

MINUTES

REGULAR MEETING – CITY COMMISSION

June 5, 2019

Minutes of the Regular Business Meeting of the City Commission of The City of Daytona Beach, Florida, held on Wednesday, June 5, 2019 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. Roll Call.

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

4A. APPROVAL OF MINUTES

Approval of the Minutes of the February 13, 2019 Half Cent Sales Tax Workshop and the May 1, 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 Henry. The motion passed 7-to-0 with the breakdown as follows:

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

5. AGENDA APPROVAL

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

Add Addendum Item No. 8G – Allocation of Bike Week Sponsorship Funds to Consent Items.

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

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

6. PRESENTATION

A. City Clerk's Office - Veteran's Museum & Education Center, Inc.

John Brinkley, Founder and President, Veteran Museum & Education Center, stated it is an organization that honors those in our military. He stated they want to give a spotlight to the veterans and create a museum to pay homage to our heroes and educate our young people. He appreciates the support from the community and from the Mayor. Mr. Brinkley played a brief video highlighting the museum. He stated it looks like they are going to have to move the museum. They are negotiating with the owner of the building and they hope they can partner with the City to use one of their vacant building.

Bob Hawes, Vice President and Curator of the Veterans Museum & Education Center, stated he was a Korean War Combat Veteran and is very proud of his service. He stated they want to move the museum to the vacant City Island Recreation Building. He stated they are a major tourist attraction in Daytona Beach stating that Trip Advisor has called a hidden jewel. The museum is a living breathing reminder of some of the fiercest combat that has ever taken place by the military of the United States that has resulted in the freedom that everyone enjoys. The museum is ready for a permanent home. The Museum is a 501c3 non-profit corporation. 100 percent of the donations go to the operation of the museum. They must move from their present location. They request the Commission let them use the Orange Avenue Recreation Center as a tenant. They ask the City to repair and maintain the building. It is near the Memorial Bridge and near the proposed Veterans Memorial Park and feel it would become a trio of magnificence.

Commissioner Trager stated tomorrow is the 75th anniversary of D-Day.

Mayor Henry thanked the speakers for their presentation. He stated he has called it a hidden jewel as well. He is hopeful they can do something to be supportive. He is very supportive of their efforts. The City Manager is trying to determine what this property is going to cost and at some point in the near future they will be able to discuss if there is a route. He stated if they can make this a reality, he feels the location would be a natural fit however, it will take heavy lifting. He stated if the building can be restored they will have to find funding to do so and it is not simply going to rest solely on the City. They need to figure ways as a community to bring it to fruition.

Commissioner Gilliland asked the City Manager about the contract for the evaluation of the center.

James V. Chisholm, City Manager, stated they have awarded the contract and they are working on the evaluation right now. He doesn't have a report back yet.

Commissioner Gilliland clarified that the contract must have been within the City Manager's authority.

Mr. Chisholm stated yes.

B. Presentation - Daytona Tortugas Appreciation Plaque.

Mayor Henry presented an appreciation plaque to the Daytona Tortugas for their contribution of over \$10,000 to the City of Daytona Beach Youth Baseball Program.

7. CITIZENS COMMENTS

No comments

8. CONSENT AGENDA

A. Adopted/Resolution No. 19-122 approving Work Authorization No. 36 under Contract No. 2006- 21, with Zev Cohen and Associates, Inc., 300 Interchange Blvd., Ormond Beach, FL in the amount of \$90,729, for the design, permitting, and construction phase services for the Riverfront Park stormwater outfalls and backflow preventers. The purpose of this request is to obtain engineering services to replace/relocate stormwater outfalls in conjunction with the Riverfront Park Esplanade construction. A RESOLUTION APPROVING WORK AUTHORIZATION NO. 36 UNDER CONTRACT NO. 2006-21 WITH ZEV COHEN AND ASSOCIATES, INC, IN THE AMOUNT OF \$90,729 FOR PROFESSIONAL ENGINEERING SERVICES RELATING TO THE REPLACEMENT/RELOCATION OF THE STORMWATER OUTFALLS W CONJUNCTION WITH THE RIVERFRONT PARK ESPLANADE CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

B. Adopted/Resolution No. 19-123 approving Professional Engineering Consultant Contract No. 19334 with Tetra Tech, Inc., 201 East Pine Street, Suite 1000, Orlando, Florida 32801 for the Potable Water Tank & Pump Station Project in an amount not to exceed \$467,069.49. The purpose of this request is to provide professional engineering services for the design, permitting and bidding of a new 5 million gallon potable water ground storage tank and pump station. Construction of a water tank at 700 Heineman Street will provide a more reliable water source and increased fire protection to the surrounding area. A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PROFESSIONAL SERVICES CONTRACT WITH TETRA TECH, INC, FOR THE POTABLE WATER TANK & PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED \$467,069.49; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

C. Adopted/Resolution No. 19-124 approving Work Authorization No. 17 under Contract 2010-18- CA with Cardno, 380 Park Place Boulevard, Suite 300, Clearwater, Florida 33759 in an amount not to exceed \$27,691. On March 19, 2019, the City and our Brownfield Consultant (Cardno) met with the Florida Department of Environmental Protection (FDEP) to discuss site closure options for the City's former landfill property located on the west side of the intersection of Clyde Morris Blvd and Bellevue Avenue Extension. The FDEP recommended implementing institutional controls (aka deed restrictions) to facilitate getting a No Further Action Order with Conditions (site closure) from the FDEP. The Clyde Morris Boulevard Brownfields site has the presence of a free product contaminant covering approximately 1.7 acres. The Work Authorization will provide for the FDEP requested deed

restrictions. Work to be completed as further described in Cardno proposal dated May 9, 2019. A RESOLUTION APPROVING WORK AUTHORIZATION NO. 17 UNDER CONTRACT NO. 2010-018-CA WITH CARDNO, INC. AND RETAINER AGREEMENT WITH COBB COLE IN AN ACCUMULATIVE AMOUNT NOT TO EXCEED \$27,691, TO PROVIDE ASSISTANCE WITH THE PREPARATION OF DECLARATIONS OF RESTRICTIVE COVENANTS RELATING TO THE FORMER CLYDE MORRIS LANDFILL PROJECT; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE ATTORNEY RETENTION AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

- D. Adopted/Resolution No. 19-125 approving FDOT SUN Trail Network Agreement No. 439870- 1-54-01 and associated Maintenance Memorandum of Agreement (MOA) between the City of Daytona Beach and the Florida Department of Transportation (FDOT), providing reimbursement to the City up to \$100,000 for in-house CEI services and for the re-stripping of Ballough Road to provide a 10 to 11-foot wide shared use path with a 5-foot buffer; and to agree to accept all future maintenance and attendant costs thereof in return for receipt of funding from the Department; and directing the Budget Officer to amend the budget. A RESOLUTION APPROVING A SUN TRAIL NETWORK AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, PROVIDING FOR REIMBURSEMENT TO THE CITY OF AN AMOUNT NOT TO EXCEED \$100,000 TO STMPPE THE 10 TO 11-FOOT-WIDE SHARED USE SWEETHEART TRAIL WITH A 5-FOOT BUFFER ACROSS THE BALLOUGH ROAD BRIDGE AND FOR IN-HOUSE CEI SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AUTHORIZING AMENDMENT OF THE APPLICABLE FISCAL YEAR BUDGET AND EXPENDITURE OF ALL FUNDS AWARDED; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT DOCUMENTS, SUBJECT TO CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.
- E. Adopted/Resolution No. 19-126 accepting the submerged lands easement renewal with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for Manatee Island. The submerged lands easement unintentionally expired in October 2018, so this easement is for a fifty year term spanning from October 2018 to October 2068. There is no fee associated with this easement renewal in accordance with Resolution 88-323 waiver request. A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SOVEREIGNTY SUBMERGED LANDS EASEMENT RENEWAL WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR MANATEE ISLAND'S ACCESS BRIDGE WITH A COMMENCING DATE OF OCTOBER 25, 2018 AND EXPIRING OCTOBER 25, 2068, IN CONNECTION WITH EXISTING EASEMENT NO. 00049; AND PROVIDING AN EFFECTIVE DATE.
- F. Adopted/Resolution No. 19-127 authorizing the first of two 5-year golf course maintenance service contract renewal options with BrightView Golf Maintenance, Inc., 24151 Ventura Boulevard, Calabasas, CA 91302 for \$1,210,828.60 with stipulations to amend the contract allowing:
- BrightView to purchase course maintenance equipment at a cost of \$736,273;
 - Add an Annual Equipment Fee of \$147,254.60 for a 5-year repayment term so that the City will own all purchased equipment at the end of that term; and
 - Reduce the annual Repair Budget by \$27,700.

Funds are currently available for the remainder of FY 2019 until 09-30-19 for the golf course maintenance service contract. Funding for both the golf course Annual Maintenance Fee and Annual Equipment Fee beginning FY 2020, October 1st, 2019 and ending FY 2024, September 30th, 2024, will be available annually in the Golf Course Fund accounts contingent annual budget approvals. A

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE GOLF COURSE MAINTENANCE SERVICES CONTRACT WITH BRIGHTVIEW GOLF MAINTENANCE, INC, ("BRIGHTVIEW"), f/k/a VALLEYCREST GOLF COURSE MAINTENANCE, INC. ; RENEWING THE CONTRACT FOR THE INITIAL RENEWAL TERM OF FIVE YEARS, REQUIRING BRIGHTVIEW TO PURCHASE CERTAIN EQUIPMENT NEEDED TO PERFORM MAINTENANCE SERVICES, AND PROVIDING FOR CITY REIMBURSEMENT OF BRIGHTVIEW'S COST TO PURCHASE THE EQUIPMENT, SUBJECT TO CONDITIONS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

G. Adopted/Resolution No. 19-128 authorizing payment in the amount of:

\$500 to Black Educators Rock, Inc., for Divine Designs Event Planning & Decor's Emerald Ball, being held on Friday, June 14, 2019 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 Henry. The motion passed 7-to-0 with the breakdown as follows:

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

9. PUBLIC HEARINGS

- A. Continued/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 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 PRD^CIPAL 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, FIDM-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.

The applicant requested that the item be continued until the July 3rd 2019 City Commission meeting.

It was moved by Commissioner Reed to continue the Ordinance. Seconded by Commissioner Delgado. The motion passed 7-to-0 with the breakdown as follows:

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

- B. Adopted/Ordinance No. 19-129 amending The Memorial Health Systems, Inc. Planned District Agreement to 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 second and final 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 STANDARDS; 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 Trager to adopt the Ordinance. Seconded by Commissioner Gilliland. The was adopted 7-to-0 with the breakdown as follows:

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

- C. 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. City Clerk LaMagna read the ordinance by title only. 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.

The applicant requested that the item be continued until the July 3rd 2019 City Commission meeting.

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

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

D. 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. City Clerk LaMagna read the Resolution by title only. 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.

The applicant requested that the item be continued until the July 3rd 2019 City Commission meeting.

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

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

E. Adopted/Resolution No. 19-130 approving a partial replat of Latitude at Daytona Beach Phase 1 Preliminary and Final Plats. The subject property (.702 acres) is generally located on the north side of LPGA Boulevard, west of I-95. Ordinance No. 16-267 adopted at the September 21, 2016 City Commission Meeting approved the Final plat. City Clerk LaMagna read the Resolution by title only. A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR LATITUDE AT DAYTONA BEACH REPEAT, A PARTIAL REPLAT OF LOTS 77-82 OF THE LATITUDE AT DAYTONA PHASE 1 PLAT, TOTALING APPROXIMATELY 0.702 ACRES LOCATED ON THE NORTH SIDE OF LPGA BOULEVARD, WEST OF I-95; 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 Resolution was adopted 7-to-0 with the breakdown as follows:

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

- F. Passed/Ordinance adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Element, Neighborhood S, Issue (j), to permit an additional 150 residential units for a total of 550 units on approximately 14.47± acres generally located north of Mason Avenue and west of Williamson Boulevard. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Jeff Preston, Tomoka Town Center Phase 1, LLC. City Clerk LaMagna read the ordinance on first reading by title only. AN ORDINANCE ADOPTING A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT IN ACCORDANCE WITH CH. 163, PART II, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE ELEMENT, NEIGHBORHOOD "S" TO DECREASE NON-RESIDENTIAL DEVELOPMENT FLOOR AREA RATIOS AND INCREASE RESIDENTIAL DENSITY FOR APPROXIMATELY 14.47± ACRES GENERALLY LOCATED NORTH OF MASON AVENUE AND WEST OF WILLIAMSON BOULEVARD; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

No comments

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

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

- G. Passed/Ordinance amending the Land Development Code (LDC), Article 5, Section 5.4.B.2. (Prohibited Temporary Uses and Structures) and Tables 5.4.B.5, 6, & 7 (Temporary Use/Structure Tables) to allow for mobile food vending as a temporary use in all zoning districts. Applicant: Development and administrative Services Department, Planning Division. City Clerk LaMagna read the ordinance on first reading by title only. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 5 § 5.4 TEMPORARY USES AND STRUCTURES TO ALLOW FOR MOBILE FOOD VENDING AS A TEMPORARY USE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Lisa Psaros, 203 N Atlantic Avenue stated she feels that mobile food vendors will hurt the beachside businesses and feels it will discourage investment in the area.

Commissioner Trager stated that she would like to make an amendment to take the tourist areas out of the Ordinance as well as government owned property including the Ocean Center.

Robert Jagger, City Attorney, stated this is not the correct segment. They are currently on the zoning segment and Commissioner Trager is referring to Code, which is the next item. He stated they did draft at the Commission's request the exclusion of the allowance of food trucks along certain tourist districts or on more tourist based thoroughfares. The trucks have been excluded from Atlantic Avenue, Seabreeze Boulevard, Oakridge Boulevard, Main Street, ISB and Beach Street.

Commissioner Trager stated the table shows mobile food vendors were allowed in districts T1, T2, T4, and T5.

Mr. Jagger stated that yes that is correct. The food trucks would be allowed in all districts subject to the Code of Ordinances which they will be adopting in the next item.

Commissioner Trager asked why it was in the table.

Jim Morris, Deputy City Manager explained that the item they were currently on was the general terms and provisions, and the next item coming up deals with spacing and prohibited areas. He stated her comments better fit the next item on the agenda, item 10A.

Commissioner Trager asked about the tourist districts T1, T2, T4, and T5.

Mr. Morris stated that there are tourist districts that may not be on the beachside area that have that kind of zoning. The item now is a general provision and when you look at the language it does not speak to the subject matter. The subject is the next item which is where you'll deal with the substance of where they're excluded and the exclusion is there. It does allow things to be within 250 feet from the edge of certain things.

Commissioner Trager asked about government facilities because there were food trucks about a month ago at Ocean Park.

Mr. Morris stated that would all come up in the next item.

Commissioner Trager asked if she can bring her amendment to the next item.

Mr. Morris stated yes, she could.

Commissioner May asked if they say yes to it in the first part does it create a precedent.

Mr. Morris stated no, the Code of Ordinances deals with specifics in terms of some operational requirements. Your Land Development Code is more permitted uses in neighborhoods and things you can do. The next item is where you deal with the parts and in particular the beachside area there are specific streets in 10A that are beachside streets and there's spacing of 250 feet within those streets. The way the Land Development Code and Code of Ordinances works you've actually got two companion documents that work together but you don't amend the Land Development Code with the zoning ordinance and likewise you don't amend the zoning ordinance or Land Development Code in the general provision section.

Commissioner Delgado asked if they were to change the Land Development Code would they have specific provisions on the Code of Ordinances.

Mr. Morris said it's the inverse, but it is a proper reference. The Land Development Code deals with the spacing and requirements like with things such as parking are in 10A.

Commissioner Delgado asked if we would first allow food trucks in all areas and then we would go in and specifically allow them but more clearly in 10A.

Mr. Morris stated that was correct.

Commissioner Delgado stated it was apparent these two things were related and the uses have to comply with the specific restrictions and regulations set up in the Code of Ordinances.

Mr. Morris stated that was correct.

Commissioner Gilliland asked what would happen if 10A failed.

Mr. Morris stated that if 10A failed there would be no place in the Land Development Code that permits it. Your Land Development Code authorizes the activity on the land. In 10A you deal with not only excluded streets you also deal with parking requirements and waste removal. Without it the approach is stillborn.

Commissioner May asked that at this moment are they still special events. If they want to have an event they need to go through permitting. This is not impacted.

Mr. Morris stated yes, that is correct.

Mr. Jagger stated that if they moved on to 10A and it failed entirely then you would want to file a motion to reconsider 9G. However, if they get to 10A and they just had some tweaks that they bring back on second reading then they would leave 9G in place and both would be adopted at the same time in the next meeting.

It was moved by Commissioner Delgado to pass the Ordinance on first reading . Seconded by Commissioner Reed. The Ordinance passed 6-to-1 with the breakdown as follows:

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

10. ADMINISTRATIVE HEARINGS

- A. Passed/Ordinance creating Chapter 103 (Mobile Food Vendors) to the Code of Ordinances to add regulations and licensing requirements for Mobile Food Vendors to provide the City with a new business market. City Clerk LaMagna read the ordinance on first reading by title only. AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES CREATING CHAPTER 103, MOBILE FOOD VENDORS, ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR MOBILE FOOD VENDING; PROVIDING FOR REGULATIONS; PROVIDING A SUNSET DATE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Trager asked if this is where she put her amendment in.

James Morris, Deputy City Manager suggested she refer to the memorandum that begins at page 525. He stated that would give her an itemized list of the things she is concerned with.

Commissioner Trager asked where she would find the government.

Mr. Morris stated if she turned to the five pages 526, it's in the body of the Ordinance.

Commissioner Gilliland stated the fourth to last bullet on page 526 says mobile food vending shall not occur on public property unless the mobile food vendor has written consent from a government entity owning the property.

Robert Jagger, City Attorney stated that's accurate, it's not allowed in the right-of-way either.

Commissioner Trager stated it doesn't say it's forbidden it just says they have to get permission.

Commissioner Gilliland asked if the County be able to authorize the Ocean Center.

Commissioner Trager stated it sounds like they could have it seven days a week, eight hours a day.

Mr. Morris stated it doesn't dictate hours and the short answer is yes it could.

Commissioner Trager stated she'd like to put an amendment that it not be allowed.

Mr. Jagger stated with regard to the Ocean Center example, they would not be allowed within 200 feet of the edge of right of way for the Atlantic, it would be set off.

Mr. Morris stated her request is to amend to delete that provision they haven't gotten yet to the 250 feet from the streets.

Commissioner Gilliland asked what if the fourth last bullet change to mobile food vending shall not occur on public property and remove the piece where it's allowed by consent that way it's prohibited. He asked what would that do if he wanted to do a food truck rally in one of our parks.

Mr. Morris stated Commissioner May brought up that point in respect to special events; he stated special events are not governed it, it is a general provision.

Commissioner Trager asked if that would be temporary for special events.

Mr. Morris stated it would be based on a special events permit issued and that goes through the process. He stated there is language in the ordinance proposal that exempts special events.

Commissioner Trager stated that's what she would like the amendment for.

Commissioner Delgado stated he didn't understand the harm she was trying to avoid with her amendment.

Commissioner Trager stated she was trying to avoid seven days a week eight hours a day mobile food trucks that are more or less permanent institutions not just during festivals or something else. She stated she wants to protect our small business owners primarily who make the majority of their money during special events. She stated they need to foster small businesses in the city and keep money here in the city with permanent residents not allow a lot of outsiders in, make the money and take it with them. She stated her primary concern is looking out for our residents.

Commissioner Gilliland referred to the northwest corner of Wild Olive and Main Street, which is owned by the County and they do a static display with Indian Motorcycle. He asked if that would be prohibited because it's on Main Street even though it's public property.

Mr. Morris stated it would not be prohibited because it's also not vending. He stated that's a static display, which does not have sales, and they're specifically limited to static display.

Commissioner Gilliland stated it would not be prohibited under this because it's on Main Street.

Mr. Jagger stated the 250 feet from Main Street, also if it's a vacant lot. He's not sure what that parcel is but if it's a vacant lot it would also be prohibited. He stated the food trucks are only allowed unimproved lots.

Mr. Morris stated they do have parking of sorts on that piece of property. He stated from the standpoint of the 250 feet from the edge of Main Street to the back of that property. Once you've taken 250 out of it there's very little left.

Commissioner Gilliland stated he was trying to think of a County owned piece property where this could be detrimental. He stated the large parking lot they have for the Ocean Center that's on Hollywood and Auditorium southeast corner that would be allowed if they chose to permit it.

Mayor Henry asked if someone wanted to put a food truck there why would they not want to do it.

Commissioner Trager stated she didn't mind it sporadically, she doesn't want it permanently. She stated if they want to do permanent business they should build a bricks and mortar building and maybe have it on their parking lot or something but they should show intent that they want to stay here and be a part of the community.

Commissioner May asked if they were saying that they could have the same food truck get there every day to the same spot and move every night and that's considered a fresh start every day.

Mr. Morris stated the fresh start of the timeline isn't really the instance, the instance is that there aren't any days limited. He stated there are no time limits in terms of the number of days a truck could use a site.

Commissioner May asked if they could be there just everyday pack up.

Mr. Morris stated, theoretically that's possible. He stated that in practice, that isn't what ordinarily occurs, but in theory it could occur.

Commissioner Delgado stated in theory there may be a lot more problems than they expect would ever actually happen. He stated as a backup to this not only do they have a lot of restrictions but they also have one year.

Commissioner Trager stated that wasn't in there.

Mr. Morris stated it's under the small three eyes at the top of the page.

Commissioner Delgado stated they have a sun-setting period of a year. He stated he didn't think that there would be any harm based on all the limitations. He stated there might be some areas where it be possible to have the food truck appear every day but they run the risk of overregulating this the point where it's just so cumbersome that no one is going to do it. He stated unless they have a real specific concern that they can demonstrate a real harm they should let this go as it is and if there's a problem they can always deal with it in the sunset provision as they had originally planned. He stated the economics are going to drive this and the concern about one thing that may or may not happen is not what they should be voting on.

Commissioner Trager stated when the license fee is only a mere hundred dollars. That is a very disincentive for that vendor to apply for a permanent place or to try to get them in place. She stated there is no incentive for them to do that.

Mr. Jagger stated per vehicle.

Mr. Morris asked the Commissioner to look at page 529 item D, which is about the middle. He stated hours of operation are limited to eight hours a day.

Commissioner Trager stated she was looking on 530 at the bottom of the page.

Mr. Jagger stated the license fee is limited or required, its one hundred dollars per vehicle.

Commissioner Trager stated for the whole year, not per place.

Mr. Jagger stated until the sunset date.

Commissioner May asked if they went with the sunset, if something occurred before the sunset that they could revisit this at any time.

Mr. Morris stated he believe that comment was made at the meeting but didn't recall specifically.

Mr. Jagger stated they could certainly revisit it anytime and make amendments upon the majority vote.

Commissioner Gilliland asked if the license fee were dictated by the state where you can only charge what it costs to administratively process and issue the license.

Mr. Jagger stated that's correct.

Commissioner Gilliland stated it isn't like a liquor license where they buy a commodity that they could resell at a later date.

Mr. Jagger stated the license fee needs to be tied in to administrative cost of administering the license.

Commissioner Delgado asked if it can't be set as a barrier to entry, it has to be tied to their actual cost.

Commissioner Trager stated doesn't feel that this would be a good thing for the City.

Mayor Henry stated Food trucks are not free. He stated when a person invests in a food truck, they are investing a substantial amount of money. He stated as they move into a modern economy, things are changing from brick and mortar and there is a reason that food trucks are in other municipalities across the country. In some cases, it's better to have food trucks because the brick and mortar buildings

you can do other things with. He stated this is an experiment. It is not a permanent solution to anything. He stated it's an experiment that they are endeavoring to engage in as a community and he doesn't want to discourage it. He stated he wants to see if they can add to the variety of the community.

Commissioner Trager stated she wouldn't mind a certain number of days or a festival of food trucks or something like that, but the idea that they can operate a mobile food truck for eight hours seven days a week 365 days a year seems to be not temporary but very permanent.

Commissioner Gilliland stated he's not a huge fan of this but he's willing to give it a shot. He stated it's about as restrictive as they can make it. He stated they did not protect any corridors on the mainland. He stated he's ok in his zone because what he's going to see is places like Teledyne and place on Williamson that will stop by at lunchtime. He stated there places that are not easily accessible restaurants and you have a lot of hourly employees that don't have a lot of time to get out of work and drive some. He stated he wants to see how it works out and he'll be the first one to make the motion if they see some unintended consequences. He stated from a regulatory perspective this is as much as they can tighten it without strangling it.

Mayor Henry stated if there are no other comments they will vote.

Letitia LaMagna, City Clerk asked if they need to do anything with the amendment.

Commissioner Trager stated she made the amendment but nobody second.

It was moved by Commissioner Gilliland to pass the Ordinance on first reading. Seconded by Commissioner Delgado. The Ordinance passed 5-to-2 with the breakdown as follows:

Commissioner Gilliland	Yea
Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	No
Commissioner Delgado	Yea
Commissioner May	No
Mayor Henry	Yea

- B. Passed/Ordinance amending the Tomoka Town Center Planned District Agreement to increase the number of dwelling units permitted on the property to 550 dwelling units, modify the approved lot development criteria and update the approved signage on property located north of Mason Avenue and west of Williamson Boulevard, and authorizing the Mayor to execute the First Amendment to Tomoka Town Center Planned District Agreement. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Tomoka Town Center Phase 1, LLC; Tomoka Town Center 2 LLC, Tomoka Town Center 3, LLC, Madison Pointe Housing LLC; Tomoka Pointe Housing LP; and Indigo Development LLC. City Clerk LaMagna read the Ordinance on first reading by title only. AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE TOMOKA TOWN CENTER PLANNED DISTRICT AGREEMENT, TO INCREASE THE NUMBER OF PERMITTED DWELLING UNITS, INCREASE MAXIMUM BUILDING HEIGHT, REDUCE THE FLOOR AREA RATIO, MODIFY LOT DEVELOPMENT CRITERIA, AND MODIFY PERMITTED SIGNAGE; 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.

Commissioner Trager stated she'd like to ask Mr. Merrill a question. She stated they want to increase the height from 75 feet to 95 feet, she asked how many stories is that.

Rob Merrill, 149 S. Ridgewood for Cobb Cole stated he don't know for sure, he thinks it's two more stories. He stated the idea is that there's going be a hotel here and one of the things that you see on the agenda is the additional units for the apartments they talked about earlier. He stated this is kind of a tradeoff between the FAR and the commercial properties as they discussed balanced against the additional hundred fifty units. He stated there are 400 that's left in there in the comp plan and they had 150 because apartments are coming to this this area of the City.

Commissioner Trager asked is it maybe 10 feet high maybe 25.

Mr. Merrill the difference was 20 feet, so it depends on the ceiling height. He stated he's not the engineer or the architect but intuitively he could tell them a couple more stories. He stated what happened is some of the hotel developers have come into the project and said they needed more height, so that's why it's there. He stated they are in first reading so they can talk about it at the public hearing if they'd like or before then.

Commissioner Trager asked if he could find out.

Mr. Merrill stated yes. He stated he didn't think there was a definite answer because it's not a project in front of them, it's just at the comp plan stage and they're trying to make sure that the hotel folks that they've been talking to would be accommodated by this additional height.

Commissioner Trager stated on page 541 it says planning note; staff has not yet received authorization from all the property owners within the boundaries of the PD agreement prior to city commission the applicant will be required to provide authorization from all property owners for the proposed PD amendment.

Mr. Merrill stated they have all that now. Everybody's consented to it. There are multiple parties in this PD and in the in the comp planner. He stated there's been zero objection by anybody who had neighborhood meetings; they've had the TRT process, which has been months coming and then the planning board meeting.

Commissioner Trager stated before they vote on this they should have all the duck in a row.

Mr. Merrill stated she's talking about there is the authorizations of the various property owners that are right there part and they're part of the project, they're the developers and somebody was on vacation in that note that you saw there something to that effect. He stated that's not an issue. He stated it's not a substantive comment.

Mayor Henry asked if there were any other questions.

It was moved by Commissioner Gilliland to pass the Ordinance on first reading. Seconded by Commissioner Delgado. The motion passed 6-to-1 with the breakdown as follows:

Commissioner Gilliland	Yea
Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	No
Commissioner Delgado	Yea
Commissioner May	Yea
Mayor Henry	Yea

- C. Passed/Ordinance amending the LPGA Superwash Express III Planned District Agreement to modify the approved ground signs for the development on 7+/- acres generally located at the southeast corner of LPGA Boulevard and N. Clyde Morris Boulevard, and authorizing the Mayor to execute the First Amendment to the LPGA Superwash Express III Planned District Agreement. Applicant: Mark Karet, Zev Cohen & Associates, Inc., on behalf of Paul Bradley, Superwash IV, Inc. City Clerk LaMagna read the Ordinance on first reading by title only. AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE LPGA SUPERWASH EXPRESS III PLANNED DISTRICT AGREEMENT, TO MODIFY THE APPROVED SIGNAGE FOR THE PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF CLYDE MORRIS BOULEVARD, SOUTH OF LPGA BOULEVARD; 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 Trager to pass the Ordinance on first reading. Seconded by Commissioner Henry. The Ordinance passed 7-to-0 with the breakdown as follows:

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

D. Passed/Ordinance adopting a Small Scale Comprehensive Plan Amendment (SSCPA) amending the Future Land Use Map designation from Commercial Mixed Use to High Intensity Mixed Use for 1.96± acres of land located northeast of the intersection of International Speedway Boulevard and Ridgewood Boulevard and amending the Future Land Use Element, Neighborhood E, to increase the density from 40 du/ac to 150 du/ac and re-establish the FAR as 10 for the entire 5.99± acres. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of DB Mainland, LLC. City Clerk LaMagna read the Ordinance on first reading by title only. AN ORDINANCE ADOPTING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT IN ACCORDANCE WITH §163. 3187, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP DESIGNATION OF 1.96± ACRES OF PROPERTY ON THE EAST SIDE OF NORTH RIDGEWOOD AVENUE, BETWEEN WEST INTERNATIONAL SPEEDWAY BOULEVARD AND BAY STREET, FROM "COMMERCIAL MIXED USE" TO "HIGH INTENSITY MIXED USE"; AMENDING THE FUTURE LAND USE ELEMENT, NEIGHBORHOOD E, TO INCREASE DENSITY AND ESTABLISH A FLOOR AREA RATIO FOR 5.99± ACRES OF PROPERTY WITHIN THE CITY BLOCK BOUNDED BY WEST INTERNATIONAL SPEEDWAY BOULEVARD, NORTH RIDGEWOOD AVENUE, BAY STREET, PALMETTO AVENUE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

No comments

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

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

E. Passed/Ordinance Approving a request to rezone 5.99± acres of land located in the block bounded by W. International Speedway Blvd., N. Ridgewood Avenue, Bay Street, and N. Palmetto Avenue, from Downtown Redevelopment - Central Business District (RDD-2) and Downtown Redevelopment - Commercial (RDD-3) to Planned Development-Redevelopment (PD-RD) to facilitate development of a mixed-use commercial development, and authorizing the Mayor to execute the Project Delta West Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Mainland DB, 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 5.99± ACRES OF PROPERTY LOCATED WITHIN THE CITY BLOCK BOUNDED BY WEST INTERNATIONAL SPEEDWAY BOULEVARD, NORTH RIDGEWOOD AVENUE, BAY STREET, AND NORTH PALMETTO AVENUE, FROM RDD-2 (DOWNTOWN REDEVELOPMENT - CENTRAL BUSINESS DISTRICT) AND RDD-3 (DOWNTOWN FIEDEVELOPMENT COMMERCIAL) TO PD-RD (PLANNED DEVELOPMENTREDEVELOPMENT); APPROVING THE PROJECT DELTA WEST PLANNED DISTRICT AGREEMENT WITH DB MAINLAND LLC, PROVIDING FOR THE REDEVELOPMENT OF THE PROPERTY AS MIXED USE COMMERCIAL, SUBJECT TO CONDITIONS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE PLANNED DISTRICT AGREEMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

No comments

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

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

- F. Passed/Ordinance amending chapter 46, city code to amend Article II, Section 46-26 entitled “Appropriation of Fund Balance/Retained Earnings and Fund Balance/Retained Earnings Reserve Levels” and Section 46-91 entitled “Lapse of Appropriation” to clarify the policy as it relates to the segregated budgetary cash reserves, renewal and replacement funds and beginning budgetary fund balance for purpose of the annual fiscal integrity. City Clerk LaMagna read the Ordinance on first reading by title only . AN ORDINANCE AMENDING CHAPTER 46, CITY CODE TO AMEND ARTICLE II, SECTION 46-26 ENTITLED "APPROPRIATION OF FUND BALANCE/RETAINED EARNINGS AND FUND BALANCE/RETAINED EARNINGS RESERVE LEVELS" AND SECTION 46-91 ENTITLED "LAPSE OF APPROPRIATION" TO CLARIFY THE POLICY AS IT RELATES TO THE SEGREGATED BUDGETARY CASH RESERVES, RENEWAL AND REPLACEMENT FUNDS AND BEGINNING BUDGETARY FUND BALANCE FOR PURPOSE OF THE ANNUAL FISCAL INTEGRITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Commissioner May stated that right now the City Manager is authorized to spend up to twenty five thousand dollars. What does this do in effect?

Fredrik Coulter, Budget Officer stated nothing, this is a duplication of language that is currently in the purchasing ordinances and by having the same dollar figure in two separate places what you've made is if any one of them gets mended then they have contradictory ordinances. What he's doing is simplifying it so that the purchasing ordinance, which is where you'd expect to find this information, is the only place that gives a purchasing limit. This is not in any way change the purchasing ordinance.

Commissioner May stated the rules stay the same and greater than \$25,000 has to come before the commission first.

Mr. Coulter stated yes as part of the Ordinance.

Commissioner May referred to page three, paragraph two. She stated it says to expand replace infrastructure is deemed necessary by the city manager that entire section, the part they took out was that if somebody new comes in and wants to build or wants to do anything, they would incur the cost of the infrastructure. She asked as it reads now do they incur the cost of the investment.

Mr. Coulter stated that section 1 through 5 on the next page are what we can spend the R and R money on. That's the section that was removed has nothing whatsoever to do with spending R and R money. Is was put in there 12 years ago when it was written but it has nothing to do with the 8 percent R and R fund.

Commissioner May referred to a part about using funds for water sewer, storm water and infrastructure. She asked if part of it is going toward that as deemed by the City Manager.

Mr. Coulter stated yes, the 8 percent, that fund is already in existence and it's just going to continue as it has been.

Commissioner May asked why they only got this at about 2 o'clock today.

Mr. Coulter stated it was originally in the other section and when Bob looked at is memo he asked why it wasn't in the ordinance and so there's a whole new section of definitions. There were awkwardly worded sentence that was in there. The initial draft was more policy type not ordinance type and so they were removed. That's the changes that were made.

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

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

11. COMMISSION COMMENTS

Commissioner Gilliland stated he's disappointed the sales tax didn't pass but it did pass in Daytona Beach and South Daytona. He stated Daytona did a very good job with public education and people understood they were going to see improvements in their neighborhoods as something good for them. Unfortunately there was a lot of social media, the news journal and radio folks doing a poor job of confusing voters about what it was about. Anyone who talked about impact fees under the same breath with half cent sales tax, did not know what they were talking about and it creates a problem now because unfortunately the people who voted no will have to suffer. He appreciates the work being done from Cobb Cole, the developers of the integrated LPGA and working with the Grand Champion to try and do what they can at this point to improve that neighborhood as much as possible. He still very hopeful the stoplight will happen and believes the whether or not they want to give the City money and have them build the light or whether have them build the light. He'll be much more comfortable with them building the light because if there's any overrun they'll be up for it as opposed to it coming the other way. He talked with John Chaney, this morning at the TPO executive committee meeting and it sounds like because of a future widening plan there, the pole would have to be set 30 feet back from the edge of that. It will not be an easy or inexpensive stop light to put in. He had a meeting at the police department with the folks from Indigo Pines they're nervous and uncomfortable. The largest investment you make in your life is your home, and they're all looking at declining values and if they are increasing, it's increasing at a rate less than other communities because of the uncertainty of the golf course. The meeting on March 7, 2019 was the last time he and the others had any communication with the owner and his development team in the City. He said they will get something eventually and will want to share it with the folks living out there. Lastly, the reporting with the news journal has gotten very abasement and one of their anonymous wrote something about City Island. He stated had that person read the article they wouldn't have made as many mistakes in their editorial. City Island isn't going to get developed. They need grant money out there. The grant money would have to refund it. They just locked up the park Hyatt C.C. Brown Riverfront Esplanade. The county controls the library and the court house so they don't have deed restrictions and would have the ability to move forward. Jackie Robinson Ball Park is not going anywhere and the only thing

out there that looks like it has development potential is the old Army Reserved Center out by Halifax Harbor which is in a chain linked fence and bricked building. There's some guy in Port Orange, who's about to have a heart attack over something that's not going to happen and it's all because he's been misinformed by the new journal. He stated he's going to call Pat Rice and talk to him about it. The lack of trust in city government isn't because of what the City's doing, it's because of what they're doing. When you get bad information circulating in your community at that level, people repeating it on social media, then the City's stuck spending their time trying to correct information as opposed to trying to do things like creating jobs and opportunities for people.

Commissioner Henry stated the ribbon cutting ceremony for the Super Wash was today and it is something to behold. It's a very high tech super wash event. The Zone 5 cleanup was this weekend and she wants to thank the police officers, firefighters, public works and people from the different zones and communities showed up. She thank s everyone because within an hour and a half to two hours tops they were able to make a good dent in the trash and liter in the community and also thanks her county commissioner for coming out as well. She stated one thing that was left out of the panhandling was when the little leaguers do their carwashes, it's considered panhandling. So the little leaguers had a carwash not too long ago and she received frantic calls around 7:00 – 8:00 am in the morning because police were called on them for panhandling. Chief Capri did a great job asking the little leaguers to move their signs back onto the property but she felt that wasn't the intent of the panhandling. She would like for them to be able to have their carwashes and make their money so they wouldn't have to come and ask the City to fund all of their events so she wonders if anything can be done at all.

Robert Jagger, City Attorney stated he'll look into it but doesn't think the panhandling ordinance is applied that way but there may be an issue with people in the right of way and safety issues.

Mayor Henry asked where they asking for money or for people to come to their carwash.

Commissioner Henry answered to the carwash.

Mr. Jagger stated he doesn't think that would violate the panhandling ordinance.

Craig Capri, Chief of Police stated it was just a miscommunication, problem resolved. Everybody's happy and they won't have those problems in the future.

Commissioner Henry stated she got calls already to see if there were going to be problems coming up.

Chief Capri stated he talked with some people and assured them it's totally separate.

Commissioner Henry stated she wants to offer her deepest condolences for Dr. Durham on the passing of his mother. Also, she wants Chief Capri to talk about the stem program that's coming up and thanks him for helping because it's something the City has looked forward to.

Chief Capri stated the stem camps a go, it filled up pretty quick, added more seats and were really flexible with it. It starts July 15th – July 18th. lunch will be served to the kids and the whole program has everything to do with science. There's close to 40 kids in there now and it will be a four day event at the police department.

Commissioner Henry stated she thinks it's wonderful because it will give children the opportunity to come to the police station and see it as a positive interaction.

Chief Capri stated a lot of kids aren't into sports, some are into science and there's nothing wrong with that if they can give them that exposure. There's a good support from a lot of people who volunteered and made it happen. Lastly, he thanks Commissioner Henry for pushing him in that direction.

Commissioner Henry stated she's been getting complaints about speeding and drugs in Zone 5 and Chief Capri has been doing a phenomenal job with the DEA, Sheriff's Department and FBI.

Chief Capri stated he's working those cases and there are more to come. He gave some example of things they've been doing. He stated years ago it was a problem area and now it's not a problem anymore. He's talked with the residents and they thanked him for cleaning it up because they were a little scared. So as soon as they called he reacted. It was 100 plus people in two months and a lot of them are going federal.

Mayor Henry stated he wants to add to the portion of the panhandling. He doesn't think he's received anything that the City has done since he's been in office a more positive expression from the residents than that particular ordinance. He's sorry for the problem it has caused the children and doesn't know of anything that's been well received.

Commissioner Reed stated she has an individual that resides on the corner of International Speedway Boulevard and Martin Luther King rubbing his tummy saying he's hungry and stretching his hand out. She asked if they could go by there more frequently. Bruce McNorton is a native of Daytona and retired NFL football player and currently a scout for the Pittsburgh Steelers. He purchased some property on Mary McLeod Bethune Boulevard and has been in the process of developing for the past two years and he's come to some hiccups, not sure if he understands or if the City's rules and regulations are too strict but she's asked the City manager to look into it. Mr. McNorton purchased the old Singleton's cleaners and was looking to prepare something for adults to have somewhere to go. She's looking forward to that to come into fruition but thought two years was a bit long for someone trying to do something positive. Mount Bethel Baptist Church is the oldest African American church in the City, its experiencing devastating damages from two major hurricanes that occurred. They're in desperate need of repairing a historical icon. She researched on the City's historic website and the church primary founder and first pastor was Joseph Brook Hankerson who was elected as the City's first African American counsel man in 1898. The renowned theologian and City native Howard Thurman and the late Yvonne Scarlet Golden were members of the church. She said it's the church she grew up in as well. They're not a national historical landmark but are on the City's African American historical trail. However, they have gone through small business loans and received \$495,000 loan but yet it's still not enough. She's going to put a plea out and knows that the news journal will do a story on it sometime next week but she just wanted to make it a matter of record that the church is in dire need and they can call Ms. Petra Smiley at 255-2562 to help assist the church in maintaining the history it has in the City. She wants to recognize two employees, one is Adam who has 25 years of Fire EMS experience. He served the City for 10 of those years, was the first fire paramedic, substituted for lieutenants while they were on vacation, has held the title of the EMT of the year and has spent 10 years on the executive board of the fire union counsel. In the past three plus years he's been the union president but because of family health issues he's accepted a position in Deltona, Florida. He's done such a service for the City. A Volusia league of cities recognized Mr. Charles Bryant as the community planning and development employee of the year. Although he works in redevelopment but his services to the community for the first MLK cleanup, he orchestrated over 200 individuals to come out and volunteer to help, he initiated the light of midtown and all the services that goes along with it and as well as senior prom. Last year he had a 93 and 97 year old king and queen for the prom and was supported with a full table. He had his wife, niece, Commissioner

Trager and her husband, Betty Goodman, Assistant City Manager and herself. She was honored to stand up there and represent the City and give Mr. Bryant his award. As Commissioner Henry stated earlier, Zone 6 cleanup was a success as well but the police department didn't come out but the fire department showed up. She recognized several City employees for coming out to help. Midtown Motown is back, it starts this Saturday and the first event is a Whitney Houston tribute band, June 8, 2019 from 7-9 pm at Cypress Park. There will be vendors and food for a little contribution. It goes through November but right now they're promoting the November dates because the September and October bands have not been solidified but it starts this Saturday. She wants to boast about the news journal article saying the number one tourist's attraction in the City is Dr. Mary McLeod Bethune's home. Also, she thanks the City's staff Chief Craig Capri, Chief Dru Driscoll and Ms. Betty Goodman for organizing a part of the youth program. Lastly, the seafood festival was a success and thanks her colleagues for having an open mind when she presented the idea to them, Ms. Betty Goodman was an excellent project manager managing staff and Mr. Vincent Terry did a phenomenal job for orchestrating the operations. She shows a four minute video.

Commissioner Trager stated the Museum of Arts and Sciences is having an exhibit of the moon landing. She doesn't know how many people were there when it happened but it's very interesting exhibit. The fishing at Lake Valor; they caught the white albino catfish that long or maybe longer, and a young lady won that caught the most probably caught eight or ten. She stated Daytona State had the opening of the L. Gale Lemerand Student Center. The Maria Grande had their opening of their retail store. It's been open for a while and the condominiums above. But they opened up a store down there and most of attendances dressed in the roaring 20s. She stated thanked Charles Bryant and Adam. She stated the Boardwalk had their opening on Memorial Day and they had the fly over. It was a P-51 which was used during World War II. And from what she understood there weren't a lot of them there. She stated Zone 1 cleanup is going to be this Saturday from 9 AM to noon and they're going to meet at Terrance and South Street. Supplies will be provided. She asked for volunteers to come out and help neighbors. Lastly she stated Margaretville is having a ribbon cutting the same day on Saturday.

Commissioner Delgado stated he went out yesterday for a facility tour to the Volusia County branch jail with Deputy Warden Flowers to get some ideas for the First Step Shelter because there's a lot of synergies. He asked Dr. Durham if he contacted Deputy Flowers to go to see that facility.

Dr. L. Ronald Durham, Community Relations Manager stated yes, Chief Driscoll, the City Manager, and he will be meeting on June 20th to discuss both the food costs as well as the laundry services, and they are excited about that.

Commissioner Delgado asked Dr. Durham to see the dorm type setup that they use in the facility that houses under sentence. He thinks it'll be a lot of good ideas for very cost effective solutions for the space that they have.

Dr. Durham responded he's very happy to go out there and check that out with the City Manager.

Commissioner Delgado stated there're a lot of good synergies that they can take away from the facility like rowing fruits and vegetables. There're a lot of good things from an operational perspective that the City can partner with them. He stated that there's contract negotiations in regards to fire fighters. As a matter of policy the City should make sure that firefighters are the best paid in the area and the County. He doesn't know if that currently is the case. He stated that they talked in the past about wages and salaries in the City but it's important that at least our firefighters and first responders including the police get the best paid in the County and make it a very competitive thing where they're

recruiting and continuing to capture and retain the best. He stated Adam's leaving for a variety of reasons but they don't want to lose our great first responders and to other municipalities. He doesn't know how the rest of the Commission feels about it but that's his perception and his desire and if that's the desire of the Commission maybe they could give that as a directive fit the upcoming negotiations. He stated our Community lost a great guy Senior Deputy Frank Scofield. If you ever been to the courthouse or see any kind of marine patrol Deputy Schofield was like 100 feet tall. He was the guy that always there. Deputy Scofield was hit and killed on Sunday bicycling at a pretty dangerous intersection. There's a remembrance tomorrow at the First Baptist church of Daytona Beach at 11 o'clock and then there's a reception immediately following that. He stated his condolences and sympathies to his family and to everyone who knew him. He stated he would like to do some rides in his owner with the Police Department.

Commissioner May stated her appreciation and support to Mayor Henry and Commissioner Henry for their passion about housing, modular homes and container homes, and the emphasis that they have on housing. She stated this week she went to the Housing Authority and she volunteered to work. She realized that what they hadn't discussed yet was infill housing. She stated in Zone 3 people will benefit from infill housing. She asked if the Commission making a direction down that road or if they are interested of having somebody come in and do some infill housing. She asked if the City open to this.

Mayor Henry stated bring affordable housing and infill housing is a good route but he doesn't have a lot information about it.

Commissioner May stated that's just one of the first things that she wanted to clear up. She stated that she believes in diversity and inclusion. She asked what they can do to create that on the First Step Board Shelter Committee as she doesn't see any women on the board and she would like to see one or two women on this board without expanding the board. At the same time she's not sure necessarily if they have to talk about it. It's already difficult to make a decision as it is now. She asked what could they come up with where they have women on the board but the board number doesn't change. The obvious thing is that possibly there are some members in the board who would like to as a courtesy to women to allow this to happen to have that diversity and inclusion and possibly consider as a courtesy to allow somebody else the opportunity to bring two more perspectives or one more specifically if there's anybody interested if this does move forward in some way. Somebody who has a business background and who was well connected in the Community and who's not scared and has some experience with fund raising. She thinks that's the kind of background that would be interesting to have on the board. She asked if any comments or concerns. Lastly, she stated that she went Campbell graduation and made a speech at the graduation. She expressed her feeling being there and seeing the graders. She went the Housing Authority event and she was present at the firefighter's first conversation about wage increases. It was been a very busy time.

Mayor Henry stated that he wants to read some of what's been stated by all who made great comments and a lot of great things have transpired in the Community. He stated Seafood festival was a good event for the City. It was well done and attended. The food was excellent, great weather, and great atmosphere. It also highlighted the fact that people in the City want things to do in the core of the City. They want to have places to go when they want to be stimulated. He stated being there and looking at the building to see what a challenge it is. But it would be nice to find some way to show that there's a reason to invest in that area. He stated the best takeaway from this event was that it showed that people are willing to come down here. The City just has to have places for them to go and something for them to do. He stated as it relates to the half-cent sales tax; it's important to always

know that taxes are a political endeavor and life. It's an easy target when you essentially want to raise taxes. He stated to the City staff that they all did a great job of marketing what the Commission wanted to do as a municipality where they granted these funds. He thinks as the Commission made a decision that was truly in the best interest of the people who live here first. He's proud of what they planned to do with the revenue if they were the recipients of it. He realized that they have to acknowledge it's impossible for them to do all of those things no matter what. But he also proud of the commitment that they've shown as a City as it relates to the City's infrastructure and roads because it's easy to instill distrust in people about the intentions of government. Different people have different reasons for why they don't trust government. Some is because of the historical issues as it relates to being minorities or as it related to being on the beachside and feeling the beach is being taken away and there's a lot of reasons to be frustrated with government. But he's proud of what they've been able to do with the resources that they've as a City. When you think about a lot of the major infrastructure projects that they've been able to take on. Recently, even its' taken a while for Martin Luther King project being done or plan and Orange Avenue and even when they were able to do Derbyshire Road which was seven to eight years ago but a major infrastructure projects. And here recently Jimmy Ann in areas where people oftentimes have had a historical right to feel frustrated with the government. He's proud of what they've been able to do. He stated to not as elected officials see this as a reason to be frustrated or to feel as though they can't continue to do what they can do. And to continue to find creative ways to address infrastructure and water problems. There's again a large part of the City plan was to address flooding which has been a primary agenda and objective of this Commission since he joined even as a Commissioner. The charge is for you to continue to try to find ways to press forward. He stated let's not be frustrated with the residents and those who have to call against this. Let's find ways to build a bridge because at the end of the day they all want the projects that were listed. They just may have different agendas about who's to do those projects but he asked to figure a way to build a bridge and push forward. He stated as it relates to City Island he thinks their comments were spot on. It's easy to sell newspaper with a form or brand of yellow journalism when you just generate folks and get them stocked up about something that's really doesn't have any basis in reality. He's agree with the article in the sense that they're now know the people are concerned about what's going to happen at City Island and he wants them to be as transparent as possible. He didn't feel that they did anything that was outside of the sunshine. He stated that the Commission stated publicly what their intentions were and he's willing to state this politically. He stated they're right to have a desire to have a free and clear deed to City Island. It's the proper thing for the City to have a right to what the decision is. He believes that is proper for them to transparent and to engage the Community because it is a Community treasure and resource, it's something that they all value but they should have that right for several reasons. One Community's change they evolve and they grow and the desires of City Island are today may not be what the desires of the next generation or two generations removed 50 or 60 years from now. But what they should do is to have a clear conversation about what can be done. What the things are that even as a Commission are non-negotiable. What they desire didn't change. Aside from Mary MacLeod Bethune's grave, he views Jackie Robinson is the most historically treasured resources. He stated that something in his mind is an untouchable for City Island. It's not a place that they should even consider making a change in terms of removing the ballpark. He wants to be clear and always willing to engage in a dialogue about things because he believes that's what is healthy for a Community. You can't be afraid to talk about things that people may be afraid of because they're elected or government. This is where conversations have to come from. He stated that they have to be the conduits for healthy dialogue and he's not afraid to have those and even as it relates to City Island and to the possibility of the property that you name being redeveloped because that's how people become afraid of when you're

unwilling to come out in the open to have a dialogue to talk about it and then make decisions based on what the Community says, that's something is important. He stated the next thing he wants to speak about is that school is out. He asked to sponsor a kid for swimming and to ensure that some kid has an opportunity to learn how to swim. There's no greater gift of safety that people can give to children in our Community than providing swimming lessons to a kid whose parents can't afford it. It greatly Value as sort of like when talking about health insurance and health care as he takes those things very seriously. There's a lot of water here and a lot of swimming accidents. Lastly, he stated that Judge Grimes will be honored for the service that he and his wife have rendered to Bethune Cookman. He won't be here to attend this event but he'll be sending felicitations and congratulations to the both of them.

James Chisholm, City Manager stated that they had a great discussion this evening on the progress of the City of Daytona Beach and all the great things that are going on as the Commissioners have approved and made it possible to happen. He stated an example tonight this was approved tonight. He stated that he's showing a sketch of a project downtown that started about a year ago and it goes through a whole process to get to the point where it actually gets approved but it starts out with something like this sketch. It didn't start out with the fancy plans and all the schematics and everything people see in the end. But this has gone through numerous public hearings and tonight was the first approval of the Delta project. It is it a part of the process that people forget about. It doesn't get their attention until it's here, even though they have been talking about it for over a year and they have a lot of projects like that. One thing he's going to do that will help somewhat. They're going to create a video on projects of the status for Daytona Beach today and then point to the various projects center that aren't approved but projects that are on the table that will be coming forward at some point in the next couple of years so that they can dispel some of this idle conversation that occurs about how they didn't say something but something happened and it give the public some appearance that they're doing something that's nefarious and underhanded just because they didn't go to people and say here's this project, it's going to get built. And that's kind of what they're all experiencing. He has this discussion with the editor once and none of them were pleased with this. But at the same time the City is going to provide the best information through the City's staff and the effort that Susan Cerbone, Communications Manager and her staff puts forward to inform the public as well as the Commission on the various projects that they're engaged in. He stated that they've a great staff to give them the support and to be able to move forward and they're going to continue to do that as they go forward.

12. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 8:15p.m.

13. PUBLIC COMMENT FORUM Convened 8:20pm

Mike Panaggio applauded the City Commission board. He stated the meeting was very interesting and he will come to future meetings. He is pleased with what the City is doing for the First Step Shelter. He believes the building is great and it's extremely well built. He feels they need more diversity on the board by adding more women. He feels the board members should be based on the project, not the city the board member represents.

Mayor Henry added to that stating he is not opposed to expanding the board two or three people. They went by who the city nominated. They did not have a lot of say in who they chose. The board would not be opposed to adding a few people who are not political minded but those who have more of a business mentality to focus on raising funds.

Commissioner May asked, if names were generated would they be submitted at the next meeting or emailed to the board.

Robert Jagger, City Attorney stated they would have to amend the bylaws.

Mayor Henry stated he feels it would be up to the commission as well as the board members to find those people, but he does not want it to be based on gender, he would want someone who could help fulfill the mission.

Commissioner May stated she was unsure about expansion. She asked with that many people would it be hard to come to a decision.

Mayor Henry stated he doesn't feel that would be much of a challenge.

Commissioner May asked if the board would go from seven to ten.

Mayor Henry stated he feels that would not be much of a challenge.

Mr. Panaggio stated he agrees they need to get the right people. He suggested adding women to the board, especially business women, because they have the ability to go out and get funds. He feels they should not depend on the cities to support the First Step Shelter forever. The City Manager stated this was a commitment for five years, not fifty years, so they're going to have to figure out how to create sustainability otherwise they will fail as a community.

Mr. Jagger stated that if that's the way they want to go he would have to look and see if the bylaws and Articles of Incorporation can be amended. He will then report back to the mayor.

Bob Beebe, 541 Champion Ridge Drive thanked his commissioner for the work he's done regarding the expansion and working with the attorneys and the rest of the group trying to get things resolved in an amicable way. He stated the agreement was the light at ISB and Grand Champion Boulevard would be installed at the beginning of Phase 2, but at a recent meeting Mr. Watts of Cobb Cole stated it would be installed when the first occupancy permit was issued for Phase 2 which is after all of the construction. He also asked about the impact fees and how much of the light would be funded by the developer. A large portion of the impact fees will fund a project that has no direct impact on Grand Champion or the other area communities.

There being no further discussion or comments the forum was adjourned at 8:58p.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 equipment.