



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
OCTOBER 7, 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.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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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.

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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 September 9, 2020 Regular City Commission Meeting will be on the October 21, 2020 Commission Agenda.

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. [Presentation - First Step Shelter - Status Update \(pp. 15-16\)](#)

Presentation by Victoria Fahlberg, Executive Director of FSS on the status of the First Step Shelter (FSS), as well as the procedures for the operation of the Safe Zone.

6.B. [Presentation - Proclamation Declaring the City of Daytona Beach as a Purple Heart City \(pp. 17-18\)](#)

Mayor Henry to issue a Proclamation Declaring the City of Daytona Beach as a Purple Heart City.

7. CITIZENS.

7.A. [**PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION**](#) (pp. 19-20)

EMERGENCY PROCEDURES FOR PUBLIC MEETINGS AND PUBLIC COMMENTS

During this time of extraordinary circumstances dealing with the declared State of Emergency associated with the COVID-19 pandemic, the City is temporarily allowing online public comments, and limited in-person public comments at City Hall, for public meetings of the City Commission and the various City Boards.

Online Public Comment Forms. The City is providing an online Public Comment Form to allow members of the public to submit public comments for each public meeting of the City Commission or a City Board. The Public Comment Form may be found at <https://www.codb.us/comments>. Please follow the directions on the Form to ensure proper electronic submission to the City. All Public Comment Forms completed and properly transmitted before 5 p.m. on the day prior to the public meeting will be provided to City Commission or Board members, as applicable, for their review and consideration prior to the public meeting. Any Public Comment Forms submitted after 5 p.m. on the day prior to the meeting will be provided to Commission or Board after the public meeting. All Public Comment Forms will be included in the official meeting records and retained by the City Clerk or the Board Secretary as a public record. If you have issues with accessing, completing, or submitting the online Public Comment Form please email us at comments@codb.us or call 386-671-8023.

In-Person Public Comment on Propositions before the City Commission or a Board. Although persons are strongly encouraged to submit online Public Comment Forms during this State of Emergency, persons may visit City Hall during a public meeting to make public comment on propositions coming before the City Commission or Board for a vote, subject to these City procedures and all social distancing requirements recommended by the Federal Centers For Disease Control and Prevention. The Commission Chambers will be closed for in-person attendance by the public. The City Hall lobby will be equipped with an audio/video feed to the Commission Chambers and a lectern and microphone will be placed immediately inside

the Chamber door for public comment. Forms will be provided for persons to fill out who wish to make public comment. Persons may approach the Lectern to speak on an item before the Commission or Board at appropriate times, when called upon, subject to such time limitations as may be imposed by the public body. The lobby will also have a limited defined area, with social distancing, for persons waiting to make public comment. In addition, the exterior entryway to City Hall will be equipped with a loudspeaker for persons waiting for permission to enter to make public comment due to space limitations in the lobby. Persons may also monitor public meetings from their iPhone, iPad, or other electronic device at <https://www.codb.us/618/DBTV>, and enter City Hall for public comment at appropriate times, when called upon. Persons who have finished speaking or not intending to speak on a matter coming before the Commission or Board will not be permitted to remain in City Hall. All persons must comply with social distancing requirements while at City Hall, such as by remaining at least 6 feet apart. Use of facial masks is mandated to combat the spread of the COVID-19 disease.

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. [Legal Department - Resolution Extending The Local State of Emergency \(pp. 21-23\)](#)

RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY DUE TO COVID-19 FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING October 14, 2020; AUTHORIZING THE MAYOR TO EXTEND THE LOCAL STATE OF EMERGENCY FOR UP TO FOUR ADDITIONAL SEVEN-DAY INCREMENTS SUBJECT TO CONDITIONS; RATIFYING MAYORAL EXECUTIVE ORDER NO. 17; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Public Works/Property Maintenance - D.G. Meyer, Inc. - Ratification of an Emergency Purchase \(pp. 24-30\)](#)

Resolution ratifying an emergency purchase from D.G. Meyer, Inc.; P.O. Drawer 730008, Ormond Beach, FL 32173; to furnish and install (2) condensers at Regional Wastewater Treatment Plant in the amount of \$42,395. The Regional Wastewater Treatment Plant was in need of (2) new condensers to maintain their UV Treatment Room. The previous condensers were continuously failing due to age and heavy usage. The condensers are

vital to the Wastewater Treatment Plant operations. The City Manager authorized an emergency purchase order to pay for services rendered by D.G. Meyer, Inc. in accordance with the Purchasing Manual. Funds were budgeted and available in the Water & Wastewater Fund, Purchase Order No. 18704 was processed, and funds are currently encumbered.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.C. [Public Works/Technical Services Division -Green Construction Technologies, Inc - Mary McLeod Bethune Boulevard \(MMB\) Streetscape Improvements \(pp. 31-136\)](#)

Resolution approving the expenditure for the streetscape improvements at Mary McLeod Bethune Boulevard (MMB) from Martin Luther King (MLK) to N. Ridgewood Avenue by Green Construction Technologies, Inc., 2130 NE 15th Terrace, Wilton Manors, FL 33305, in the amount of \$236,950. On July 23, 2020, three (3) bids were received where Green Construction was the lowest responsive bidder at \$335,750. Public Works requests a deductive Change Order for (\$98,800) be signed to remove the new benches and waste receptacles; therefore, after the deductive change order, Contract 20543 will be for \$236,950, and within budget. Funds are available in the Capital Projects Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Public Works/Administration - 4C's Trucking & Excavation, Inc. - Ballough Road Milling & Resurfacing \(pp. 137-147\)](#)

Resolution approving the expenditure of CRA Funds to 4C's Trucking and Excavation, Inc., 331 Sawgrass Road, Bunnell, FL 32770, in the amount of \$217,545.49 for the milling and resurfacing of Ballough Road from Fairview Avenue to the southern side of the Ballough Road Bridge. Resolution 2020-45 was adopted by City Commission on February 19, 2020, accepting the low bid of 4C's Trucking and Excavation, Inc. for the Ballough Road Utility Improvements. Public Works was intending to perform paving work at the project site under a separate contract; however, in an attempt to provide a cost savings to the City, a quote was requested from the contractor to mill and resurface Ballough Road with the same limits. The use of funds for the proposed improvements is consistent with the Downtown/Ballough Road Redevelopment Plan goals, objectives and policies. Funds are available in the Ballough Road Community Redevelopment Trust Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [Utilities Department – Wright-Pierce – RFP No. 20354 – Construction Engineering Inspection Services for the Westside Regional Water Reclamation Facility Dewatering System Improvements Project \(pp. 148-193\)](#)

Resolution approving Contract No. 20354 with Wright-Pierce, 601 South Lake Destiny Road, Suite 290, Maitland, Florida 32751 for part-time Construction Engineering Inspection (CEI) services for the Westside Regional Water Reclamation Facility Dewatering System Improvements Project in an amount not to exceed \$178,541.34.

The City issued Request for Proposals (RFP) No. 20354 on February 25, 2020, and proposals were opened on March 24, 2020. Wright-Pierce was selected based on their qualifications. Funds are available in the State Revolving Loan – W&S Construction.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.F. [Utilities Department – PCEO, Inc. dba PC Construction – RFP No. 20173 – Ralph Brennan Water Treatment Plant Filter Upgrade Design Build Project \(pp. 194-299\)](#)

Resolution approving Contract No. 20173 with PCEO, Inc. dba PC Construction, 193 Tilley Drive, South Burlington, VT 05403 for design services associated with the Ralph Brennan Water Treatment Plant (WTP) Filter Upgrade Project in an amount not to exceed \$523,094.

The City issued Request for Proposals (RFP) No. 20173 on November 12, 2019, and proposals were opened on December 19, 2019. Three companies submitted proposals and PC Construction was selected based on their qualifications. The City negotiated design services with PC Construction in the amount of \$523,094. As part of the design services, PC Construction will develop a price for construction of the project. The cost for construction will be brought before Commission for approval and the contract subsequently amended. The total preliminary estimated cost for the Ralph Brennan WTP Filter Upgrade Project is \$5,100,000, which includes the design services. Funds are available in the Water & Sewer Improvement Construction Account.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.G. [Police Department - Florida Department of Transportation \(FDOT\) - Florida Strategic Highway Safety Plan - Application Submission, Acceptance, and](#)

[Execution of Grant Agreement Documents to the FDOT \(pp. 300-309\)](#)

Resolution authorizing the application submission, acceptance, and execution of grant agreement documents to the Florida Department of Transportation (FDOT). The FDOT's Florida Strategic Highway Safety Plan is to emphasize motorcycle safety as a high-priority area. This is to include ongoing high-visibility enforcement campaigns with the purpose of increasing motorcycle safety as the primary action. According to the FY2021 FDOT Highway Safety Matrix Ranking of Florida Cities Daytona Beach continues to rank 3rd out of 101 cities in serious motorcycle involved crashes.

The City of Daytona Beach faces various challenges in its efforts to increase the safety of motorcyclists and those with whom they come into contact. These issues are exacerbated by the number of major events (Bike Week, NASCAR races etc.) within the City. The aim of this project is not to reduce attendance at events, or visitors to the City, but to ensure that the safety of motorcyclists, their passengers and those they come into contact with is significantly increased.

The proposed solution is a request for \$55,000 for overtime operations, to address the issues previously referred to in relation to motorcycle safety. In addition to utilizing these operations to educate riders, other drivers, and pedestrians. There is no match requirement for this grant.

Recommendation: Police Chief recommends adoption of the Resolution.

8.H. [City Manager's Office - CARES Act - Volusia County Coronavirus Relief Fund Municipal Subrecipient Program – Subrecipient Agreement \(pp. 310-348\)](#)

Resolution approving the Volusia County Coronavirus Relief Fund Municipal Subrecipient Program - Subrecipient Agreement between the County of Volusia and the City of Daytona Beach. This agreement allows for the reimbursement of qualified unbudgeted expenses incurred by the City of Daytona Beach due to the City's Coronavirus Disease 2019 public health emergency response during the period of March 1, 2020 to December 30, 2020. The current County Council authorized maximum allocation for the City of Daytona Beach is \$2,407,514. Authorizing the City Manager/designees to execute all documentation and other applicable requirements in compliance with the Subrecipient Agreement. Authorizing the Budget Officer to amend the budget as required.

Recommendation: Deputy City Manager/Fire Chief recommends adoption of the Resolution..

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Walkers Green - Large Scale Comprehensive Plan Amendment \(pp. 349\)](#)

Ordinance on second reading - PUBLIC HEARING approving a Large Scale Comprehensive Plan Amendment (LSCPA) amending Neighborhood “R”, Issue (e) and Policy (1), to modify the upland buffer requirements to allow for reasonable use of the property. The existing future land use classification is Level 1 Residential for 391+/- acres of land. The property is generally located on the west side of Williamson Blvd. south of Beville Road and north of the Williamson Blvd. overpass of Interstate-95. Applicant: Glenn D. Storch, Esq., Storch Law Firm, on behalf of Masroc Land LP.
****Applicant is requesting this item be continued to the October 21, 2020 City Commission Meeting****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-0.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Walkers Green - Rezoning to Planned Development - General \(PD-G\) \(pp. 350\)](#)

Ordinance on second reading - Quasi-Judicial Hearing rezoning 391± acres of land generally located on the west side of Williamson Blvd., south of Beville Road and north of the Williamson Blvd. overpass of Interstate-95, from Agricultural (AG) zoning to Planned Development – General (PD-G), to allow for a 589 unit residential development. Applicant: Glenn D. Storch, Esq., Storch Law Firm, on behalf of Masroc Land LP. □ ****Applicant is requesting this item be continued to the October 21, 2020 City Commission Meeting****

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-0

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - First Amendment to O’Connor Capital Planned District \(PD\) Agreement and Approval of Cottages of Daytona Preliminary Plat \(pp. 351-445\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving the First Amendment to O’Connor Capital Planned District (PD) Agreement, to develop a rental community consisting of 282 dwelling units with associated site improvements on 29.7± acres of property generally located on the west side of North Williamson Boulevard and south of Strickland Range Road and

approval of the Cottages of Daytona preliminary plat. Applicant: Michael Sznajstajler, Esquire, Cobb Cole, on behalf of Capstone Collegiate Communities LLC, and CRISP 39-3 LLC,

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - LPGA Medical Center PD - Rezoning \(pp. 446-497\)](#)

Ordinance on second reading - Quasi-Judicial Hearing rezoning 7.3± acres of land generally located on the south side of LPGA Blvd., west of Jimmy Ann Dr. and east of the Clyde Morris Blvd. from General Industry (M3) zoning to Planned Development – General (PD-G), to allow for a medical or dental office. Applicant: Mark Dowst, Mark Dowst & Associates Inc., on behalf Scott Bullock, CRISP39-7 LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0.

Action: Motion to adopt Ordinance.

9.E. [Development and Administrative Services, Planning Division - Burgoyne-Large Scale Comprehensive Plan Amendment \(pp. 498-595\)](#)

Ordinance on first reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment (LSCPA) for 9.2± acres of land, generally located on the northernmost portion of the block bounded by Bay Street, Palmetto Avenue, West International Speedway Boulevard and Beach Street, and the northernmost portion of the block bounded by Mary McLeod Bethune Boulevard, Palmetto Avenue, 3rd Avenue, and Beach Street, amending Neighborhood E, Issue (a), Policy (1), to establish a maximum Floor Area Ratio of 10.00 and a maximum of 150 dwelling units per acre. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Burgoyne Properties LTD.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, December 2, 2020.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Burgoyne - Rezoning to Planned Development-Redevelopment Downtown \(PD-RD\) \(pp. 596-704\)](#)

Ordinance on first reading - rezoning 9.2± acres of land located on the northernmost portion of the block bounded by Bay Street, Palmetto Avenue, West International Speedway Boulevard and Beach Street, from Redevelopment Downtown - Beach Street Retail (RDD-1) and Redevelopment Downtown – Central Business District (RDD-2), and the northernmost portion of the block bounded by Mary McLeod Bethune Boulevard, Palmetto Avenue, 3rd Avenue, and Beach Street, from Redevelopment Downtown – Commercial (RDD-3), and Redevelopment Downtown – Mixed Use (RDD-4) to Planned Development – Redevelopment (PD-RD), to allow for a mixed use development. Applicant: A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Burgoyne Properties LTD.

Reed Berger, Redevelopment Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, December 2, 2020.

10.B. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Alcohol Distance Separation \(pp. 705-715\)](#)

Ordinance on first reading - amending Article 6, Section 6.21 of the Land Development Code (LDC), to remove the 200 foot distance separation requirement between places of worship and establishments licensed to sell or serve alcoholic beverages for on-premise consumption.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-0

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 21, 2020.

10.C. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment Encourage Affordable Housing with the PD Rezoning Process \(pp. 716-748\)](#)

Ordinance on first reading - amending the Land Development Code (LDC), Section 3.4.F (Application-Specific Procedures, Planned Developments), Section 4.8 (Planned Development Zoning Districts), and Section 11.5 (Definitions), to encourage and define affordable housing and to add specific procedures and standards for the review and approval of Planned

Development Districts.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-1

Action: Motion to pass Ordinance on first reading. □

Note: If passed, Public Hearing, October 21, 2020.

10.D. [City Manager's Office - Downtown Redevelopment Board - Appointments \(pp. 749-773\)](#)

Resolution appointing five (5) members to the Downtown Redevelopment Board. The board shall consist of seven (7) members appointed by the City Commission, one (1) Planning Board member and one member from the Downtown Development Authority who shall serve as ex officio members. Membership shall include six (6) members who reside or have their principal place of business in either the Downtown Redevelopment Area (DRA) or the Ballough Road Redevelopment Area (BRRA). A majority of the board members shall be residents of the City. We have five open positions and seven qualifying applicants: Jake Nicely who would like to be reappointed, John Kamchan, Tibor Benke, Lori Sandman, Freddie Smith-Friend, John Zemball and Pete Zahn.

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.