

MINUTES

REGULAR MEETING – CITY COMMISSION

January 17, 2018

Minutes of the Regular Meeting of the City Commission of The City of Daytona Beach, Florida, held on Wednesday, January 17, 2018 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. Roll Call.

Commissioner Dannette Henry	Present
Commissioner Paula Reed	Present
Commissioner Ruth Trager	Present
Commissioner Aaron Delgado	Present
Commissioner Kelly White	Present
Commissioner Robert Gilliland	Present
Mayor Derrick Henry	Present

Also Present:

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

2. Invocation was led by Commissioner Reed.

3. Pledge of Allegiance to the Flag was led by Commissioner Henry.

4A. APPROVAL OF MINUTES

Approval of the minutes of the January 3, 2018 Regular Meeting of the City Commission and the January 3, 2018 Executive Session/Shade Meeting Minutes held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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

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

5. AGENDA APPROVAL

James Chisholm, City Manager, read the Agenda changes:

Added Addendum No. 8K – Allocation of Bike Week Sponsorship Funds to Consent Items.

Added Addendum No. 10C – City of Daytona Beach and County of Volusia - Memorandum of Understanding to Administrative Items.

Agenda Item No. 9D under Public Hearings is a Quasi-Judicial Hearing.

Commissioner Henry asked to amend her Allocation of Bike Week Sponsorship Funds request to include \$125 each to FRESHbook Festival, Dancing Lady Cats and Yvonne Scarlett Golden – Senior Oasis Group.

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

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

6. PRESENTATION

A. Residential Award:

Ray and Elizabeth Moore, 105 Mableberry Court, Commissioner Robert A. Gilliland, Zone 4, presented.

Commercial Award:

Vision HR, Inc., 347 South Ridgewood Avenue, Mayor Derrick L. Henry presented.

B. Volusia Volunteers in Medicine - Annual Report to the City

Volunteers in Medicine (VVIM) Board presented to the Commission the current state of the clinic and the impact the organization has made on the community over the past year.

Larry McDermott, 1016 Bel Aire Drive, Daytona Beach Volusia gave history of how VVIM came to be and introduced Carol Kilian and Jim Dixon and other members of the Board who were in the audience.

Jim Dixon, 129 Perfect Drive, Daytona Beach gave history on VVIM and updates on progress and stated a need for funding and more doctors.

Carol Kilian, 1218 Champions Drive, Daytona Beach reported her affiliation with VVIM and gave a report on the status of the clinic and stated a need for funding and requested some help from

Commission. Thanked Mayor Henry for his support in designating a portion of the proceeds from the Mayors Golf Tournament being held in May.

Mayor Henry thanked the Board for all that they are doing in the community. He shared a story regarding a young lady whose story he heard during a reception and how the clinic had helped her during her diagnosis and illness. He addressed the healthcare crisis and stated he believes that if a person is willing to work full time they should be afforded a moderate measure of healthcare. This program was born out of the efforts of the City from the Vision Plan about seven (7) years ago. He stated they have a great Board. He thanked Bethune-Cookman University for their herculean efforts with this program. He hopes the Golf Tournament funds will be substantial this year and he donated \$250 of his Bike Week Sponsorship Funds to VVIM.

Commissioner Reed requested to donate \$250 of her Bike Week Funds to VVIM.

Commissioner Henry requested to donate \$250 of her Bike Week Funds to VVIM.

7. CITIZENS COMMENTS

No comments.

8. CONSENT AGENDA

- A. Adopted/Resolution No. 18-19 authorizing payment in the amount of \$50,000 to Shirley Sprague and her attorney, Kelly Chanfrau, Esq., for the release of all claims and full settlement of pending litigation in case No. 2016-30332-CICI arising from injuries allegedly sustained from a February 18, 2015, slip and fall on City property. A RESOLUTION AUTHORIZING PAYMENT TO SHIRLEY SPRAGUE AND HER ATTORNEY IN THE TOTAL AMOUNT OF \$50,000 FOR RELEASE OF ALL CLAIMS AND FULL SETTLEMENT OF LITIGATION REGARDING AN INCIDENT ON FEBRUARY 18, 2015; AND PROVIDING AN EFFECTIVE DATE.
- B. Adopted/Resolution No. 18-20 approving Contract No. 0116-3130 with Sunco Productions Inc., P.O. Box 289, Daytona Beach, FL 32115 for Technical Director/Stage Manager/Production Services for the Peabody Auditorium, Oceanfront Bandshell, Daisy Stocking Park, Municipal Stadium and any other city park or facility involving entertainment/public performances, including during special events in an amount not to exceed \$175,000 for the remainder of the FY 2017-18, and such funds as are budgeted and appropriated for the services in future years under the contract. The proposal was sent to twenty one (21) companies and Sunco Productions, Inc., was the sole bidder. This contract will commence on the date in which the last party signs it and will be in effect for five (5) years, with one 5 year option to renew. It is requested that the City Manager be authorized to exercise the Contract renewal on behalf of the City. A RESOLUTION ACCEPTING THE PROPOSAL OF SUNCO PRODUCTIONS, INC., TO PROVIDE AS-NEEDED TECHNICAL DIRECTOR/STAGE MANAGER AND PRODUCTION SERVICES FOR A FIVE-YEAR TERM WITH AN OPTION TO RENEW FOR ONE FIVE-YEAR TERM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE GENERAL SERVICES CONTRACT NO. 0116-3130; AUTHORIZING THE CITY MANAGER TO EXERCISE THE RENEWAL OPTION SUBJECT TO BUDGETING AND APPROPRIATIONS; AND PROVIDING AN EFFECTIVE DATE.
- C. Adopted/Resolution No. 18-21 approving a contract in the amount of \$125,000 with Utility Service Co., SUEZ Advanced Solutions, 1230 Peachtree St NE, Suite 1100, Atlanta, GA 30309 for distribution system cleaning. Over time, the distribution system will have a build-up of biofilm and other soft deposits that can impact water quality. Ice Pigging is a method of effectively cleaning pipes

without damaging the pipe and appurtenances as other methods can, such as regular pigging with a hard plug. Ice Pigging will use significantly less water during the cleaning period and can clean more thoroughly than other cleaning methods. Furthermore, this method lessens the chance of downtime of the system and ensures available water to our customers. SUEZ is the sole provider for the ice pigging methodology and technology. The pipe lines to be pigged are:

- University Boulevard from North Atlantic Avenue to Grandview Avenue
- North Atlantic Avenue from Boylston Avenue to Euclid Avenue
- North Atlantic Avenue from Euclid Avenue to Golf Boulevard
- North Atlantic Avenue from Golf Boulevard to University Boulevard
- Plaza Boulevard from North Atlantic Avenue to North Halifax Avenue
- North Halifax Avenue from Plaza Boulevard to Morningside Avenue
- North Halifax Avenue from Morningside Avenue to Seaview Avenue
- North Halifax Avenue from Seaview Avenue to 1193 North Halifax Avenue
- North Halifax Avenue from 1193 North Halifax Avenue to 1014 North Halifax Avenue
- North Halifax Avenue from 3012 North Halifax Avenue to Plaza Boulevard

A RESOLUTION APPROVING THE PURCHASE OF ICE PIGGING SERVICES FROM SUEZ WATER ADVANCED SOLUTIONS (F/K/A UTILITY SERVICE CO., INC.), SOLE SOURCE PROVIDER, FOR CLEANING THE CITY'S DISTRIBUTION SYSTEM, FOR THE AMOUNT OF \$125,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENT NEEDED IN FURTHERANCE OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

- D. Adopted/Resolution No. 18-22 amending the General Services Contract between the City of Daytona Beach and Sahasra, LLC (d/b/a Brooke's Cleaners), 133 Main Street, Daytona Beach, FL 32118 to include Code Enforcement/Neighborhood Services. Resolution 15-172 approved the contract for dry cleaning services for the Police and Fire Department. Code Enforcement/Neighborhood Services Division operated under the agreement until August 2016. The Division has moved under Permits & Licensing, thereby requiring an Amendment to the current contract. The Amendment will delete Exhibit B of the Contract in its entirety and replace it with Exhibit B-1. A RESOLUTION APPROVING AMENDMENT NO. 1 TO GENERAL SERVICES CONTRACT NO. 0115-1530 WITH SAHASRA, LLC, D/B/A BROOKE CLEANERS, LLC, FOR DRY CLEANING SERVICES OF UNIFORMS, TO INCLUDE THE CODE ENFORCEMENT/NEIGHBORHOOD SERVICES DIVISION IN THE SERVICES FOR THE REMAINDER OF THE CONTRACT TERM FOR THE AMOUNT OF \$3,000; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1; AND PROVIDING AN EFFECTIVE DATE.
- E. Adopted/Resolution No. 18-23 approving Work Authorization No. 3 to Contract No. 0516-1120-CDM which was approved by Resolution 16-208, with CDM Smith, 2301 Maitland Center Parkway, Suite 300, Maitland Boulevard, Maitland, FL 32751 for Construction Engineering and Inspection (CEI) Services for the Sweetheart Trail - Donnelly Place project in an amount not to exceed \$69,089.70. This project is for the construction of a shared use nonmotorized trail along Donnelly Place between Shady Place and Bellevue Avenue and is a Florida Department of Transportation (FDOT) SUNTrail project that requires consultant CEI oversight. A RESOLUTION APPROVING WORK AUTHORIZATION NO. 3 UNDER CONTRACT NO. 0516-1120-CDM WITH CDM SMITH, INC., IN THE AMOUNT OF \$69,089.70, FOR PROFESSIONAL CONSTRUCTION ENGINEERING AND INSPECTION SERVICES RELATING TO THE SWEETHEART TRAIL PROJECT ALONG DONNELLY PLACE, FROM SHADY PLACE TO BELLEVUE AVENUE; AND PROVIDING AN EFFECTIVE DATE.

- F. Adopted/Resolution No. 18-24 approving Work Authorization No. 1 to Contract No. 0517-3440-TT with Tetra Tech, 201 East Pine Street, Suite 1000, Orlando, FL 32801, in the amount of \$129,250.77. The Bethune Point Wastewater Treatment Plant utilizes two diesel powered generators to provide auxiliary power during commercial power interruptions to ensure sewage is treated properly and reliably. One of the plant generators is more than 30 years old and routine repair parts are no longer available. In addition, the electrical switchgear associated with the generator is more than 40 years old and severely deteriorated. Furthermore, the generator is undersized for the power required to treat the total flow entering the facility, thereby jeopardizing compliance with state and federal regulations. This work authorization will provide the City with the basis of design, development of contract documents, coordination with regulatory agencies, bidding assistance, and construction administration services for moving the 1250 KW Generator from the Westside Regional Wastewater Treatment Plant, which has recently been equipped with a new, upgraded generator, to the Bethune Point Wastewater Plant and upgrade the electrical switchgear. A RESOLUTION APPROVING WORK AUTHORIZATION NO. 1 UNDER CONTRACT NO. 0517-3440-TT WITH TETRA TECH, INC., IN AN AMOUNT NOT TO EXCEED \$129,250.77 FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES RELATING TO THE BETHUNE POINT WASTEWATER TREATMENT FACILITY GENERATOR REPLACEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE.
- G. Adopted/Resolution No. 18-25 approving Work Authorization No. 26 to Contract No. 1307-1022 with Carollo Engineers, 1089 W Morse Boulevard, Suite A Winter Park, FL 32789 in an amount not to exceed \$119,448 for the preparation and submittal of Florida Department of Environmental Protection (FDEP) operating permit renewal applications. The City owns and operates two (2) wastewater treatment facilities under permits issued by the FDEP. The permit for Westside Regional expires December 9, 2018 and the permit for Bethune Point expires January 20, 2019. By FDEP rule, the City must submit renewal applications to the FDEP at least 180 days before the permit expiration date. Therefore, the renewal applications must be submitted to FDEP by June 12, 2018. A RESOLUTION APPROVING WORK AUTHORIZATION NO. 26 UNDER CONTRACT NO. 1307-1022 WITH CAROLLO ENGINEERS, INC., IN AN AMOUNT NOT TO EXCEED \$119,448, FOR PROFESSIONAL ENGINEERING AND CONSULTING SERVICES IN THE PREPARATION AND SUBMISSION OF THE CITY'S OPERATING PERMIT RENEWAL APPLICATIONS TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND PROVIDING AN EFFECTIVE DATE.
- H. Adopted/Resolution No. 18-26 approving Change Order No. 2 to Contract No. 0317-0300 with TB Landmark Construction, Inc., 11220 New Berlin Road, Jacksonville, FL 34446 in the amount of \$40,935.68 with an additional 129 days of contract time. This request is needed to provide time and compensation for the installation of additional appurtenances, removal of unknown utilities in conflict with the new force main route, a weather delay and a time extension. A RESOLUTION APPROVING CHANGE ORDER NO. 2 TO CONTRACT NO. 0317-0300 WITH TB LANDMARK CONSTRUCTION, INC., FOR ADDITIONAL SERVICES REQUIRED FOR THE HALIFAX RIVER SANITARY SEWER FORCE MAIN IMPROVEMENTS PROJECT, INCREASING THE CONTRACT PRICE BY \$40,935.68, AND EXTENDING THE CONTRACT COMPLETION DATE BY 129 DAYS; AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE CHANGE ORDER NO. 2; AND PROVIDING AN EFFECTIVE DATE.
- I. Adopted/Resolution No. 18-27 approving a purchase from HACH Company, P.O. Box 608, Loveland, CO 80539-0608 in the amount of \$41,657.31. The Regional Wastewater Treatment Plant utilizes two nitrogen level analyzers in the treatment process to regulate chemical feed necessary to reduce the level of nitrogen. These two analyzers were hit by lightning during an afternoon

thunderstorm destroying the analyzers and controllers. The City for the last 4 years has used the HACH Nitratax system exclusively to analyze for nitrogen in order to meet current state and federal water quality regulations. When the Nitratax System needs parts or service, HACH is the sole provider of parts and service. Current State and Federal water quality regulations for water discharge require that nitrogen meet FDEP (Florida Department of Environmental Protection) and EPA (Environmental Protection Agency) standards. A RESOLUTION APPROVING THE PURCHASE OF TWO NITROGEN ANALYZERS AND ASSOCIATED EQUIPMENT FROM HACH COMPANY, AS SOLE SOURCE PROVIDER, FOR A TOTAL AMOUNT OF \$41,657.31, FOR THE WESTSIDE REGIONAL WASTEWATER TREATMENT FACILITY; AND PROVIDING AN EFFECTIVE DATE.

J. Adopted/Resolution No. 18-28 authorizing payment from the General Fund in the amount of:

\$500 to Cultural Services for the 2018 Mayor's Fitness Challenge from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$500 to Cultural Services for the annual FRESH Book Festival at Midtown and \$100 to National Council of Negro Women, Inc. for the Black History Brain Bowl from the Bike Week Sponsorship Funds of Commissioner Paula Reed. A RESOLUTION AUTHORIZING GRANTS FROM THE BIKE WEEK SPONSORSHIP FEES; AND PROVIDING AN EFFECTIVE DATE.

K. Adopted/Resolution No. 18-29 authorizing payment from the General Fund in the amount of:

\$100 to Cultural Services for the 2018 Mayor's Fitness Challenge from the Bike Week Sponsorship Funds of Commissioner Dannette Henry. A RESOLUTION AUTHORIZING GRANTS FROM THE BIKE WEEK SPONSORSHIP FEES; AND PROVIDING AN EFFECTIVE DATE.

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

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

9. PUBLIC HEARINGS

- A. Aopted/Ordinance No. 18-30 amending the Land Development Code (LDC) Article 5 (Use Standards), Section 5.2.A (Principal Use Table), to allow Other Indoor Recreation/Entertainment as a principal use in the General Industrial (M-3) zoning district. Applicant: Development and Administrative Services Department, Planning Division. City Clerk LaMagna read the Ordinance on second and final reading by title only. AN ORDINANCE AMENDING THE PRINCIPAL USE TABLE FOR RESIDENTIAL, BUSINESS, INDUSTRIAL, TOURIST, AND SPECIALTY DISTRICTS, ARTICLE 5 § 5.2.A.2 OF THE LAND DEVELOPMENT CODE; AMENDING THE LIST OF PERMITTED PRINCIPAL USES IN THE M-3 (GENERAL INDUSTRIAL) ZONING DISTRICTS TO ADD OTHER INDOOR RECREATION/ENTERTAINMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

No comments.

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

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

- B. Adopted/Ordinance No. 18-18 approving a voluntary annexation of .96± acre of land (4 parcels), located at the northwest corner of Vine and 8th Street, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. The applicant is seeking consistency with all of the contiguous applicant owned property. Applicant: James Therrien, owner of property. City Clerk LaMagna read the Ordinance on second and final reading by title only. AN ORDINANCE ANNEXING INTO THE CITY OF DAYTONA BEACH .96± ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF VINE STREET AND 8<sup>TH</sup> STREET; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF DAYTONA BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 5 OF THE CITY OF DAYTONA BEACH TO INCLUDE THE PROPERTY; 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 White. The Ordinance was adopted 7-to-0 with the breakdown as follows:

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

C. Adopted/Ordinance No. 18-31 adopting a Small Scale Comprehensive Plan Amendment changing the Future Land Use Map designation for .96± acre (4 parcels) of land located at the northwest corner of Vine and 8th Street from "County" Urban Medium Intensity to "City" Level 2 Residential to achieve consistent future land use designations. Applicant: John Zemball, PE, Zahn Engineering, Inc. on behalf of James Therrien. City Clerk LaMagna read the Ordinance on second and final reading by title only. AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN AMENDMENT IN ACCORDANCE WITH §163.3187, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP FOR .96± ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF VINE STREET AND 8<sup>TH</sup> STREET; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY-URBAN MEDIUM INTENSITY" TO CITY "LEVEL 2 RESIDENTIAL"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

No comments.

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

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

D. Adopted/Ordinance No. 18-32 approving a request to rezone 7.4± acres of land located at the northwest corner of Vine and 8th Street from "County" Urban Two-Family Residential (R-6) to "City" Multifamily Residential-20 (MFR-20). Applicant: John Zemball, P.E., Zahn Engineering, Inc. on behalf of James Therrien. City Clerk LaMagna read the Ordinance on second and final reading by title only. AN ORDINANCE AMENDING THE ZONING MAP OF THE LAND DEVELOPMENT CODE TO REZONE 7.4± ACRES OF PROPERTY LOCATED BETWEEN 8<sup>TH</sup> AND 9<sup>TH</sup> STREETS, WEST OF VINE STREET, FROM VOLUSIA COUNTY R-6 (URBAN TWO-FAMILY RESIDENTIAL) DISTRICT TO CITY MFR-20 (MULTIFAMILY RESIDENTIAL-20) DISTRICT; 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 Henry. The Ordinance was adopted 7-to-0 with the breakdown as follows:

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



- E. Adopted/Ordinance No. 18-33 approving a request to rezone 3.7± acres of land located on the north side of West International Speedway Boulevard and east of Bill France Boulevard from Business Retail-2 (BR-2) to Planned Development-General (PD-G), to allow for the development of retail and restaurant uses, and authorizing the Mayor to execute the Retail and Restaurant District East at Volusia Mall Planned District Agreement. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Volusia SAC, LLC. City Clerk LaMagna read the Ordinance on second and final reading by title only. AN ORDINANCE AMENDING THE ZONING MAP OF THE LAND DEVELOPMENT CODE TO REZONE 3.7± ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF WEST INTERNATIONAL SPEEDWAY BOULEVARD AND EAST OF BILL FRANCE BOULEVARD FROM BR-2 (BUSINESS RETAIL-2) DISTRICT TO PD-G (PLANNED DEVELOPMENT-GENERAL) DISTRICT; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE RETAIL AND RESTAURANT DISTRICT EAST AT VOLUSIA MALL PLANNED DISTRICT AGREEMENT ALLOWING FOR DEVELOPMENT OF RETAIL AND RESTAURANT USES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Rob Merrell, 129 S. Ridgewood with Cobb & Cole stated he wanted to introduce Ken Whittler and Clay Whitfield from Chattanooga Tennessee on behalf of CBL, the owners of the mall. Wayne Bowl is also there from the mall and several folks from the development team, to answer any questions. (Mr. Merrell mentioned other projects they completed in Daytona Beach and the similarities with this project and others to come). He stated he would answer any questions they had about the project.

Mayor Henry asked if anyone had questions.

Commissioner Reed indicated he answered it with what was coming.

Mayor Henry stated they were all excited about the project and the continued evolution of the mall. He welcomed Mr. Merrell, wished him good luck and continued growth.

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

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

10. ADMINISTRATIVE HEARINGS

- A. Adopted/Resolution No. 18-34 approving the Bike Week 2018 Private Property Master Plan as submitted. The Master Plan is recommended for approval by the Daytona Regional Chamber of Commerce's Bike Week Festival Task Force. Bob Coleman and Phil Maroney, Vice Chairs of the Bike Week Festival Task Force, to report. City Clerk LaMagna read the Resolution by title only. A RESOLUTION APPROVING THE BIKE WEEK 2018 MASTER PLAN FOR OUTSIDE ACTIVITIES ON PRIVATE PROPERTY; AUTHORIZING OUTSIDE ACTIVITIES DURING BIKE WEEK 2018 ON PRIVATE PROPERTY LOCATED ON MAIN STREET, FAIRVIEW AVENUE, BALLOUGH ROAD, NORTH BEACH STREET, DR. MARY MCLEOD BETHUNE BOULEVARD, MARTIN LUTHER KING BOULEVARD, BETHUNE STREET, FULTON STREET, WEAVER STREET, MCLEOD AVENUE, WALNUT STREET, AND OAK STREET, PURSUANT TO SECTION 5.4.C.11., TEMPORARY OUTSIDE ACTIVITIES ASSOCIATED WITH A FESTIVAL, OF THE LAND DEVELOPMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Trager recused herself stating there's a conflict because she's an owner to one of the properties.

It was moved by Commissioner Reed to adopt the Resolution. Seconded by Commissioner Gilliland. Commissioner Trager stated that she was abstaining from the vote and had turned in the State of Florida Form 8B – Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers. The Resolution was adopted 6-to-0 with the breakdown as follows:

Commissioner Henry	Yea
Commissioner Reed	Yea
Commissioner Trager	Recused
Commissioner Delgado	Yea
Commissioner White	Yea
Commissioner Gilliland	Yea
Mayor Henry	Yea

- B. Adopted/Resolution No. 18-35 approving the Bike Week 2018 Public Property Master Plan. The activities included in the plan have been conducted routinely for many years each Bike Week. City staff has reviewed these requests and no concerns were noted. City Clerk LaMagna read the Resolution by title only. A RESOLUTION RELATING TO BIKE WEEK 2018; PROVIDING FOR MOTORCYCLE-ONLY TRAFFIC AND PARKING IN VARIOUS LOCATIONS; SUSPENDING PARKING REGULATIONS IN THE COMMERCIAL AREAS OF THE CONTROLLED PARKING DISTRICT FROM MARCH 2 THROUGH MARCH 18, 2018, IN ACCORDANCE WITH SECTION 94-218(d), CITY CODE; AUTHORIZING THE CITY TO OPERATE PAID PARKING LOTS AT VARIOUS LOCATIONS IN THE MAIN STREET AREA; AUTHORIZING VARIOUS ACTIVITIES ON PUBLIC PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

No comments.

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

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

- C. Adopted/Resolution No. 18-36 approving a Memorandum of Understanding between the City of Daytona Beach and the County of Volusia on recent changes to the County's comprehensive plan and zoning ordinance to establish a unified zoning for three hundred twenty one (321) acres of Airport property. The property is located north of Beville Road, west of Clyde Morris Boulevard, south the Airport airside and east of the City's fire station on Beville Road. The agreement establishes the design standards to be used by the County in the development of the above described property and provides the City with surety that development of such will be compatible with the surrounding land uses. This approach allows additional attention (in comparison to current practice) to City/County land use compatibility. City Clerk LaMagna read the Resolution by title only. A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF VOLUSIA, FLORIDA, ESTABLISHING A UNIFIED ZONING DESIGNATION FOR THERE HUNDRED TWENTY ONE (321) ACRES OF PROPERTY GENERALLY LOCATED NORTH OF BEVILLE ROAD, WEST OF CLYDE MORRIS BOULEVARD, SOUTH OF THE AIRPORT AIRSIDE, AND EAST OF THE CITY'S FIRE STATION ON BEVILLE ROAD; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS AND ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Doyle Lewis, 340 North St., Daytona Beach stated his concern about the homeless situation.

James Chisholm, City Manager stated that property is not included.

Mr. Lewis stated the property is not a safe zone for the homeless.

Mr. Chisholm stated to Mr. Lewis that he'll need to inform them.

James Morris, Deputy City Manager stated the agreement is a document presented by the county as it relates to their planning purposes for the property owned by the county and dedicated to airport purposes. A lot of the land is wooded and other things that are out there that does not include the safe zone that is at the end of the Bellevue extension. However, the purpose is to utilize a methodology for the City and county to incorporate and work together as new development may come to the property. In the longer term, the county has a potential plan to realign portions of the road and make it more developable for purposes related to airport activities and airside. There is no actual developmental plan put in place because this is a coordination mechanism that the City and the county previously has not had, so this a substantial step forward corporation owned and controlled by the county as part of the airport property but also in corporation with the City. To conclude, this document only relates to future planning purposes coordination and nothing more.

Commissioner Gilliland commented through a particular exercise he realized the zoning made was not up to par and also feels this matter is more so cleaning up something outdated but has to be recognized with both the City and the county working together on it.

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

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

11. PUBLIC COMMENTS

Marjorie Johnson, 122 South Keech Street, stated her concerns regarding the paving of Orange Avenue to International (ISB) and Martin Luther King (MLK). She asked to let the people have access to City Island Park and to put the benches back at the bus stops. She also asked for the evaluation of The City Manager.

Commissioner Reed stated that Ms. Johnson was right on time in regards to the paving of Orange Avenue or MLK from Orange Ave to ISB. She stated perhaps it may have been discussed in one of the meeting that Ms. Johnson missed, but they have strategic plan in place and it's beyond paving. They are going to have sidewalks increased. There are some utility issues that are not complete with Orange Avenue.

Doyle Lewis, 340 North Street, stated his appreciation for the donations to the First Step Shelter and asked for donation for benches. He stated his concern regarding the safe zone.

Joel Osborne, Attorney representing Sandra Lawrence owner of the property located at 301 Golf. He stated his concerns regarding his client's code case CE 2016- 2991. He asked the Commission to agree for a lien reduction and to add this to the agenda for the next Commission meeting to make an agreement.

Mayor Henry responded to Mr. Osborne's request. He stated he would like to hear more about this and suggested it be placed on the agenda.

Commissioner Gilliland stated he would like to see information from Mr. Vukelja from Code, to find out why he felt that was an appropriate fine.

Joel Osborne stated that he spoke to Code Enforcement regarding the fine on his property and he thinks this is not justice.

Commissioner Gilliland stated that he does not have enough information and he needs to know why they imposed the fine.

Mayor Henry stated it sounds ridiculous and he would like to address this case at a Commission Meeting.

Commissioner Reed asked if this was done before the City Commission.

Robert Jagger, City Attorney stated it has not been before the Commission. It's been before the Code Enforcement Board and they are the entity that established the fine. It's been back to them twice for lien reduction and was denied.

Joel Osborne stated his client has spent \$5,000 to pave the new driveway so the tenant wouldn't park on the grass. He stated the fine was so high because police use code enforcement as a vindictive tool.

Mayor Henry stated that they will move forward to address in a way the City believes is fair for the property owner.

Commissioner Gilliland asked to see the minutes from the Code Enforcement Board meeting and what happened to figure out the rationale.

Steve Koenig, 2000 N. Halifax Avenue, Property Manager stated his concerns regarding a code case related to property's parking violations. He stated that they weren't notified that it went before Code Enforcement and Code was told that it was a bad tenant so they decided to go with \$1000 per occurrence. He asked Code for lien reduction because the owner had taken measures to bring property in compliance but because of the stigma of the "bad tenant" it was not granted. He asked the Commission to consider this case and how to get it to Special Magistrate for a lien reduction.

Commissioner Trager asked if the property is now in compliance and if this is the goal of code enforcement to get it in compliance

Mayor Henry stated it was in compliance. He reiterated that they need to get all the information and they will make a decision.

Commissioner Trager clarified that it will be on the next agenda.

Mayor Henry responded correct.

Jim Cameron, Senior Vice President of Government Relations, Daytona Regional of Chamber. He thanked the Commission for allowing Mr. Hardy Smith to attend Florida Legal Cities meeting in Tallahassee. He stated they discussed a number of issues with their lobby teams related to Volusia County. He mentioned some of their concerns regarding vacation rentals and stated the Chambers support to First Step Shelter. He stated that the Commission will hear more about work force housing.

## 12. COMMISSION COMMENTS

Commissioner Henry, stated a couple of months ago she asked about a comparison of our facility fees with other cities and county. She was wondering how far along we are with the comparison.

James Chisholm, City Manager, stated they would get a report to the commissioner at next meeting.

Commissioner Reed welcomed the ladies of Delta Sigma Theta Sorority, Inc., her sorority sisters. Annually they come to support the commission. She stated they are a public service organization and political awareness and involvement is one of their five point programs. She stated they have supported her during her campaign but also during her reign. On March 10, 2018, she will celebrate 30 years with the sorority. She stated she is thankful for their continued support during this endeavor. She stated she would like to congratulate Percy Williamson and Mario Davis and their committee for an excellent 50<sup>th</sup> celebration for the commemoration of the life of Dr. Martin Luther King Jr. She stated they had an excellent three days of celebration. From the speaker on Saturday evening to the various cities, what it was nice that the county came together. She stated they did things on both sides

of the county in recognizing that 50<sup>th</sup> year. She reminded everyone that this weekend was the Fresh Book Festival at the Midtown Center, but first on Thursday evening at Bethune-Cookman, there is a free Film Festival at 7:00pm. On Friday, there is a reception to meet authors coming to town. On Saturday at the Midtown Center, all day long speakers will showcase their ware (she listed various people who can get in free). She stated it's a part of her illiteracy platform and encouraged the people to come out. She also stated the Ladies of DST one of the sponsors, as well as the City of Daytona Beach, which has partnered with Donna Banks to make this happen. She stated this is the event that they use at the Midtown Center to support the Echo Dollars they received for cultural programing. She thanked the City for that, because they've been engaged since the onset. She stated she would like to be kept abreast on what's happening at 1057 Keech Street, with the tree and the house. Also, if she could have a 2017-2018 resurfacing list of the streets. Lastly, she indicated that on Walker Street there are two extremely large potholes that we need to take care of.

Mayor Henry stated, with all the rain we had, those are somewhat prevalent throughout the community.

Commissioner Trager stated that she agrees with Commissioner Reed that the 50<sup>th</sup> anniversary was extra special, especially with the county coming together. She stated she joined the Mayor's Fitness Challenge and encouraged others to join.

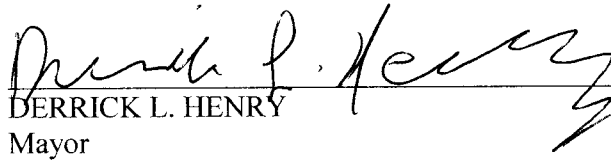
Commissioner Delgado had no comments.

Commissioner White had no comments

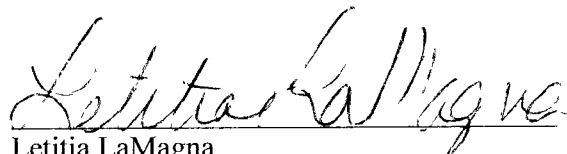
Commissioner Gilliland requested a list of event that were held at the stadium in 2017 to include practice days and not just game days, but when there was, actually use of the facility.

ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 7:17 p.m.

  
DERRICK L. HENRY  
Mayor

ATTEST:

  
Letitia LaMagna  
City Clerk

Adopted: February 7, 2018

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.