1729 Ridgewood Avenue, Daytona Beach, stated he was here on behalf of the applicant for any questions.

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

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

B. Continued/Ordinance approving a request to rezone 391.8± acres of land located west of N. Tomoka Farms Road, east of LPGA Boulevard, and north of West International Speedway Boulevard from Single-Family Residential 5 (SFR-5) to Planned Development-General (PD-G) to develop a mixed residential development, approving the Integrated LPGA Phase A1 Preliminary Plat, and authorizing the Mayor to execute the Integrated LPGA Planned District Agreement. Applicant: Mark A. Watts, Esquire, Cobb Cole, on behalf of American Land Development Osceola County, LLC & American SW-30 Investments, LLC and GC Land LLC. AN ORDINANCE AMENDING THE ZONING MAP OF THE LAND DEVELOPMENT CODE TO REZONE 391. 8± ACRES OF PROPERTY GENERALLY LOCATED WEST OF NORTH TOMOKA FARMS ROAD, EAST OF LPGA BOULEVARD AND NORTH OF WEST INTERNATIONAL SPEEDWAY BOULEVARD, FROM SFR-5 (SINGLE-FAMILY RESIDENTIAL) TO PD-G (PLANNED DEVELOPMENTGENERAL) DISTRICT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE INTEGRATED LPGA PLANNED DISTRICT AGREEMENT WITH AMERICAN SW- 30 INVESTMENTS, LLC, TO DEVELOP A MIXED RESIDENTIAL DEVELOPMENT AND APPROVAL OF THE INTEGRATED LPGA PHASE AI PRELIMINARY PLAT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

C. Continued/Resolution authorizing the City to enter into the American SW-30 Investments, LLC/Integrated LPGA Proportionate Fair Share Agreement with American SW-30 Investments, LLC ("Owner") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$1,603,414.38 for a maximum buildout of 600 dwelling units and to address traffic concurrency and traffic impacts. The contribution will provide transportation improvements in the impact area and shall be paid to the County prior to the City Manager’s approval of the final plat for the Project for recordation for the American SW-30 Investments, LLC/Integrated LPGA project that is located west of N. Tomoka Farms Road, east of LPGA Boulevard, south and east of Municipal Stadium, and north of West International Speedway Boulevard. A RESOLUTION APPROVING THE AMERICAN SW-30 INVESTMENTS, LLC/INTEGRATED, LPGA PROPORTIONATE FAIR SHARE AGREEMENT WITH AMERICAN SW-30 INVESTMENTS, LLC AND THE COUNTY OF VOLUSIA, PROVIDING FOR THE PROPORTIONATE FAIR SHARE CONTRIBUTION BY AMERICAN SW-30 INVESTMENTS, LLC RELATING TO TRANSPORTATION FACILITY CONCURRENCY FOR THE AMERICAN SW-30 INVESTMENTS, LLC/INTEGRATED LPGA PROJECT GENERALLY LOCATED WEST OF NORTH TOMOKA FARMS ROAD, EAST OF LPGA BOULEVARD, SOUTH AND EAST OF MUNICIPAL STADIUM AND NORTH OF WEST INTERNATIONAL SPEEDWAY BOULEVARD; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

D. Passed/Ordinance amending the Land Development Code (LDC), Article 11(Definitions and Interpretation) to add definitions for new uses (Micro-Brewery, Micro-Winery, and Craft Distillery), modify definitions for existing uses (Brewpub, Craft Distillery); amend Article 5, (Principal Uses and Accessory Uses) to add additional uses and modify existing uses to the Eating & Drinking Establishments and the Industrial Uses categories and to modify use specific standards to accommodate new uses; and to amend Article 6 (Off-Street Parking and Loading) to add parking requirements. City Clerk LaMagna read the Ordinance on first reading by title only. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE ("LDC") IN RELATION TO BREWPUBS, CRAFT DISTILLERIES, MICRO-BREWERIES AND MICROWINERIES; AMENDING SECTIONS 5. 2.A. AND 5. 3. B., CONTAINING THE LISTS OF PRINCIPAL AND ACCESSORY USES, RESPECTIVELY, TO REVISE THE LISTED PERMITTED AND SPECIAL PRINCIPAL USES AND PERMITTED ACCESSORY USES FOR ALL INDUSTRIAL AND TOURIST ZONING DISTRICTS AND THE BR-1, BR-2, BA, AG, RDB-1, RDB-2, RDB-3, RDB-4, RDB-5, RDB-8, RDB- 9, RDD-1, RDD-2, RDD-3, RDD-4, RDD-6, RDD-7, RDM-1, RDM-2, RDM-3, RDM-4, RDM-5, PD-G, AND PD-RD ZONING DISTRICTS; AMENDING SECTION 5. 2.B., PRINCIPAL USE STANDARDS; AMENDING SECTION 5. 3.C., ACCESSORY USE STANDARDS; AMENDING SECTION 6.2., PARKING SPACE STANDARDS; AMENDING SECTION 11. 5, DEFINITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated he has a problem with how the City enforces liquor and restaurants on Main Street. He wanted to know if they could go anywhere if this passed.

James Morris, Deputy City Manager, stated that they can go anywhere beer and wine is sold. The breweries are small scale and designed to fit with the buildings. There are some on Beach Street already and if one looks at the cities around there are these types of breweries as well as full scale. He stated this is an amendment to catch Daytona Beach’s Code up to the surrounding areas. This would allow someone that already sells beer and wine to have their own brewery where they could sell their own beer. It has a cache in today’s market. There are a lot of uses listed, there are a lot of places they can have restaurants. They have seen it in other communities and there have been requests to have them here. It keeps someone from having to do a PD, they can come to the City and have it permitted administratively.

Commissioner Gilliland stated it would be helpful to have a map for second reading.

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

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

- E. Adopted/Resolution No. 19-119 approving the Final Plat for Superwash at LPGA Boulevard PD-G. The subject property (7+/- acres) is located south of LPGA Boulevard and east of Clyde Morris Boulevard, near the southeast intersection of LPGA Boulevard and Clyde Morris Boulevard. A RESOLUTION APPROVING THE FINAL PLAT FOR SUPERWASH AT LPGA BOULEVARD PD-G ON 7± ACRES OF LAND FOR DEVELOPMENT OF COMMERCIAL USE LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF LPGA BOULEVARD AND CLYDE MORRIS BOULEVARD; AUTHORIZING THE CITY MANAGER TO SIGN THE FINAL PLAT 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 motion passed 7-to-0 with the breakdown as follows:

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

10. ADMINISTRATIVE HEARINGS

- A. Passed/Ordinance modify existing signage, and authorizing the Mayor to execute the First Amendment to The Memorial Health Systems, Inc. The property is located on the west side of Williamson Boulevard, east of I-95, north of the future extension of Strickland Range Road, and south of the future extension of Hand Avenue. Applicant: Grant McGuire, ICON Identity Solutions Inc., on behalf of Memorial Health Systems Inc. City Clerk LaMagna read the Ordinance on first reading by title only. AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE MEMORIAL HEALTH SYSTEMS, INC. PLANNED COMMERCIAL DEVELOPMENT, TO MODIFY SIGNAGE PLAN; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FIRST AMENDMENT; 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 motion passed 7-to-0 with the breakdown as follows:

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

- B. Adopted/Resolution No. 19-120 approving a Contract to retain Attorney James Vickaryous and his legal associates to represent The City of Daytona Beach in a lawsuit to be filed against various pharmaceutical manufacturers and providers for damages incurred by the City as a result of the opioid epidemic.

Within the past several years, cities, states, and hospital districts began filing lawsuits across the country against opioid makers and distributors in an attempt to stop the epidemic in their communities and to recoup associated costs. The lawsuits state that prescription opioid makers grossly misrepresented the risks of long-term use of those prescription drugs, and distributors failed to properly monitor suspicious orders of such drugs, which caused the current opioid epidemic. Due to the number of lawsuits, the Federal court system ordered all opioid lawsuits to be consolidated into Multidistrict Litigation in the U.S. District Court for the Northern District of Ohio.

Attorney Vickaryous and his litigation team represent numerous local government agencies in Florida and around the country in these suits. Potential damages which the City may assert include reimbursement for police and fire/first responder costs in responding to opioid related crimes or calls for service within the prior 20 year period, and recovery of anticipated expenditures for future remediation such as costs for implementation of treatment programs. Attorney Vickaryous and his associates would represent the City on a contingency fee basis with all litigation costs and fees to be paid out of any recovery obtained on behalf of the City. The City's lawsuit would be consolidated with the cases in Ohio's Northern District Court in Cleveland, Ohio. A RESOLUTION AUTHORIZING THE CITY TO RETAIN ATTORNEY JAMES VICKARYOUS AND HIS LEGAL ASSOCIATES OF VICKARYOUS LAW FIRM TO REPRESENT THE CITY IN A LAWSUIT TO BE FILED AGAINST VARIOUS PHARMACEUTICAL MANUFACTURERS AND PROVIDERS FOR DAMAGES INCURRED BY THE CITY AS A RESULT OF THE OPIOID EPIDEMIC; AUTHORIZING THE CITY MANAGER OR HIS DESIGNER TO EXECUTE THE ATTORNEY RETENTION AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Robert Jagger, City Attorney stated this is an item for the Commission to consider whether they want to join in on the multiple cases that have been filed against the opioid manufacturers and producers. He stated they have a proposal by outside counsel to represent them on a contingency fee basis and Mr. Kahn is here to make that presentation.

Michael Kahn stated he wanted to introduce his colleague Jim Vickaryous and talk to them about the opioid crisis. He gave a brief history of his team and what they've plan to do. He stated they have provided Mr. Jagger a fee agreement. He stated they're asking for a vote on that fee agreement. He stated if they vote, within seven days he will have a fully executed fee agreement. He stated they would provide a draft of a complaint on behalf of Daytona Beach and begin to work on what's known as a plaintiff fact sheet. He explained the plaintiff fact sheet and how it works. He asked if there were any questions.

Commissioner Delgado stated there are mechanisms in litigation, shifts in cost and offers of judgement. He asked as far as decision making as one of the many plaintiffs, what's the method. He asked if they're going to have a say in what kind of risks and settlement and how to settle. He asked if they were going to propose a model for them to discuss.

Jim Vickaryous explained the offer of judgement and stated there is no offer of judgment rule in the Federal courts. He stated the only thing they have is what's called Rule 26 where the judge has as his powers as a Title 3 Constitutional Officer, he can sanction people. He stated Judge Pollster entered a 40 page order in December of 2018 stating that this litigation is not frivolous and he's going to give every plaintiff that can prove their case their day in court.

Commissioner Delgado asked if each plaintiff could leave, settle, or do anything independently and not be tied into a bigger group.

Mr. Khan stated the News Journal had an article today regarding this issue but one thing was not correct. He stated it's not a class action. He stated that means you have individual actions that give you a lot of control but in the larger realm. He stated they can pull the plug at any time and their liabilities are, as he suggested, minimal. He stated if they move towards settlement and the odds are great that Daytona Beach would never reach a trial. He stated if something they don't like that's transpired, they would instruct him at any time upon taking a vote. He stated if they want out, they 'd be out. He stated once they get to the settlement, there is going to be an operation of damages that will take over that algorithm once it's fully developed. There'll be like there was in the tobacco litigation a damaged matrix and they'll plug in the information that we are going to develop in our plan a fact sheet. He stated they would get a certain amount of money that is triggered by an algorithm. He stated they would control their settlement funds.

Commissioner Delgado asked if the Florida State lawsuit is at a much earlier stage than where they are.

Mr. Khan replied yes. He stated they couldn't be removed.

Commissioner Trager stated there is no doubt that there is an opioid crisis not only for Daytona Beach but also for so many other people. She stated it affects not only the addict but their family, the community, and the unborn children. She stated the drugs were developed to help end pain for terminal cancer and they have been overprescribed and have been available on the street and imported with standards not up to U.S. standards. She stated this is one step in the right direction and she hopes it doesn't curtail some of the drug companies from doing research and development but this has gone way beyond what it should be due to the greed of people.

Mr. Khan agreed.

Commissioner Gilliland asked if this was a class action lawsuit.

Mr. Kahn stated no, it's not. They only get paid when the City recovers.

Commissioner Gilliland asked about the methodology that is used to determine damages. He knows they are buying Narcan and training people to use it which are both directly related. He would like some examples on the things that are indirectly related.

Mr. Kahn stated that this would fund opioid specific programs to cover both prevention and rehabilitation. There are also medicated assisted treatments like Methadone and Narcan. Addiction programs and therapy rehabilitation program cost...because when someone dies there are costs associated with those deaths. Child Protective Services, programs for foster care, and DCF because one of the tragedies about opioid abuse is grandparents having to raise their grandchildren. Neonatal care, baby addiction, and pregnant women. There are law enforcement costs that the department has

had to endure on a daily basis trying to save these people; funding public hospital needs. Individuals who are put into prisons, and the homeless and jobless who are affected by this.

Commissioner Gilliland asked to use DCF as an example. That would be State funded. He asked what the indirect cost is to the community.

Mr. Vickaryous stated the indirect cost is the Police having to accompany DCF.

Commissioner Gilliland stated that yes; the Fire Fighters end up there first and are the ones that are actually administering care in those first few moments.

Mr. Vickaryous said the State is picking up the costs to take care of the child once the child is placed into foster care, but the local governments are taking the initial brunt of the cost by coming in and stabilizing the situation. They also believe a claim can be made for synthetic drugs such as OxyContin. When that became more restricted, addicts would move to heroin, but synthetic opioids are designed to be stronger than heroin, so after someone becomes addicted to the synthetic opioids they need something stronger. Now street drugs are laced with fentanyl because fentanyl is a type of extremely powerful synthetic opioid. This is a classic door opening drug for many people that weren't addicted to anything else before they had been prescribed it.

Commissioner Gilliland questioned if the damages can be projected out because they are getting ready to open up a homeless shelter that's going to have treatment services, and some of those services will be for those who have an opioid addiction. He asked if the city can list that with the damages because while they wouldn't be incurred tonight they will at the end of the year.

Mr. Kahn said yes. They have an economist on staff who can give a projection of damages 20 years out. He knows that they will be getting damages, but he does not know how much. The odds are very high that it will be settled, and there will be no appeals.

Commissioner Henry would surmise that when you are talking long term, 20 years out about the effects with children and DCF. When those children leave the classroom to become adults and they still have long term effects from being a drug addicted child. They need to be able to function in society.

Mr. Vickaryous agreed with Commissioner Henry mentioning school districts having to hire more special needs teachers to deal with the behaviors of children who come from families where the adults were addicted.

Mr. Kahn stated they could very well present directly to the school board as a separate plaintiff.

Doyle Lewis, Homeless, Daytona Beach, stated the drug problem on the streets has been awful.

Mayor Henry thanked Mr. Kahn and Mr. Vickaryous for a thorough presentation. He thanked the commission for raising so many pertinent questions to this very important issue.

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

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

11. COMMISSION COMMENTS

Commissioner May stated that they have been working on some projects and she would like some updates. She stated her concerns regarding the garbage bins. She stated the garbage bin covers were replaced and they have been asking commercial vendors to take care of the community and to have enclosures. This was stemming from the feral cat situation because the cats congregate around the bins and that's where it started. She stated they haven't only addressed the cat situation. She asked Chief Capri and Mr. Chisholm if they have any information and where they are with this.

James Chisholm, City Manager stated a brief report on the bins situation primarily focus on the commercial properties in Zone 3. There were 63 bins that were inspected. There're 22 that have violations and they'll be given notice of that. In Zone 1, 72 inspections, and there're 30 that are being notified of their violation. In Zone 2, there're 66 and 24 that are violations.

Commissioner May asked for an update on the dorm living situation. She asked to explain what it means to people.

Robert Jagger, City Attorney, stated that they have been tasked with looking into potential regulations or they're tightening up their existing regulations with regard to dorm living. Dorm living is essentially where they have multiple unrelated persons living in a single-family residents. The City has regulations with regard to that. He stated he has met with the various staff members that have been tasked with that. They have drafted some language to be adopted or to be proposed to the Commission. He has a follow up meeting next week.

Commissioner May asked Chief Capri about the impact of this by improving the dorm living.

Craig Capri, Chief of Police, stated it's going to be another part of cleaning up the area and most of its north of Fairview. There were already 30 properties inspected that they addressed. It's another tool for them to use to clean up the area and to get rid of the activity that's getting the residents upset, with the open-air drug markets, with the food store, and with the Taylor Avenue.

Commissioner May asked as it relates to condemned property how long does the City have from the time a property is deem as condemned or what is the process before it's torn down.

Mr. Jagger stated the processes for condemning and demolishing property are the properties will be posted by the building official as condemned with the notice that would be demolished. The owners are typically given 30 days to conduct the demolition on his/her own behalf. If that doesn't occur then the City is authorized to step in and conduct the demolition and lien on the property for those costs.

That process takes between 30 and 45 days typically. The order can be appealed to the Board of Building Codes.

Commissioner May asked do the citizens incur the costs for that property when it's condemned and are they reimbursed.

Mr. Jagger stated it becomes a lien on the property so typically reimbursement will come when either the property is sold or they want to get another mortgage on the property, or the City could potentially foreclose on those properties

Commissioner May stated but as Citizens, they will be reimbursed.

Mr. Jagger stated eventually when the property is demolished; the City is reimbursed because there aren't homestead exemptions that typically apply.

Commissioner May stated trying to improve that particular area on the corner of ISB and A1A was one of the first issues since she got elected. She wanted to be clear as this has nothing to do with the round-about. She asked Mr. Chisholm to describe what's happening on this particular area on the beachside.

Mr. Chisholm stated they purchased those two properties. They had one property with contamination and they had to go through a process of getting that clear. They are in the process of putting in sidewalks and improvements for a small park on the south side corner currently and on the north side, they'll go back and expand the sidewalk area where they have grass.

Commissioner May thanked staff for the improvement.

Mayor Henry asked if she was talking about the property that the City purchased.

Commissioner May responded yes.

Mayor Henry asked when they purchased the property.

Mr. Chisholm responded they bought that about a year ago on the corner of A1A.

Commissioner May asked when they're going to have a meeting to discuss legal services and if they have set a workshop date and time for that.

Mr. Chisholm asked her if she's talking about the fees.

Commissioner May stated fees, structure, and programming.

Commissioner Reed responded no, they weren't going to hold a meeting. She stated the Mayor suggested that they have a discussion amongst themselves while they're already here and they do need a date on when that discussion would take place.

Commissioner May asked if it would just be a general discussion like this. She stated two weeks ago Commissioner Delgado brought up First Step Shelter. She asked if there was another approach, they could potentially discuss and if there's anything else, they can do in terms of the board to improve the speed. She stated the residents are starting to ask questions about when, where, and how the building would be built. She asked for recommendation or a plan of any sort of how they can manage that.

Mr. Chisholm responded yes.

Mayor Henry asked if she received the email that he sent.

Commissioner May responded yes, but she likes to explore a little bit more.

Mayor Henry stated that he wanted to make sure that she knows about this email.

Mr. Chisholm stated he has a meeting this week with the Mayor to get into the specifics of it. But to follow up on what has been done; there are two studies that were done. One by Dr. Marbut, which was a study that very much paralleled Pinellas County. He stated they had another study done by staff with the criminal justice committee that's here to put together a very similar program. Both of those programs dealt with jail diversion and operations in a fashion that serve the entire population given consideration to the impact on the county jail system for those in violation of the various laws throughout the City. He stated they have options and they can move forward with it. The options have varying costs depending on how they pursue it. The Pinellas study probably renders a cost somewhere about a million dollars. One had to cost at 1.2 million and the other had the cost at 1.6 million. There's a difference and some of that has to do with how they implement it and in how they do it.

Commissioner May asked what would happen if the City managed it differently because right now the board manages it.

Mr. Chisholm stated in Pinellas County that was managed by the sheriff which is a single entity that had the authority to make decisions. There are various models that have been implemented throughout the country but it depends your objective in the outcome of the reduction and the cost associated with the jail activity then you would pursue one method such as what they have there in Pinellas County. It also gives a point of authority so decisions are made on the spot without having to go back to a board. In the case of what's here the board would have an executive director that would serve at the pleasure of the board and that decision then the executive director would either make it or bring it back to the board for a decision as it relates to operations.

Commissioner May asked if they could make a decision on whether they want the board to continue.

Mayor Henry responded yes.

Commissioner May asked to have a discussion on that. She asked how comfortable they are with the way things are going right now. She stated that they're doing their part quite well and she feels proud about Mayor Henry at last week's meeting as he defended the City and Dr. Durham stood up and spoke on behalf of them. She stated our residents have worked diligently to help push this project forward as have staff. She asked if they are the best-equipped group since they're managing everything else. She stated that they seem to be current on all the information. She asked are they the best group along with the Sheriff or the Chief of Police to move forward on this project by themselves and how does that work and is the County still partners with the City. She asked to discuss that or are they going to continue on the road right now.

Commissioner Reed stated that's a discussion that requires maybe a workshop. She stated that they need to plan on meeting and to bring back some suggestions. She stated that she's not prepared to have that discussion at this time and they have done more than their share. She stated they have known that for the last five or six years and what else needs to be done that's a discussion.

Commissioner May stated they're now into the month of May. If they have a workshop in June and a projection date is September, they need plans made today. She stated she knows it's a shelter and nonprofit but all nonprofits need to treat themselves like a business and plan ahead for the future. She stated last week Commissioner Gilliland said sometimes, they have to make difficult decisions, it's just a discussion they can give it two more weeks or another month and continue to wait. These are the Commission decisions to make.

Mayor Henry asked Commissioner May if she was thinking about something specific.

Commissioner May stated she'd like to call for a vote and to make a motion to consider they discontinue the board and try to start or consider some of the alternatives that are out there.

Mayor Henry stated that he wants to make this clear before they vote.

Commissioner Delgado asked if they're going to have a meeting to discuss this or going to dissolve.

Mayor Henry stated no. They have a motion to dissolve the board as it exists and as it is, then move forward with something else.

Commissioner Delgado asked if he's ready to be heard for the vote.

Mayor Henry stated that he was about to be heard but he'll defer to Commissioner Delgado.

Commissioner Delgado stated he has been following this. He stated they asked the City Manager at the last meeting to have a contingency plan. He wants to make sure that they have a contingency plan in place and they know what those options are. If they were to vote to disband the shelter group, he doesn't know that they have anything in place to pick up the ball and run with it. That might end up causing us to step back. He stated he's not opposed to looking at the best option that was part of why he brought it up before. He'd like to know what the Mayor and the City Manager have. That's why he thought that the Mayor's proposal and it kind of amendment it where they were going to direct the Manager to come up with a fallout plan was good. He asked before they vote he wants to see what the backup and if they have something in place.

Commissioner May asked when was the next First Step Shelter Board meeting and is it weekly or monthly.

Mayor Henry stated it's on the 21st next Tuesday, but they plan to meet more frequently.

Mr. Jagger stated he had some legal concerns. It's not as simple as just voting to dissolve the board. They have got to wind down assets. There are a lot of legal issues here in terms of making that happen, so it would have to be something he would bring back to the Commission as a package. He stated they could certainly vote to direct him to put together a package, which should wind down and dissolve the board.

Commissioner May asked the Commission to consider that the board also has to be involved in fundraising or there has to be a fundraising arm to this as well. As they move forward there has to be that mechanism in place that might not necessarily be on the board right now. There are some things are going really well and there some things that they can use as the basis and start over again. But at least they brought it out, and that was probably a very difficult thing to bring out but somebody has to make difficult decisions sometimes and at least have the conversation. She asked about how long it would take to come together with this.

Mayor Henry responded you have a motion and they're discussing the motion.

Commissioner Gilliland stated that he thinks Mr. Jagger is looking for Commissioner May to amend the motion to change it to directing the City Attorney to bring back a package to the Commission that would allow the dissolution of the board.

Mr. Jagger stated yes, he's requesting that amendment.

Commissioner May stated yes, she'll make that amendment.

Mayor Henry asked Commissioner May to go ahead and amend it.

Commissioner May stated she would like to amend the motion.

Commissioner Gilliland stated he would like to amend it second.

Commissioner May stated she'd like to amend her initial motion so the City Attorney can come back with the proposal or package on how they move could forward as dissolving the First Step Shelter Board.

Mr. Jagger stated they can delay public comments until the final vote.

Commissioner Gilliland stated he amended his second.

Mayor Henry asked any comments.

Commissioner Delgado stated just because there seems to be some troubles with the board and they're publicly discussing some of the problems they're having. He was concerned that they were going to throw up their hands and say they're done and he didn't want the Commission to be there with no contingency plan for that to happen. He stated that's different than going in to say they're taking the project back they're going to run it themselves. He stated they need to have a contingency plan in place. He stated when he saw Geallis resignation; he thought they should have a plan in place if they're no longer willing to continue to function as envisioned. There's a lot involved not just with the money and the money that's been set aside and the assets and winding it down. He doesn't know that it's necessary at this point, if they're going to of right the ship on their own. He stated there are other ways to encourage them to do their mission and help clarify that. He thinks they're laboring under some confusion because they don't feel they have clear direct guidance on certain things and they don't know what some of those the specific things. He stated he wanted to have a fall out plan in case they walked away from it. He stated he think that would delay things tremendously to dissolve the board because while they're dissolving the board, they probably can't continue to do things probably they wouldn't want to and some of them may resign so he doesn't think the Commission would really slow things down and that's the last thing he wants to do. They're already behind what he perceives the schedule to be and he doesn't want there to a problem. That's his concern and he knows that part of the memo that he got was efforts to go out and build this backup plan.

Mr. Chisholm responded yes.

Commissioner Delgado asked what the backup plan is.

Mr. Chisholm responded the research is what he has been doing. They have two plans outlined in a study that's previously done. He stated as far as how to implement those he doesn't think it's that difficult and it doesn't necessarily take a board to do that. Both of them hinge on a diversion

component, which is in reality about 50 percent of that population fits in that category. These mechanics are no different from the mechanics that they're yet to go forward with which is staffing in the right place with the right equipment and moving forward with the operational element. And that's all outlined right here. They're probably as prepared maybe to move forward at this point, because at least they have reviewed it and know what has to be done. They have been to a shelter and they know how to operate a shelter to be more proficient. They would spend a great deal of time with staff being trained at the shelter so when September gets here they could step in place.

Commissioner Delgado asked if everything was ready with the lease and all the agreements and Catholic Charities in place, and what would the catch up time be.

Mr. Chisholm stated he doesn't think it's any different then what it's currently timed and that they're behind. They have to look at the soundness of the decision as it relates to some of the contracts that they have entered into and then evaluate that based on the alternative and what that cost is because he's a little concerned that at the other they're going to be spending more than what the Commission need to spend.

Commissioner May stated the citizens of Daytona Beach for years have stood by and watched as this project seems to be delayed and sometimes it's not through any fault of the City. To move forward efficiently would be key here. She stated after listening to Mr. Khan speak about the opioid crisis that should make them want to rush even more and hurry but be aware that time does matter here. Our residents deserve that as they have invested in this. She stated that they invest in it every single day waiting meeting upon meeting. She's intrigued to hear more about the plan. She asked would the police be involved at all or the sheriff and how it does work.

Mr. Chisholm stated it would be the Police Department. The Chief and his staff would be involved. It doesn't mean that they would be putting police officers in to run the shelter, that's not the case. The City has one that would probably oversee the security of it but much as what they do in Pinellas County. They hired an outside firm to provide the staffing and it seems to be efficient and cost effective.

Commissioner Delgado there is a buy in aspect from the County and from other cities that are important. He stated if they don't want to alienate donors or other people by sending out a perception that's only going to be Daytona's Shelter because they do need buy in from other, other agencies and other cities and municipalities have bought into it so that may not be what actually happens. He stated if there's that perception that could cause some frustration to the extent that the fundraisers and the donors are going to come from areas outside Daytona. This is a county wide provinces and a statewide problem. The extent that involves opiates is a national problem. He doesn't want them to make the mistake either or send out a message that it's going to be called Daytona Beach only project even if they may have taken a lead in it and put a lot of money into it. He's still think like they pointed out the buy in and the County's involvement is important too. He wants to make sure that they think about what message that they're sending. If the message they're sending is that they're going to take it back and then so be it.

Commissioner Gilliland stated his problem with this hasn't been the schedule, as much as the cost. He can't remember if he voted against the funding but they were given an extra 1.2 million dollars to this initiative because they entered into the agreement three years before it opens. He can't remember if he voted against that one but definitely voted against the construction because it just got out of control. This is \$5000 a bed. The Catholic Charities contract is sixteen thousand dollars a bed. Mr.

Geallis was quoted in the papers saying that the security system was going to be four hundred thousand dollars. That's not at all what they signed up for when they started this with Dr. Margaret eight years ago. He stated he doesn't want them to run this thing but he believes that they have lost their way with where the shelter is today. He's convinced particularly after the Shelter Board meeting last week that they're not going to get this back on track in a way that will be meaningful. It was painful for him at the last meeting to say look 1.2 million. It wasn't quoted correctly in the paper last Thursday and it's not restricted. They can use that for development and operations. They can buy beds, computers, and pots and pans. That money is not restricted, the money after the shelter opens is. He stated they have to put up 400 grand of operating funds for the County to match the \$400,000. There was another piece in the paper where Mr. Geallis said that a lot of the costs weren't scalable and they are. He stated if you need four counselors for 100 people, you might need two counselors for 50. It is directly scalable, insurance and utilities are not scalable but they are little pieces of the pie. He would rather not go that way. He thinks a reset at this point and working with someone else to run the shelter is absolutely something they need to talk about and it wouldn't be hard for them to go down that path. He asked what contracts the shelter board has entered into and the termination clauses that are in those contracts.

Commissioner May asked can they do this financially.

Mr. Chisholm stated it's a difficult question to answer. Primarily, it's the City money and the County's money in this project. There's about another \$150,000 he thinks is coming from other cities and with that he thinks that's pretty close to funding the annual cost of operations.

Commissioner May stated she wants to be very clear on that everybody still has complete access to everything. All they're dealing with is agility, speed, efficiency, and reduction of cost and maintaining the numbers. That's what we're looking at and trying to service residents as quickly as they can.

Commissioner Gilliland stated it's the perfect cost for Pinellas. They could open 160 bed shelter. They have economies of scale and they have been doing this a long time. He stated that they're struggling to try to open a 50-bed shelter. He stated there're definitely 470 occupants, there's some saving but to say if the City did it for eight thousand dollars a bed that between the City money and County money. Here's your hundred beds. You are losing some services in that. The jail diversion program doesn't have the same kind of job skills training and counseling and things like that are involved. But what they learned over time is the community is not behind this. There are other people that are willing to put in small amounts of money but the Community at large, the other governments, and the other city governments aren't behind this to the extent that is an affordable aspiration for the operation of the shelter. They need to chart a different path. Now is the time to do it, so they can get it open before the end of the year.

Commissioner Reed asked what the motion is now and where they are.

Mayor Henry stated they have a motion on the floor and a second. He stated that's where they are and that they have illustrated what their position is. He wants to say that it would be a mistake on their part tonight to dissolve the board. That's his opinion as he used to this position of pulling and being pulled. He's the board chair also and he thinks it's a mistake to say that it is someone else's fault that the timeline is inaccurate. This is their project and he doesn't blame anyone. They have worked hard to be where they are. The board hadn't made a lot of bad decisions. Two people got hired, one of them given by the Commission so it wasn't the board who picked Catholic Charities as the service provider for this project. That's the model they have and that's what the Commission

selected as a Community. They didn't want it to be primarily a jail diversion program. Although the current plan takes all of that into consideration. It wants to be a little bit of jail diversion and patterns of compliance. In speaking with Mr. Jagger, they believe that the current plan could fulfill that mission which he believes is important to all of them because it's important to help people who want to be helped. However, it's also important that people who don't want to be helped but want to violate the City ordinances and rules, they be held accountable and be given some diversionary actions. He stated they have to remember that this is a political challenge. There are a lot of voices that have been raised and he doesn't think it's not proven on their part to rush tonight. He stated all of a sudden they're saying they need to cut and go to another direction when they haven't rushed anything over the last five years. It has not been a rushed project. They took three to four months and cut the project and say they're just going to make sure they build it the way they want to build it. It's not fair to the Community to come into a meeting and decide all of a sudden just cut it off. He stated that they don't want to control it and he's sure that they hear many people who do not want the Commission to control this and don't trust them to control it. He stated that people don't trust them because they're responsible for the primary and he accept it. This is going to succeed and that they have to work hard to ensure it succeeds. By the same token, people don't want them to own this. They want the other municipalities to buy it. He stated that he could understand the sensitivity in feelings when they come to a meeting and hear what they are saying. That's a part of politics just like those elected folks are accustomed to saying what they feel. That's why he stands up for them. He also believes that at the end of the day they should maintain control and the ability to say it if they want to get a new board and they can get a new board. He stated they're the only ones that agreed to partner with the County. They're the ones who went and battle with the County to get it to commit. They're the ones who extended the extra two and a half, three million dollars of taxpayer's money. This board should be responsible at the end of the day and the Commission should not relinquish that. It should continue to be in the sunshine. He stated that Commissioner Delgado was correct not to allow them to be blindsided because this board has the capacity on Tuesday they'll take multiple votes to determine if they want to operate this shelter. The board has the capacity to revive itself and to successfully run the shelter as originally planned. Catholic Charities themselves said that it's not prudent to open a shelter full throttle in a hundred bed shelter. He stated that they always knew that the contract with the County does not call for them to open a hundred bed shelter. Catholic Charities said that they probably could operate a shelter right now 50- 60 people for perhaps a million dollars. That's a scale. So, you're scaling it down and able to open it in a different way. Allow the board to make their decisions, allow the manager and continue to press him to provide them with some options. He thinks this is a viable option because it too is scalable. You don't have to be 100 percent jail diversion, probably it will be able to be a little bit part of your complaint because that's what's important to the other municipalities. They want to feel like they have a place to take their folks. He stated that they can still do this with this facility and they could take the facility and scale beds to them and say you'll have five beds at a cost of this amount so that you're able to be part and your complaint. But it's not fair also to the board to simply say that because they're frustrated and some of it that is a rifle challenge to handling this business. He tried to get them to temper their frustration but they have only heard the progress of the project and its ability to raise funds by a lot of the inappropriate verbosity of the meetings. A lot of things have emanated from the meetings that have given a lean fodder for the news and nobody has confidence in the project because of that.

Commissioner Gilliland stated the motion on the floor isn't to dissolve the board, it's to position the City to be in the opportunity in case things don't go well on the 22nd. They're not meeting until another three weeks.

Mayor Henry stated that's not the motion.

Commissioner Gilliland stated the motion is for Robert Jagger, City Attorney to bring back a package for the City Commissioners and Mayor to consider to dissolve the board.

Mayor Henry stated so that's the amended motion and he's addressing all of what he's heard.

Commissioner Gilliland stated he agrees with what Mayor Henry is saying but it would be the prudent thing for them to do because it would save them from losing time.

Mayor Henry stated they don't have to have a real motion because even on the 21st, if the board wants to call a special meeting and the board votes to do something then they can have that meeting and replace the board. They still have the ultimate authority over the board whether a decision is made and they don't like it then he has the capacity to remove them and replace them with different people.

Commissioner Delgado asked do they have the staff that they need or do they need to loan a staff with expertise in the next couple of months to help them make those difficult decisions. When he hears a quote for \$400,000 for a security system, he and Chief Capri thinks that's a little excessive for the security system. He asked, if they need to make people like him available to speak. He wants to know can the City make their staff available. However, maybe it's a good thing as in addition to preparing for the dissolution of the board or the need to dissolve the board on the City's action or they can resign. He asked are there things the City can do to help them that doesn't necessarily mean to write a bigger check but just reallocate horse power from the City over to them in the short term and loan them staff members to help. He believes he would be completely lost without the staff telling him a lot of the things and could only imagine that if he was on the committee how difficult of a time he'd have. Should that be something to think about instead of the, what ifs.

Mayor Henry stated no one on the board believes that \$400,000 and he doesn't know where that number came from. He thought it was a quote for \$240,000 but even then the board said they don't think that's a number that is prudent. He doesn't know why that number was quoted in the paper and he's not asking for a response but no one thinks it's a reasonable amount. One, they have a right to have a lease and he agrees they should. Two, they really need a building that's built. They haven't entered into any financial agreements that were not agreeable and the building is taking longer to be built than they've anticipated and that's the reality of it. Mr. Geallis was hired a little early but Catholic Charity's not so much.

Commissioner Delgado asked can they fix the lease quickly.

Mayor Henry stated the lease is being worked on and hopefully something would be in their hands soon. He believes tonight is not the night for them to say that it's what they want to do. He thinks the City Manager should continue to come up with a plan that he thinks everyone could be happy with but thinks they still have the power and authority to take it away from them at any time they want. So it's not really a relevant motion but they can vote on it.

Commissioner Trager asked can they restate the motion with the amended.

Ms. LaMagna stated the restated amended motion.

Mayor Henry asked do they agree with his assessment of them having the authority to change the board or eliminate the people on the board at any time.

Mr. Jagger stated if they were to wind down the board it may involve establishing a temporary board by removing the existing board and setting up a smaller board under the City's direction.

Commissioner Trager asked if it would leave them holding the bag alone without the other cities involved.

Mayor Henry answered it would be their decision if they chose to abandon. But the motion is really about the board. He asked are there any more questions that are not clarified.

Commissioner May asked if the City has a continued relationship with the county. The relationship continues and the City can move forward whole.

Commissioner Reed stated she wants clarification. She asked it's not about eliminating the board anymore; the amendment is that something would be brought back to consider.

Mr. Jagger stated the amended motion is for him to bring back a packet, which would involve eliminating the board, winding down their assets and essentially dissolving the board. He said, that's how he understands the motion.

Commissioner May asked what that process would look like.

Commissioner Gilliland stated the 501(c)3 would continue to exist. It would have a replacement board and potentially believes some of the cities would ask for their money back.

Mr. Jagger stated it would be a process to take care of all those assets by returning them to whoever the donors were or redirect them back to City in some way. That would be a function of the City's reconstituted board so there would have to be an interim board setup to accomplish the dissolution. There would have to be a process for liquidating the assets and winding down their operations. They would have to look into the Catholic Charities contract by either signing it or terminating it but he doesn't know the terminating clause off the top of his head.

Commissioner Gilliland stated they're talking about the board and not the 501(c)3 . So it would be replacing the board with a different 501(c)3 in place and have a different board that chooses to go in a different direction than the \$16,000 or a bed solution other than what's sitting before them.

Mr. Jagger stated the motion on the floor is to arrange for dissolution of the board.

Commissioner Gilliland stated not the 501(c)3 .

Mr. Jagger answered it's the same. The 501(c)3 is the board.

Commissioner May stated they're one entity.

Commissioner Gilliland stated he's not interested in that and doesn't want the City running it. Who ends up with the 501(c)3 is the one who would contract with the sheriff's department or the police department or the Salvation Army or it could still be Catholic Charities at the end of the day.

Mayor Henry stated they don't need the motion. They have the authority to do whatever they need or chose to do. If they want to eliminate the people on the board and put new people on there then they can and it's really what they want to do.

Commissioner Gilliland stated he's considering withdrawing his second if that's where they're going to end up. He wants to make sure that he and Mr. Jagger are on the same page as well as Commissioner May. If the 501(c)3 continues to control those assets and someone comes in says they want their money back and they get their money back. The board would have to look at the contracts they have whether it's with Catholic Charities or any other contract they're entered into. The construction contract is what the City is into and not the board. He asked would there be a packet that would allow them to reconstitute the board into something that would chose a different solution than what is currently being presented.

Commissioner Henry stated if they do decide and bring all the information back, where would it leave the City in the meantime. While they're waiting on that tedious process to happen, what's going on, are they allowed to continue building or would the contracts and everything else stop until that's taken care of.

Mr. Jagger stated there would be a board and there may be an issue in terms of how their operations would proceed but from a legal standpoint, they would continue to have all of the authority they have now until they're removed from the board and officially dissolved.

Commissioner Gilliland stated the construction stays with the City contract.

Commissioner May stated and the building continues. The City would continue going.

Commissioner Delgado asked why the City wouldn't get their money back if the donation was from First Step Shelter.

Mr. Jagger stated the 501(c)3 isn't contingent on the board. However, it's something he would have to look into in order to dissolve the board entirely if they have those assets. So there are statutes on how the assets are taken care of if the 501(c)3 dissolves.

Commissioner May stated she's going to withdraw her motion.

Commissioner Gilliland stated he's going to withdraw the second.

Commissioner May stated if they're going to withdraw the motion then they are openly talking about it again.

Mayor Henry stated Commissioner May is withdrawing her motion but requests to continue the discussion.

Commissioner May stated yes please. She would like the City Manager to give them a plan on the off chance at the next meeting the current board makes a different decision and decide it's in the best interest of moving forward that they might want to take a new direction if one exists.

Mayor Henry stated he remains confident, assured and certain that's a good decision. He said they must continue to move forward with a plan.

Commissioner Delgado asked can he get an update on the lease at the next meeting.

Mr. Jagger stated he can give him an update right now. He said they're in the process of finalizing a lease, it's still in draft form, a copy has been given to the City Manager and they're going to have a meeting about it in the next couple of days and fully intend that would be transmitted to the First Step Shelter board at or shortly before the next meeting. There would be a process but he doesn't think they're at the point for it to be adopted; there would be a continuing negotiation process. He stated the board is represented by a volunteer outside attorney Shumen who would need to review the contract and comeback for a final approval for the First Step Shelter and City Commission.

Commissioner Delgado stated they're two to three meetings from having it fully executed.

Mr. Jagger stated that seems reasonable.

Commissioner May asked if they're still on task for construction time and are they still moving forward with the timeline.

Mr. Chisholm stated they're actually a little ahead.

Commissioner May stated so that means all the other proceedings, the operational, the interior, the organizational and procedural, everything has to be in place roughly three weeks before ready to go.

Mr. Chisholm answered it would need to be operational by the first of October.

Commissioner Gilliland stated there would be a question about what would happen with the agreement with the county as to whether or not the change would be a breach to the agreement. He doesn't think it would be. The way it would work is with the \$800,000 from the City and county combined is looking like it's going to be 80 percent of the annual funding unfortunately. It may not be 100 percent of the funding but clearly if they lost the county part of it then it would be catastrophic so he wants to make sure that's confirmed. Also the situation with whatever other agreements they've entered into. On the 22nd everyone may come back and say for a few hundred thousand dollars they can buy mats and put them on the floor. That was the Marbut plan. That plan was for everyone to sleep on the floor with a blanket and if goals were met you'd get a mat, pillow and a cot but if the homeless would buy something or get a job interview but didn't come back that night then they'll go back to sleeping on the floor with a blanket.

Mayor Henry stated that's where a lot of the crisis comes in. The City and board seems to have believed that they had to come in with a shelter being just right. If every bed had to cost \$1000 or \$500 then there are things the City has done a lot so they can't keep thinking the City is supposed to come back and do more and more. So they have some decisions to make whether or not those things would be agreeable because the City can't continue to write a check because it's not a project he wants to keep pouring money into.

Commissioner Gilliland stated they canceled the Strategic Planning Session but they are behind schedule and they need to start listing out their priorities. They went through the laundry list at their workshop some weeks ago but asked if he could get someone to send everybody out the list of the

priorities and have the City Commissioner rank them one to ten or one to five because there's no point of ranking them one to 40. If they can get the top six, eight or ten per person then they can start getting it down to a more manageable number of things the City would try to fund for next year. He thought they were going to do it today but it can be emailed out and sent back. He stated he and the City Attorney had some conversations and did research on ordinances in other communities about abandoning golf courses. The south course of Pelican Bay was shut down about a week and a half ago and laid off about half the staff. So now that's a second one out of the City's four clubs and seven golf courses with two that are now abandoned. He's going to work with them to come up with something to bring forward and it probably won't be specific to golf courses but to large undeveloped pieces of property. As of right now, the last communication between anybody with the City and the owner of the club was his meeting with the owner's team because he wasn't in attendance back in early March so clearly it's been a couple of months at this point. He thought they would've submitted an application by now and he's still getting stories from people out there that they're still doing surveys. The initial plan they shared with the City last year was with the City Manager. Development Services told them it wasn't going to go very far and should go back to the drawing board. That plan came out at the end of February beginning of March and it was shared with him and City Manager. There's nothing new to report. He did get a call from a local attorney resident who had believed there was an application submitted to do some development on parts of the golf course which is not true. He stated it's important they try to whether the storm because until they actually have the application and are asked to do something then anything the City does would be a speculation. It's a very difficult thing to navigate but at this point he's not sure of what they would want to come in and do but as soon as they do, there would be another community meeting and share whatever information they do have with the residents of Indigo. The two items that were pulled tonight related to the properties out between LPGA and ISB. One was the proportionate fair share agreement and the residents in Grand Champion have gotten very organized, Mr. Watts from Cobb Cole has been very accommodating with them. He stated there seems to be some confusion. Some of the agreements are old and there's not an understanding of the process because it is amazingly complicated, particularly when they get in proportionate fair share. He stated they do calculations that would say for all the traffic impacts, that's how much they would have to give the county, and as on the agenda tonight, it was \$1.6 million. That's for 600 homes on 391 acres. That gives the county latitude to spend that money on things that are of the greatest priority. He stated his understanding based on the comment from Mr. Watts was there's going to be a conversation between him, someone from the City and from the county on Monday. He stated it's important the City get assurance preferably documented that the stop light at Grand Champion and ISB would be the highest priority. It's projected in their estimates to be \$445,000 out of the \$1.6 million. It's a quarter of the total funds it's an extremely dangerous intersection and would only get worst once they start moving construction vehicles in and out. They're going to cut a new entrance in off of LPGA and hopefully get them to make that their construction entrance. But they have an application in the TPO to put a stop light there but the funding for that is years away.

Mayor Henry asked if Mr. Watts said they weren't going to pay for it.

Commissioner Gilliland stated if it comes back on June 5, 2019 and they agree to it, the proportionate fair share payment would be made of \$1.6 million to the county for the traffic impacts. He stated they don't have a lot of control over that, so they need to get assurance from the County that they're going to prioritize the stop light with those funds preferably as the number one project.

Mayor Henry asked when Mr. Watts told him they were going to pay for it, that's what he meant.

Commissioner Gilliland stated he meant he was going to pay the County and the County was going to put it in.

Mayor Henry stated he didn't make that clear.

Commissioner Gilliland stated no he did not make that clear. There are a lot of neighbors concerned about the densities, construction and a lot of the things would change if the project moves forward. He stated that is one that because it is such an issue from the safety perspective because the number of fatalities that have occurred between I-95 and the I-4 spur, he couldn't imagine that the county wouldn't agree with that being the first thing that's funded.

Mayor Henry asked what he'd suggest if they didn't agree to it. All growth is not good growth. He stated they're going to have to start making decisions about what's good for them and the people that already live here. He stated he's not in the mood for making the people who live in the neighborhoods inconvenienced when the people developing the projects are not paying what they believe is enough or sufficient to either enhance or sustain the quality of life they have where they live.

Commissioner Gilliland stated that would weigh in his deliberation as whether to support rezoning in the proportionate of the fair share agreement.

Mr. Chisholm stated the indication they have from the county is that they're favorable for using those portion of funds for that intersection improvement.

Commissioner Gilliland stated there were three different projects they were prioritizing. He stated he'd like them to do is to get an email from them saying, that it would be the number one priority and it would get done with the first payment that's made to the county.

Mr. Chisholm stated ok.

Mayor Henry stated he wants to go on record to say he's going to be very favorable to the people who live here right now with those type of projects. He stated he wants to grow but he wants to do it in a way that's responsible.

Commissioner Henry stated she's facing the same issue with the people out at the Grand Preserve area. They're very concerned about putting an apartment complex there that comes right out into their area. She stated they have been told they're not going to get any traffic easement. She stated they have done a good job with sending it back for them to redo it to where it does not come out where the traffic flows out of the Grand Preserve. She stated that's not enough. Grand Preserve is already an area where children walk to Hinson Middle School on a highway. It's not really a highway but a very congested road and at this time she can't be in favor of it. She stated it's too much and it's going to be over crowded throwing up apartment complexes in a residential community. She stated in that area they have enough apartments going up. She's not going to support anything that isn't going to be affordable or obtainable housing in zone five. She stated that's where she stands as of now, that's what her constituents want and it's her idea of moving forward. She stated Zone 5 is having a major clean up on June 1, 2019 that's Saturday from 9am to 12 noon.

Commissioner Reed stated when they pass the consent agenda they pass several things at one time and she wanted to point out one thing in particular. She's heard time and time again in regards to the development of MLK, Martin Luther King to Orange Avenue to International Speedway Boulevard. She stated in the agenda after several RFP's, they finally have a company that would do it for them

because service is the price they pay for the space they occupy and they have served the citizens well by finally bringing it to fruition. Saturday May 18th, 2019 at 9:00am to noon is Zone three's clean up. It's on the neighborhoods between Dr. Mary McLeod Bethune Boulevard, George Engram Boulevard, Lincoln Street and Rose Avenue. Next week May 25, 2019 is Zone 6 clean up and it would be from Lincoln Street to Keech Street from Oak Avenue to Dr. Mary McLeod Bethune Boulevard and she needs volunteers. She calls Brittany Presley to talk more about the Crab and Seafood festival.

Brittany Presley, Owner of Divine Designs Event Planning and Decorum located in Daytona Beach. She stated she is a resident in Port Orange and has produced the Crab and Seafood festival for four years now at the Port Orange City center. She stated her gratitude to Mayor Henry and the City Commissioners for allowing her to bring it here. The event has been well received from the midtown community, all over Daytona, South Florida, Central Florida and North Florida. She has 30 vendors and is very proud because it's a lot and out of those vendors 12 of them are food vendors, she has vendors from Miami, Florida, Fort Lauderdale, Jacksonville, Ocala, Florida and Gainesville. She asked everyone to come out and support the event. People are always complaining about nothing going on in the Midtown Community. This is something positive. Also she would like to thank M.C. DC for collaborating with her Ms. Betty Goodman and Mr. Vincent Terry. They have made this event phenomenal and everything easy. So come out this Saturday 11:00 a.m. to 11:00 p.m.

Commissioner Henry stated tell them you first offered it to Daytona Beach. Please make sure that is put out there.

Ms. Presley stated yes she did. Four years ago she put in an application at the City to host the first ever Seafood Festival. It was 10 to 12 months in advance on the date that she put on the application they called exactly one week from that date. She was doing an event in Port Orange and was talking to them and told them she was trying to host a Crab and Seafood Festival and they said bring it there. So she kept it in Port Orange for three years with no issues. Originally, her plan four years ago was to bring it to Daytona. She thanked everyone again. She's forever grateful because she wanted to start it in Daytona and it took her some time four to five years but she's there and would like to keep it there and she would like for it to be an annual event.

Mayor Henry stated he would like to take a moment to brag on Mrs. Presley. He's spent the great majority of his life as an educator and classroom teacher and Brittany was one of his pupils and did a magnificent job and is doing a great job in the community. When she touches something with sincerity it really is beautiful. She's got a hand that really knows how to edify and bring things to life. In addition to that she is the young lady who got an award recently at church for law enforcement. She's a dispatch 911 caller or telecommunicator. She had the case where the young man was talked through a crisis and he was going to commit suicide and she stayed on the phone with him for hours and hours to try to convince him not to take his own life. He eventually did that but not before she engaged him in prayer and it was quite a heroic moment and those of us who have great respect for her work appreciate her. However, this he would be there to support it and encourages everybody in the community to do so.

Commissioner Reed stated indeed Mr. Mayor she guess she took over where he left off because Brittany was in her class at Bethune Cookman. And when she shared the incident in regards she told Mrs. Presley they're bringing it back to the City particularly in the midtown area. So she hopes to see each and every one and think it's something they can be excited about and look forward to.

Commissioner Trager stated on the boardwalk concerts and fireworks begin on the 24th and the 25th. Also on Friday the 17th the Museum of Arts and Sciences is having something about the moon landing from 5:30pm to 7:00pm. Those who know Rob Earhart who used to be with the economy department is retiring now and they had a very moving service for the fallen police officers on the City. She would like to get Chief Capri to tell them a little bit about the fishing.

Craig Capri, Chief of Police stated this Saturday from 10:00am to 1:00pm they have the third annual fishing tournament at Lake Valor. They have a fully stocked pond. The catfish are about that big there's some bass in there and all kinds of stuff in there. So the kids are going to come out, fish and some kids never fish before. They have prizes, fishing poles, they have a DJ and barbecues. It's a big community and they usually get about 100 plus people out there. And when it's over he's going on over to the seafood festival.

Commissioner May asked when Chief Capri would help with the cleanup.

Chief Capri answered he'll do it in the morning. To add about Britney, she does a great job out there at the sheriff's office, a phenomenal job. And the way she handled that call, veterans couldn't handle the call as good as she did. So she does a phenomenal job. He had her as a student at the academy, she's pretty tough, knows how to fight and handle herself on the mat. So I got to tell you she is definitely a great person for this community and what she's doing.

Commissioner Trager asked what time does the fishing start in the morning.

Chief Capri answered 10:00 am. To 1:00 pm at the police department out front with the DJ and food.

Commissioner Trager commented he'll have plenty of time for both of them.

Chief Capri stated he's going to hit all three of them.

Commissioner Delgado stated he had a great clean up. They breezed through it and had a great turnout of the firefighters that came out to help which was great help. They cleaned up part of Zone 2 and talked to Mr. Hardy Smith about doing it on the beach side maybe do a coordinating multi zone cleanup. Otherwise he thinks he's done enough damage tonight.

Commissioner Trager stated she's under the illusion of the City's board. She and Commissioner Trager are the only ones who have been coming to those meetings. She has insisted that once she's realized they gave awards to the departments of various cities, first try to make sure they acknowledge their staff and what they do for the City. One of the City's staff members won an award and the City Commissioners need to be there. She believes they have until tomorrow to RSVP so they need to call Mrs. Bobbie Yarbrough and have a table to support Mr. Charles Bryant when he gets his award on behalf of the City.

Commissioner May asked is that tomorrow night.

Commissioner Reed answered no it's next Thursday but tomorrow is the deadline for the RSVP.

Mayor Henry stated it has been a great meeting and appreciates everyone for agreeing to just let things out and have a good conversation about things. It's a sign of a mature elected body when you can have frank conversations and move through complicated and tough issues without being disgruntled.

12. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 8:38p.m.

13. PUBLIC COMMENT FORUM Convened 8:48pm

Robert (Bob) Hawes, 2101 Debby Place, South Daytona, Florida, Vice President and Curator of the Veterans Museum and Education Center on Beach Street. He invited the Commission to come visit the Museum and informed them that he will be on the Agenda for the June 5, 2019 City Commission Meeting where he will make a presentation regarding their desire to move to the City Island Recreation Center. He gave a description of some of the items that are in the Museum.

Mayor Henry stated to audience and Commission that if they haven't been they should go and see the Museum. He stated when they come on June 5th, he will have the pleasure of making a presentation of a sizeable donation to them on behalf of the City of Daytona Beach that it well deserved.

John Nicholson, 413 North Grandview Avenue, Daytona Beach stated it was fortuitous that Mr. Khan was here because the beachside, Boardwalk and A1A has really been cleaned up. There's rarely a homeless person and he never sees anybody on the street corners; it was well worth \$30,000. He expressed his concerns regarding the landscaping on A1A as this is a tourist area and it looks terrible. He stated his support of the Board members of the First Step Shelter and asked that they not be held responsible for the delay in the First Step Shelter.

Robert Beebe, 541 Champion Ridge Drive, Daytona Beach expressed his concern about not having a traffic light at the entrance of Grand Champion, rezoning and a meeting scheduled for June 15th. He would like to have the issue addressed in the Contract that says the light goes in during Phase I and not wait until Phase II. He wants to make sure that the contract that gets approved in June is what they need to make sure it's in black and white what the developer is going to do so that they have recourse.

Jack Roose, 130 Glen Eagle Drive, Daytona Beach expressed his concerns about no traffic light at entrance of Grand Champion. He wants to know when it's going to be done and who will pay for it. He expressed his concerns about the LPGA Integrated Rezoning proposal and a draft Agreement that was dated in 2017 and was not updated after the Traffic Study was completed. He stated everything is in favor of the Developer and nothing is in favor of quality of life.

Marjorie Johnson, 122 South Keech Street, Daytona Beach expressed her concern about the numerous lawsuits that the City is getting and the subpoena she received tonight. Stated she saw on tonight's Agenda that Martin Luther King from Orange Avenue to International Speedway is being paved. Expressed concerns for other issues in the City and County.

Sandy Murphy, 136 Park Avenue, Daytona Beach expressed her support of inviting the vets to participate in that project regarding the Orange Avenue Recreation Center. She expressed her concerns regarding the Lyndhurst property and the First Step Shelter timeline.

Linda Smiley, 357 Manhattan, Daytona Beach, stated to Mayor Henry that he mentioned something tonight about the citizens and even though she was happy to hear that, the problem is sometimes he says those things but there's no action to follow through with it afterwards.

Mayor Henry responded that his actions in these cases will come when he votes and that he votes according to what he believes is in the best interest of the residents.

Ms. Smiley continued and expressed concerns about the condition of the Orange Avenue Recreation Center. She stated she has been to the Veterans Museum and it's a wonderful facility and that if anyone has not gone, she suggested they do.

Doyle Lewis, Daytona Beach expressed his concerns about the homeless issues, crosswalks, First Step Shelter and the First Step Shelter Board and the opioid use in Daytona Beach.

There being no further discussion or comments the forum was adjourned at 9:10p.m.

DERRICK L. HENRY
Mayor

ATTEST:

Letitia LaMagna
City Clerk

Adopted: July 3, 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 equipme.