



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
FEBRUARY 6, 2019
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 19, 2018 Food Truck Workshop held at City Hall, 301 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. [No Presentation](#)

No presentation.

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/Technical Services Division - Trane U.S., Inc. and Air Of Orlando - Emergency Replacement Ratification \(pp. 19-33\)](#)

Resolution ratifying the emergency purchase orders with Trane U.S., Inc., 2301 Lucien Way, Suite 430, Maitland, FL 32751, quote No. 3 42-386443-18-006 (\$50,567.75) who will be supplying and installing the new HVAC system and Air of Orlando, American Portable, P.O. Box 297646, Pembroke Pines, FL 33029, quote No. 5701 (\$7.050) who are supplying the temporary portable HVAC units. The City Hall downstairs HVAC system suffered a catastrophic failure. The purpose of declaring this project an emergency is to expedite the replacement process, maintain the customer's quality of use of the facility with the least disruption and minimize the temporary chiller rental time. Funds available in the General Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.B. [Public Works / Technical Services Division - A.F Standby Systems - Purchase \(pp. 34-46\)](#)

Resolution accepting the quote from A.F. Standby Systems in the amount of \$35,200 for a new 60KW Generator and new 400 AMP Transfer Switch for Fire station 6. The Fire Department has requested an increase in the capacity of the generator and automated switch gear to provide emergency power service to the entire firehouse. This project will expand the service capabilities of the Fire Department to be able to respond to surrounding new development. This project also allows for continuous emergency operations and as a backup staging area during emergency events such as hurricanes. This expansion allows for a greater number of Fire Stations to remain in service during an emergency event to meet the growing demand from population and business communities. Fire Station No. 6 was abandoned during the last storm due to losing power. Funds available in the Fire/EMS Impact Fees Fund.

Recommendation: Public Works Director recommends adoption of the

Resolution.

8.C. [Utilities Department - Trojan Technologies - UV System Parts and Equipment - Westside Regional and Bethune Point Water Reclamation Facilities - Trojan UV System – Sole Source \(pp. 47-56\)](#)

Resolution approving a purchase from Trojan Technologies, 3020 Gore Road, London Ontario, Canada N5V 4T7, for UV system parts in the amount of \$175,786.14. The Westside Regional and Bethune Point Water Reclamation Facilities utilize an Ultraviolet (UV) System for disinfection of the treated wastewater. The purpose of this request is to obtain the required inventory for routine maintenance and have ample parts in stock for general repairs. All of the disposable parts consisting of lamps, ballasts, wipers, sleeves, electrical components, and hydraulic components are replaced annually to maintain disinfection levels required of all wastewater treatment plants by State and Federal regulatory agencies. Major maintenance is required every 8 to 10 thousand hours of service along with some items that require replacement every 2 years. Sole Source is being requested because Trojan Technologies is the only provider of these parts and to uphold the equipment warranty. Funds available in the Water and Sewer funds.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.D. [Utilities Department - Insituform Technologies, LLC - Continuing Services Contract for Cured-In-Place-Pipe Rehabilitation \(pp. 57-108\)](#)

Resolution approving a Continuing Services Contract for Cured-In-Place-Pipe rehabilitation with Insituform Technologies, LLC, 17988 Edison Avenue, Chesterfield, MO 63005, for one year with four one-year renewal options and authorizing the City Manager to renew the Contract annually under the Contract's renewal option. This request is needed to provide the City with rapid access to reliable and high quality pipe lining services in order to maintain and/or improve system capacity and reliability. No City funding is associated with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.E. [Utilities Department - Tomoka Town Center - Utility Easement Acceptance \(pp. 109-123\)](#)

Resolution accepting a Utility Easement granted by Tomoka Town Center Phase 1, LLC. The purpose of the easement is to convey a public utility easement for a gravity sewer system constructed within Phase One of Tomoka Town Center. As part of the Tomoka Town Center development, a public sewer system was designed and constructed to provide sewer service

to the outparcels. The sewer system has been completed and has been cleared for service by the FDEP. The acceptance of this easement is the final item required as part of the Letter Agreement – Issuance of Certificates of Completion for Tomoka Town Center.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.F. [Fire Department - Zoll Medical Corporation - Purchase \(pp. 124-135\)](#)

Resolution authorizing the sole source purchase of two (2) Zoll X-Series Cardiac Monitor/Defibrillators and accessories in the amount of \$69,622.76 from Zoll Medical Corporation 269 Mill Road Chelmsford, Massachusetts 01824-4105. As adopted in the FY18/19 Capital Improvement Plan, the proposed monitor/defibrillators purchase is year four of a multi-year replacement program to replace essential life saving equipment which is beyond its useful life. Previous grant funding attempts have been denied. Funds available in the Capital Projects Fund.

Recommendation: Fire Chief recommends adoption of the Resolution.

8.G. [City Manager's Office - Funding For Countywide Election - 1/2 Cent Sales Tax \(pp. 136-140\)](#)

Resolution approving funding for a countywide election, to be conducted by mail, anticipated to be held in May of 2019. To offset cost of the election, each city is being asked to approve a prorated contribution. Daytona Beach's requested allocation is \$41,203. The Daytona Beach City Commission has previously adopted a resolution supporting a referendum to determine public support for a new countywide ½ cent sales tax. The tax would be dedicated to funding transportation, clean water, storm water, and other infrastructure needs as defined in the County's enabling ordinance. At this time the projected annual revenue to the City of Daytona Beach is \$3,716,126. The length of the tax if approved would be twenty years.

Recommendation: City Manager recommends adoption of the Resolution.

8.H. [Development and Administrative Services - Aviŝta Properties VII, LLC - Boardwalk Improvement Agreement \(pp. 141-166\)](#)

Resolution authorizing approval of the Aviŝta Properties VII, LLC Boardwalk Improvement Agreement with Aviŝta Properties VII, LLC. The property is located at 41 S. Ocean Avenue in the Main Street Community Redevelopment Area (CRA). The agreement outlines Aviŝta's obligations with regard to construction and dedication to the City of a public boardwalk extension along the eastern edge of its property and other public improvements. Following the issuance of a Certificate of Occupancy for the

protect, the agreement provides for CRA Annual Incentive Payments from Annual Project TIF Revenue during the five year Incentive Period not to exceed the costs of the public improvements. The incentive payments are to be paid no later than April 30th of each year during the five-year Incentive Period. The TIF paid to Avista will cost up to \$3,121,004. Based on projected tax revenues, the City will receive as a return on investment \$6,414,650 over the life of the CRA (\$9,514,650 over a 20 year period).

Recommendation: Deputy City Manager recommends adoption of the Resolution.

8.I. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 167-170\)](#)

Resolution authorizing payment from the General Fund in the amount of:

\$200 to Jesus Clinic, health clinic providing free medical care for the working poor, for a donation to assist Daytona Beach residents and \$200 to Leisure Services, for permit fees for R.A.C.E Foundation's First Annual Educational Workshops and Family Talent Show from the Bike Week Sponsorship Fund 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.

\$250 to Delta Sigma Theta Sorority, Inc., Daytona Beach Alumnae Chapter, for their Community Shredding Event , \$200 to Leisure Services, for permit fees for R.A.C.E Foundation's First Annual Educational Workshops and Family Talent Show; and \$150 to Leisure Services for the Mayor's Fitness Challenge from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

\$150 to Leisure Services for the Mayor's Fitness Challenge, \$150 to Majesty Chapter 565, for the 14th Annual Easter Egg Hunt on April 20, 2019 at Derbyshire Park, \$250 to Delta Sigma Theta Sorority, Inc., Daytona Beach Alumnae Chapter, for their Community Shredding Event; and \$320 to Beta Iota Sigma Chapter, Sigma Gamma Rho Sorority, Inc., for Royal Blue and Gold Sponsorship to their Annual Black History Month Event from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Legal Department - Panhandling Ordinance \(pp. 171-184\)](#)

Ordinance on second reading - PUBLIC HEARING - amending the City Code to provide new panhandling regulations including sections for findings and intent, definitions, prohibited conduct, and proximity and location restrictions for panhandlers, beggars, and solicitors. Resolution No. 18-249, approved the City's request to retain attorney Michael Kahn to draft new panhandling regulations and to conduct evidentiary hearings before the City Commission in support thereof. Evidentiary hearings were conducted on December 12, 2018 and January 16, 2019.

Michael Khan, to report.

Recommendation: Motion to adopt Ordinance.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Preserve at LPGA - Large Scale Comprehensive Plan Amendment \(pp. 185-282\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Element, Neighborhood V, to increase the density from one (1) unit per acre to two (2) units per acre, with a maximum density of four (4) units per net acres for a 130± acre parcel generally located on the west side of LPGA Boulevard, between International Tennis Drive and International Speedway Boulevard (US 92). Applicant: Robert A. Merrell III, Esquire, Cobb Cole, and Raymond J. Spofford, AICP, England-Thims and Miller, Inc. on behalf of E. Scott Bullock, Consolidated-Tomoka Land Co.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - Rezoning, Planned Development-General - Preserve at LPGA - Rezoning, Planned Development-General \(pp. 283-356\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 130± acres of land located on the west side of LPGA Boulevard and south of Father Lopez School from Volusia County zoning to Planned Development-General (PD-G) to allow for a 158 lot single family subdivision, and authorizing the Mayor to execute the Preserve at LPGA Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, and Raymond J. Spofford, AICP, England-Thims and Miller, Inc. on behalf of E. Scott Bullock, Consolidated-Tomoka Land Co.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Mobile Food Vending \(pp. 357-418\)](#)

Ordinance on second reading - PUBLIC HEARING - amending the Land Development Code to allow for mobile food vending as a temporary use in all zoning districts. The proposed text amendment will introduce a new business market to the City that is not currently permitted. Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.E. [Development and Administrative Services, Planning Division - Code of Ordinances Text Amendment - Mobile Food Vendors \(pp. 419-442\)](#)

Ordinance on second reading - PUBLIC HEARING - 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.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends approval.

Action: Motion to adopt Ordinance.

9.F. [Development and Administrative Services, Redevelopment Division - Bellavita Estates - Rezoning to Redevelopment Downtown-Riverfront Mixed Use \(RDD-4\) \(pp. 443-466\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a request to rezone 0.65± acre of land located at 919 and 923 N. Beach Street from Local Industry (M-1) to Redevelopment Downtown - Riverfront Mixed Use (RDD-4), for the purpose of providing uses and development consistent with the City's Comprehensive Plan. Applicant: Diane Larsen, Selby Realty, on behalf of the property owner, Bellavita Estates Inc. * ***Applicant has requested that this item be continued until the March 6, 2019 City Commission Meeting****

Reed Berger, Redevelopment Director, to report.

Recommendation: Downtown Redevelopment Board recommends approval 4-to-0 and the Planning Board recommends approval 7-to-0.

Action: Motion to adopt Ordinance.

9.G. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Article 5 \(pp. 467-476\)](#)

Ordinance on first reading - PUBLIC HEARING - amending the Land Development Code, Article 5.2.A.2 to allow restaurants with drive-through service to the Tourist/Highway Interchange (T-5) zoning district.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Second Public Hearing, February 20, 2019

9.H. [Development and Administrative Services, Planning Division - Williamson Ridge - Neighborhood K & S - Large Scale Comprehensive Plan Amendment \(pp. 477-489\)](#)

Ordinance on first reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Element, Neighborhood K - Issue (C), Policy (2), and Neighborhood S - Issue (A), Policy (2), to remove listed permitted uses duplicated in the Mixed Use Future Land Use category, Policy 1.1.2, of the Future Land Use Element of the Comprehensive Plan and to eliminate limitations on commercial retail developments at the intersections of Williamson Boulevard and LPGA Boulevard, and Clyde Morris Boulevard and LPGA Boulevard. Applicant: Michael O. Sznajstajler, Esq., Cobb Cole, representing Concierge LPGA, LLC. ****This item was continued from the January 23, 2019 City Commission Meeting****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, April 3, 2019.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Redevelopment Division - Avista - Rezoning, Planned Development-Redevelopment \(pp. 490-659\)](#)

Ordinance on first reading - approving a request to rezone 2.176± acres of land located at 41 S. Ocean Avenue from Beachside Redevelopment-

Hotel/Mixed Use (RDB-1) to Planned Development-Redevelopment (PD-RD) to allow the construction of a hotel with associated site improvements, and authorizing the Mayor to execute the Avista Hotel Planned District Agreement. Applicant: Glenn D. Storch, P.A. on behalf of Avista Properties VII, LLC. **** This item was continued from the January 23, 2019 City Commission Agenda****

Reed Berger, Redevelopment Director, to report.

Recommendation: Beachside Redevelopment Board recommends approval 7-to-0 and the Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, second reading, February 20, 2019.

10.B. [Development and Administrative Services, Planning Division - LPGA Boulevard "A" - \(Williamson Ridge\) Rezoning, Planned Development-General \(pp. 660-734\)](#)

Ordinance on first reading - approving a request to rezone 13.6± acres of land located at the northeast intersection of LPGA Boulevard and Williamson Boulevard from Volusia County zoning and Planned Development-General (PD-G) to Planned Development-General (PD-G) to allow for the completion of a phased commercial development, and authorizing the Mayor to execute the Amended and Restated LPGA Boulevard "A" Planned District Agreement. Applicant: Michael O. Sznajstajler, Esq., Cobb Cole, representing Concierge LPGA, LLC and LPGA Williamson, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-1.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, April 3, 2019.

10.C. [Development and Administrative Services, Planning Division - Tiki Supreme - Rezoning to Planned Development-General \(pp. 735-773\)](#)

Ordinance on first reading - approving a request to rezone 12.4± acres of land located at 2401 Mason Avenue from Planned Development-General (PD-G) (Expired Tiki Supreme Planned District Agreement) to Planned Development-General (PD-G) to allow for the development of a 102,907± square foot industrial development and authorizing the Mayor to execute the Tiki Supreme Planned District Agreement. Applicant: Joseph Hopkins, P.E., The Performance Group, Inc., on behalf of Tiki Supreme Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, February 20, 2019.

10.D. [Development and Administrative Services, Planning Division - Orthopaedic Surgery Center - Second Amendment to Planned District Agreement \(pp. 774-830\)](#)

Ordinance on first reading - amending the Orthopaedic Surgery Center Planned District Agreement to add 4.1± acres and to allow for the construction of an additional 40,000 s.f. medical/general office building, expanding the total allowable medical/general office to 57,000 s.f. and a total of 7.1± acres of land located at 1871 LPGA Boulevard, and authorizing the Mayor to execute the Second Amendment to the Orthopaedic Surgery Center Planned District Agreement. Applicant: Mark Dowst, P.E., Mark Dowst & Associates, Inc., on behalf of Volusia Orthopaedic Trauma Call Associates, LLC and Indigo Development, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, February 20, 2019.

10.E. [Development and Administrative Services, Economic/Community Development - Amend the Affordable Housing Advisory Committee membership requirements to comply with changes in the Florida Statutes \(Section - 420.9076\) \(pp. 831-843\)](#)

Ordinance on first reading - amending Ordinance No. 93-37, establishing the Local Housing Assistance Program's Affordable Housing Advisory Committee (AHAC), as previously amended by Ordinance Nos. 96-259 and 08-112, to comply with changes in Florida Statutes Section 420.9076; revising the Advisory Committee size from 11 required members to "at least 8 but not more than 11 committee members"; revising the Committee technical qualifications whereby member representation must satisfy at least 6 of the 11 categories listed; and provide when this ordinance shall take effect.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, February 20, 2019.

10.F. [City Manager's Office - Board of Building Codes - Appointment](#)

[\(pp. 844-850\)](#)

Resolution appointing one member to the Board of Building Codes. The board shall consist of five members appointed by the City Commission. Board members shall be chosen on an at large basis. Each member shall have substantial experience in one or more areas of professional service within the building industry such as fire safety consulting, building inspection, engineering, architecture, or general contracting. A majority of the members shall be residents of the City. A position on this board was left vacant due to the resignation of Patricia Rippey. We have received one application from Vernon Weatherholtz.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.G. [City Manager's Office - Beautification/Tree Advisory Board - Appointments \(pp. 851-876\)](#)

Resolution appointing five members to the Beautification/Tree Advisory Board. The membership terms of Martha Grimshaw (At Large), Sheron Weatherholz (Zone 1) and James Newman (Zone 3) have expired and all three individuals would like to be reappointed. There are also openings in Zones 2, 5 and 6. 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. In addition to those members that would like to be reappointed, we have received additional applications from: Susan Bussinger (Zone 1), Meganne Sarau (Zone 2), Ted Hordecky (Zone 3), Milverton Robinson and Philip Reed (Zone 5).

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

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

12. ADJOURNMENT.

13. PUBLIC COMMENT FORUM - DURING THIS TIME CITIZENS ARE

**ALLOWED 2.5 MINUTES TO SPEAK ON ANY TOPIC OF CONCERN.
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.**