





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
JANUARY 22, 2020
CITY COMMISSION CHAMBERS
6:00 PM**

AGENDA

Website Address - www.codb.us (City Clerk)

NOTICE- Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not prepare or provide such a record.

	<p>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</p>
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the City Commission meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Telephone: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

1. ROLL CALL.

AGENDA

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

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

Approval of the Minutes of the December 4, 2019 Regular City Commission Meeting held at City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

5. **AGENDA APPROVAL.**

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

6. **PRESENTATION.**

6.A. [BEAUTIFICATION AWARDS - JANUARY 2020 \(pp. 18-20\)](#)

Residential Award:

Frank and Betty Jane Schuk, 105 Westwood Drive, City Commissioner Robert A. Gilliland, Zone 4, to present.

Commercial Award:

Ocean Garden Condominiums, 102 South Peninsula Drive, Mayor Derrick L. Henry to present.

7. CITIZENS.

7.A. PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION

During this time Citizens have the opportunity to address the City Commission on any item on the Consent Agenda.

8. CONSENT AGENDA.

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

8.A. Public Works - P&S Paving, Inc. Sweetheart Trail - Beach St. (Wilder Blvd. to Shady Place) Contract No. 19193 FM 439866-1-54-01 – Change Order No. 2 (pp. 22-51)

Resolution approving Change Order No. 2 to Contract No. 19193 with P&S Paving, Inc., 3701 Olson Drive, Daytona Beach, FL 32124 in the amount of \$91,019.32 for an adjusted contract price of \$1,218,908.29 and increasing the contract time 9 additional days to 279 days to Substantial Completion. Contract No. 19193 was awarded to P&S Paving, Inc., by Resolution 19-105 on May 1, 2019 to construct the Sweetheart Trail on South Beach Street from Wilder Boulevard to Shady Place with the original contract amount of \$1,127,888.97. The purpose of this change is to compensate the contractor for additional work required due to the changes to the design and lighting for the trail.

Change Order No. 2 includes:

- Installation of 2” conduit and pull boxes for decorative lighting along the trail from Bellevue Ave. to Palmetto Ave (\$79,537.50);
- As built survey for the conduit and pull boxes (\$2,047.50);
- Equipment, materials and labor for adjustments to the stormwater system due to utility conflicts (\$9,434.32);
- Addition of 9 days.

Funds available in the Capital Projects Fund.

Recommendation: Public Works Director recommends adoption of the

Resolution approving Change Order No. 2 to Contract No. 19193 with P&S Paving, Inc., in the amount of \$91,019.32.

8.B. [Public Works Department - Servpro of South Daytona - City Hall Emergency Mold Remediation Ratification \(pp. 52-117\)](#)

Resolution approving an emergency purchase from Servpro of South Daytona, 935 Carswell Avenue, Holly Hill, FL 32117, for mold remediation services at City Hall for a total of \$25,443.78. Various locations within City Hall were tested for elevated airborne mold spores, and were in need of immediate remediation services. Mold poses potential health risks and should be remediated as soon as possible.

City Purchasing Code Section 30-52(b) authorizes the City Manager to procure goods and services as necessary to effect emergency repair or replacement of City equipment, facilities, and property; or to preserve public property or to protect the peace during public emergencies such as conflagrations, floods, riots, and storms. The City Manager approved the emergency purchase on December 13, 2019. Funds are available in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.C. [Public Works/Engineering Department - Asphalt Paving Systems, Inc. - Work Authorization No. 2 \(pp. 118-128\)](#)

Resolution approving Work Authorization No. 2 for Asphalt Paving Systems, Inc., 9021 Wire Rd, Zephyrhills, FL 33540, for as-needed Full Depth Reclamation on Ballough Road (between Fairview Avenue and Mason Avenue) and continuing north on Sickler Drive (between Mason Avenue and Riverside Drive), for the Term Contract approved by Resolution 19-34, for a total cost of \$581,621.68. The Work Authorization will provide Full Depth Reclamation on Ballough Road and Sickler Drive due to pavement base failure between Fairview Avenue and Riverside Drive. Funds available in the Transportation 5Cent Gas Tax in the amount of \$393,035.91 and Capital Project Funds in the amount of \$281,299.73.

Recommendation: Public Works Director recommends adoption of the Resolution approving Work Authorization No. 2 with Asphalt Paving Systems, Inc., for a total cost of \$581,621.68.

8.D. [Business Enterprise Management Department - Alan Jay Fleet Sales - Grounds and Streets Divisions - Dump Truck Replacement Purchases \(pp. 129-138\)](#)

Resolution authorizing the purchase of two dump trucks from the Sourcewell (formerly NJPA) Cooperative Contract 2020-120716-NAF with options from Alan Jay Fleet Sales, P.O. Box 9200, Sebring, FL 33871 in the amount of \$84,510.00 for Grounds Maintenance and Streets Divisions. The new vehicle for Grounds Maintenance Division is a replacement for dump truck (#4348) that was auctioned off during FY 2019. The new vehicle for Streets Division will serve as a replacement for the existing dump truck (4028) that will be auctioned off upon receipt of its replacement. Both vehicles are needed to maintain the City's public streets and improve the City's roadways. Funding is available in the General Fund.

Recommendation: Business Enterprise Management Department recommends adoption of the Resolution.

8.E. [Business Enterprise Management Department - Alan Jay Fleet Sales - Permit & License Vehicles Purchase \(pp. 139-150\)](#)

Resolution authorizing the purchase of two (2) vehicles from the Sourcewell (formerly NJPA) Cooperative Contract 2020-120716-NAF with options from Alan Jay Fleet Sales, P.O. Box 9200, Sebring, FL 33871 in the amount of \$70,344. The two (2) vehicles being replaced will be transferred to other City departments to assist their needs. Funds available in the Permit & License Special Revenue Fund.

Recommendation: Business Enterprise Management Director recommends adoption of the Resolution.

8.F. [Business Enterprise Management Department - Alan Jay Fleet Sales - Leisure Services - Vehicle Purchase \(pp. 151-162\)](#)

Resolution authorizing the purchase of a 2020 GMC Sierra 2500 Utility Truck for the Leisure Services Department from the Sourcewell (formerly NJPA) Cooperative Contract 2020-120716-NAF with options from Alan Jay Fleet Sales, P.O. Box 9200, Sebring, FL 33871 in the amount of \$38,131. The additional vehicle will allow staff to ensure the public bathrooms are cleaned, pressure washed, and stocked more frequently. Funds available in the Capital Projects Fund.

Recommendation: Business Enterprise Management Director recommends adoption of the Resolution.

8.G. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 163-164\)](#)

Resolution authorizing payment in the amount of:

\$250 to Delta Sigma Theta Sorority, Inc., Daytona Beach Alumnae Chapter, for their Community Shredding event from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$250 to Delta Sigma Theta Sorority, Inc., Daytona Beach Alumnae Chapter, for their Community Shredding event from the Bike Week Sponsorship Funds of Commissioner Robert Gilliland.

\$100 to Halifax Humane Society for a general donation, \$100 to Council On Aging for a general donation, \$150 to Habitat For Humanity for a general donation and \$500 to Heritage Preservation Trust, Inc., for Lillian Place for a general donation from the Bike Week Sponsorship Funds of Commissioner Ruth Trager.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Andros Isles Villages - Planned Development Agreement - Extension of Completion Date \(pp. 165-167\)](#)

Ordinance on second reading - PUBLIC HEARING extending the completion date for the Andros Isle Villages Planned District (PD) Agreement to December 18, 2024, to allow for the development of the three remaining vacant commercial lots. Applicant: Development and Administrative Services Department, Planning Division. **** This item was continued from the December 18, 2019 City Commission Meeting**.**

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Ordinance.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Lago Verde - Large Scale Comprehensive Plan Amendment \(pp. 168\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Level 1 Residential to Mixed Use for 62.9± acres, and amending the Future Land Use Element, Neighborhood S, adding Issue (k) and Policy (1) to reduce FAR to 0.25 for property located in the northeast quadrant of the Williamson Boulevard/Strickland Range Road intersection to allow for a mixed use development. Applicant: Darren J. Elkind, Esquire, Paul, Elkind, Branz & Kelton, P.A., on behalf of MHK of Volusia County,

Inc. ****This item was continued from the January 8, 2020 City Commission Meeting at the request of Applicant****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Ordinance.

Action: Motion to adopt the Ordinance.

9.C. [Development and Administrative Services, Planning Division - Lago Verde - Rezoning to Planned Development - General \(PD-G\) \(pp. 169\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 62.9± acres of land located in the northeast quadrant of the Williamson Boulevard/Strickland Range Road intersection from "County" Urban Single-Family Residential (R-2) to "City" Planned Development-General (PD-G) to allow for a mixed-use development, and authorizing the Mayor to execute the Lago Verde Planned District Agreement. Applicant: Darren J. Elkind, Esq., Paul, Elkind, Branz & Kelton, P.A., on behalf of MHK of Volusia County, Inc. ****This item was continued from the January 8, 2020 City Commission Meeting at the request of Applicant****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Ordinance.

Action: Motion to adopt the Ordinance.

9.D. [Development and Administrative Services, Planning Division - Rezoning - First Amendment to McCrary Dormitory - Planned District Agreement \(pp. 170-248\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - amending the McCrary Dormitory Planned District Agreement to allow additional uses including a Foster Care Transitional Housing Facility located at 828 George W. Engram Blvd. Applicant: Earl C. McCrary, on behalf of Win 1 Properties, LLC.

Reed Berger, Redevelopment Director to report.

Recommendation: Midtown Redevelopment Board recommends approval 6-0 and Planning Board recommends approval 5-0.

Action: Motion to adopt Ordinance.

9.E. [Development and Administrative Services, Planning Division - Rezoning - ISB - La Quinta - Planned District Agreement \(pp. 249-326\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - rezoning 6.5± acres of land located at W. International Speedway Blvd. and Interstate-95 to allow for the redevelopment of the existing La Quinta Inn & Suites and Winghouse Bar & Grill and the new development of an additional hotel, drive-through restaurant, and accessory parking garage, and authorizing the Mayor to execute the ISB - LaQuinta Planned District Agreement. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Mystic Oak South, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.F. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Parking Exemptions \(pp. 327-337\)](#)

Ordinance on second reading - PUBLIC HEARING - amending Article 6 (Development Standards) Section 6.2.B.4, of the Land Development Code (LDC) to clarify the parking exemption areas for properties abutting Dr. Mary McLeod Bethune Boulevard. The requested amendment would confirm the exemption for off-street parking requirements for all properties north and south of Dr. Mary McLeod Bethune Boulevard between Ridgewood Avenue and Dr. Martin Luther Jr. Boulevard, as well as all properties on the north side of Dr. Mary McLeod Bethune Boulevard and within 150 feet west of Dr. Martin Luther, Jr. Boulevard. Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.G. [Development and Administrative Services, Planning Division - Rezoning - ERAU - Bellevue & Clyde Morris - Planned District Agreement \(pp. 338-385\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - rezoning 10.2± acres of land located in the southeast quadrant of Clyde Morris Boulevard and Bellevue Avenue from Single-Family Residential-5 (SFR-5) to Planned Development-General (PD-G) to allow for the development of additional buildings, uses, and parking to support further expansion of the ERAU campus, and authorizing the Mayor to execute the ERAU-Bellevue & Clyde Morris Planned District Agreement. Applicant: Parker Mynchenberg, Parker Mynchenberg & Associates, on behalf of Embry-Riddle Aeronautical University, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.H. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Articles 3, 5, and 11 \(pp. 386-427\)](#)

Ordinance on second reading - PUBLIC HEARING - amending Article 3 of the Land Development Code (LDC), to add specific procedures and standards for the review and determination of requests for reasonable accommodations and an additional amendment to Article 5, and Article 11, to clarify restrictions for family occupancy of dwelling units.

Dennis Mrozek, Planning Director, to report.

Recommendation: 11-21-19 Planning Board motion failed 2-to-3 and 09-26-19 Planning Board recommended approval 6-0.

Action: Motion to adopt Ordinance.

9.I. [Development and Administrative Services, Planning Division - Rezoning - Hotchkiss House Historic Overlay \(HO\) \(pp. 428-445\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a historic overlay zoning district map amendment for the 1.5± acre Hotchkiss House property located at 1000 S. Peninsula Drive, which is in the South Atlantic National Register District. The purpose is to designate this property with a historic overlay zoning designation to allow for additional revenue generating uses in the historic area and providing appropriate and creative uses for historic structures while protecting residential districts. Authorizing the Mayor to execute the Rezoning of the Hotchkiss House Historic Overlay. Applicant: Nancy Long, President, Heritage Preservation Trust Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.J. [Development and Administrative Services, Planning Division - Hotchkiss House - Semi-Public Use \(pp. 446-468\)](#)

Resolution - Quasi-Judicial Hearing - approving a semi-public use permit for 1.5± acres of land located at 1000 S. Peninsula Dr., also known as Hotchkiss House, to allow for uses related to cultural services associated with the historically designated property. Applicant: Nancy Long, President,

Heritage Preservation Trust Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Resolution.

9.K. [Development and Administrative Services, Planning Division - Project Delta West - Large Scale Comprehensive Plan Amendment \(pp. 469-537\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map (FLUM) designation from Commercial Mixed Use to High Intensity Mixed Use for 2.9± acres and amending Neighborhood “E” to allow a maximum density of 150 du/ac and re-establishing the maximum F.A.R. of 10 for 6.9± acres, to allow for a mixed use redevelopment. The property is located northeast of the intersection of International Speedway Boulevard and Ridgewood Avenue. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, DB Mainland. LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading

Note: If passed, Public Hearing, April 1, 2020.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Rezoning - First Amendment to Project Delta West Planned District Agreement \(pp. 538-590\)](#)

Ordinance on first reading - amending the Project Delta West Planned District Agreement to modify approved signage, and expand the boundaries to add and rezone 0.87± acres of land located at 125 N. Ridgewood Avenue, from Downtown Redevelopment - Commercial (RDD-3) to Planned Development-Redevelopment (PD-RD) and authorizing the Mayor to execute the First Amendment to Project Delta West Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of on behalf of DB Mainland, LLC.

Reed Berger, Redevelopment Director, to report.

Recommendation: Downtown Redevelopment recommends approval 4-to-0 and Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, April 1, 2020.

10.B. [Development & Administrative Services - Bike Week 2020 Private Property Master Plan \(pp. 591-737\)](#)

Resolution approving the Bike Week 2020 Private Property Master Plan as submitted by the Daytona Beach Regional Chamber's Bike Week Festival Task Force. The Bike Week Festival Task Force has reviewed the applications for consistency with the Bike Master Plan Guidelines and recommends approval.

Phil Maroney, Vice Chair of the Bike Week Festival Task Force, to report.

Recommendation: Deputy City Manager, Development and Administrative Services recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10.C. [Development and Administrative Services - Bike Week 2020 Public Property Master Plan \(pp. 738-785\)](#)

Resolution adopting the Bike Week 2020 Public Property Master Plan. Activities included in the plan are consistent with activities in previous years. City staff has reviewed the requests and found them to be acceptable.

James Morris, Deputy City Manager, Development and Administrative Services, to report.

Recommendation: Deputy City Manager, Development and Administrative Services recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10.D. [City Manager's Office - Beautification/Tree Advisory Board - Appointment \(pp. 786-792\)](#)

Resolution appointing one (1) member to the Beautification/Tree Advisory Board. The board shall consist of seven members. One member shall be nominated by each City Commissioner from among the resident of the zone, plus one at-large member nominated by the Mayor who may be a resident of any City Commission zone. All board members shall be resident of the City and qualified electors. James Newman from zone 3 resigned with a membership term remaining to 12/31/21. We have received one application from Zone 3, Jennifer Nazak.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.E. [City Manager's Office - Nuisance Abatement Board - Appointments \(pp. 793-816\)](#)

Resolution appointing seven (7) members to the Nuisance Abatement Board. The board shall consist of seven members appointed by the city commission for two-year terms. Members of the board shall be persons who are registered electors of the city; the chair of the board should be a State licensed attorney with trial experience. The membership terms of all members have expired and all members would like to be reappointed: Paul Rice, Jr. Chair, Ed Savard, Carl Fields, Kelly Parsons Kwiatek, Norma Bland, Anne Ruby and Jennifer Stalling.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

11. DISCUSSION.

11.A. [City Commission - Commissioner Aaron Delgado - First Step Shelter, Inc., - Discussion **added 01-21-2020**](#)

Discussion on the admission requirements for First Step Shelter, Inc - Commissioner Aaron Delgado.

12. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.

13. ADJOURNMENT.

14. PUBLIC COMMENT FORUM - During this time Citizens are allowed 2.5 minutes to speak on any topic. Please be courteous and respectful of the views of other speakers. Personal attacks on the City Commission, City Staff or members of the public are not allowed.