



**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
JULY 18, 2018  
COMMISSION CHAMBERS  
6:00 PM**

**AGENDA**

Website Address - [www.codb.us](http://www.codb.us) (City Clerk)

**NOTICE-** If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he 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><b>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</b></p>		<p><b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</b></p>
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In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office not later than three days prior to the proceedings.

- 1. ROLL CALL.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**

## 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 March 21, 2018 Strategic Planning Workshop, the April 25, 2018 1/2 Cent Sales Tax Workshop, the June 20, 2018 and the July 9, 2018 Business Meeting of the City Commission held at City Hall, 301 South 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 - JULY 2018 \(pp. 16-18\)](#)**

Residential Award:

Robert & Patti Bowman, 569 Crooked Stick Drive, Commissioner Robert A. Gilliland, Zone 4, to present.

Commercial Award:

Wall Street Lofts, 208 Wall Street, Mayor Derrick L. Henry to present.

**6.B. [Presentation - Daytona Beach I.A.F.F. Local 1162 \(pp. 19-20\)](#)**

Daytona Beach I.A.F.F. Local 1162 will present Mayor Henry with an award for going through the I.A.F.F. Fire ops. Adam Clatterbuck, President, 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. Items or discussions not listed on the Agenda will not be heard during this comment section.

**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. [Budget Division - Third Quarter FY 2017/18 Budget Amendment \(pp. 22-30\)](#)**

**Resolution** amending Resolution 17-379 (as previously amended), which adopted the FY 2017/18 budget, in order to increase revenues by \$ 8,721,331, operating expenditures by \$3,600,111, and capital expenditures and transfers by \$5,121,220. This budget amendment trues up trust and impact fee funds, provides for funding of expenditures and encumbrances for Hurricanes Matthew and Irma, provides for funding of two purchase orders carried forward from FY 2016/17, provides for funding of two new positions, provides additional funding for Notes Payable, and trues up the budget in the Water and Sewer Operating and Improvement Funds, and the Fleet Maintenance and Consolidated Insurance Funds.

Recommendation: Budget Officer recommends adoption of the Resolution.

**8.B. [Utilities Department - Development and Integration Of The Volusia County Local Mitigation Strategy \(LMS\) Into The City of Daytona Beach's Floodplain Management Plan \(FMP\) - Resolution of Support \(pp. 31-36\)](#)**

**Resolution** supporting the planning process for the development and integration of the Volusia County Local Mitigation Strategy (LMS) into the City of Daytona Beach's Floodplain Management Plan (FMP). The purpose

of the integrated planning process is to further the goals of the Community Rating System (CRS) Program and help increase the City's CRS rating.

Recommendation: Interim Utilities Director recommends adoption of the Resolution.

**8.C.** [Utilities Department - Williamson Boulevard Reuse Line - St. John River Water Management District - Grant Agreement Approval \(pp. 37-59\)](#)

**Resolution** approving the St. Johns River Water Management District (SJRWMD) Grant Agreement No. 33294 for the Williamson Boulevard Reuse Line with the following stipulations:

- Approve the Grant Agreement up to a maximum amount of \$516,379 and authorize the City Manager to execute the agreement and any future minor changes as described in the agreement.
- Approve Work Authorizations 135-APP and 135-ADM under Planning Solutions Corporation's professional services contract (approved by Resolution No. 15-205 on August 19, 2015) for the grant application and grant administration for a combined amount of \$51,636.

This agenda item is needed to accept the St. Johns River Water Management District grant to assist with funding the construction of the City's Williamson Boulevard Reuse Line and compensate Planning Solutions, Corp. for submitting, obtaining and administering the SJRWMD grant. The estimated total cost of the Williamson Boulevard Reuse Line construction project is \$1,564,784. The SJRWMD Cost Share Grant will reimburse 33% of the City's cost of constructing the improvements, up to a maximum amount of \$516,379 which will be available and dispersed in fiscal year 2018-2019.

The project's construction funding is summarized below:

- \$516,379 (SJRWMD Cost Share Grant)
- \$1,032,758 (FY 2018-2019 Renewal and Replacement 8% Fund)

These funds will be encumbered after the construction bids are received, reviewed and the responsive low bid is presented to the City Commission for award. Funds available in the Water and Sewer Improvement Construction Fund. □

Recommendation: Interim Utilities Director Recommends adoption of the Resolution.

**8.D.** [Development Services/Cultural & Leisure Services Department - Zoom Air Daytona Beach, LLC - Agreement Amendment \(pp. 60-91\)](#)

**Resolution** approving the proposed amendment to the agreement for construction, installation, and operation of Zoom Air Daytona Beach, LLC Aerial Adventure Park. Zoom Air Daytona Beach LLC has operated Zoom Air Adventure Park located in Tusawilla Park since April 19, 2012. The existing zipline course has been inoperational since receiving damage from Hurricane Matthew in 2016. Zoom Air Daytona Beach desires to repair and resume operation of its zipline course. The purpose of the proposed amendment is (1) to allow Zoom Air Daytona Beach LLC to rebrand the course under an alternate "trade name" or d/b/a, and (2) to give the City's Risk Manager discretion and authority to allow for additional changes in insurance coverage, when the Risk Manager determines that changes are consistent with other similar-in-scope Central Florida area business operations, and are reasonable in light of prior claims against Zoom Air's policies.

**Recommendation:** Cultural & Leisure Services Director recommends adoption of the Resolution.

**8.E.** [Business Enterprise Management Department - Department of Transportation Federal Aviation Administration - Lease Agreement \(pp. 92-106\)](#)

**Resolution** approving a 10 year lease agreement between the City of Daytona Beach and the Department of Transportation Federal Aviation Administration (DOT FAA) commencing October 1, 2018 and continuing through September 30, 2028. The purpose of this agenda item is to lease 400 square feet of City-owned property on the City's Municipal Golf Course to the DOT FAA to maintain a remote sensor station as part of the FAA Air Navigational Safety System which benefits the general flying public. The current lease amount is \$200 per year and the new lease amount is \$609 per year. No funding is required.

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

**8.F.** [Utilities Department - Momar, Inc - Supplemental Carbon Chemical – Water Reclamation Facilities – Contract Award \(pp. 107-126\)](#)

**Resolution** awarding Supplemental Carbon Source RFP No. 0118-0540 to Momar, Inc., 1830 Ellsworth Industrial Drive, NW, Atlanta, Georgia 30318 for a one (1) year contract for the purchase of Supplemental Carbon at a rate of \$0.147 per pound, with three (3) one-year renewal options under the same terms and conditions, a authorizing the not to exceed amount of \$75,000 for supplemental carbon for the remainder of fiscal year 2017/2018, a authorizing the City Manager to expend the annual budget appropriations for supplemental carbon; and a authorizing the City Manager to exercise the

renewal options. The City uses supplemental carbon to reduce the nutrients in the reclaimed water at the two Water Reclamation Facilities, Bethune Point and Westside Regional. The reduction of nutrients is required in the two permits issued by the Florida Department of Environmental Protection. In response to a request for proposals (RFP), proposals were received from suppliers on February 23, 2018. The City's Selection Committee evaluated the two (2) Proposals received and recommended award of contract to Momar and the selection was approved by the City Manager. Funds available in the Water & Sewer operating Fund.

Recommendation: Interim Utilities Director recommends adoption of the Resolution.

**8.G.** [Engineering, Public Works Department - Parker Mynchenberg and Associates, Inc. - Beach Street Streetscape Design – Contract Acceptance \(pp. 127-176\)](#)

**Resolution** authorizing the acceptance of a Design Contract with Parker Mynchenberg and Associates, Inc., (PMA), 1729 Ridgewood Avenue, Holly Hill, Florida 32117 in the amount of \$279,236.88. The Design Contract provides for design, permitting, and bidding services for the proposed Beach Street Streetscape between Orange Avenue and Bay Street. The City advertised a request for proposals on August 30, 2010 for the Beach Street Streetscape project and received six (6) responses. The Selection Committee evaluated the Proposals in accordance with the selection criteria set forth in the RFP and recommended contract negotiations with Parker Mynchenberg and Associates, Inc. Funds available in the General Fund (\$159,236.88) and the Renewal and Replacement - 8% Fund (\$120,000).

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

**8.H.** [Public Works, Technical Services Division - Trane U.S., Inc - Contract Award \(pp. 177-207\)](#)

**Resolution** approving a contract between the City of Daytona Beach and Trane U.S., Inc., 2301 Lucien Way, Suite 430, Maitland, FL 32751 in the amount of \$352,227.14 to replace the 10 year old existing 350 ton HVAC air cooled chiller located at the Daytona Beach Police Department with a energy efficient system. The existing unit is experiencing numerous unscheduled shut downs due to mechanical failures which causes the facility and Property Maintenance Division to have to go into an unscheduled emergency reaction maintenance mode. The replacement of the existing unit will help ensure less interruptions of services, which is particularly important during the use of the facility as the City Emergency Operations Center (EOC). Funds available in the Capital Projects Fund.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

**8.I.** [Public Works, Technical Services Division - APM Construction, Corp - Fire Station No.4 - Change Order No. 1 \(pp. 208-248\)](#)

**Resolution** approving Change Order No.1 to Contract No. 0317-1660 with APM Construction, Corp., 424 Luna Bella Lane, Suite 130, New Smyrna Beach, FL 32168, in the amount of \$30,677.45 for an additional time extension of 120 days for work necessary to complete the Fire Station addition project. The course of the project has unveiled several construction and code elements missing in the original bid documents. The major items include the requirement for electrical and structural upgrades among a few other small items. These change order items are required to make the project code compliant and safe for occupancy. Funds available in the Fire/EMS Impact Fees Fund.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

**8.J.** [Public Works, Technical Services Division - CDM Smith - Sweetheart Trail – Beach St \(Wilder Blvd to Shady Place\) - Work Authorization No. 5 \(pp. 249-266\)](#)

**Resolution** approving Work Authorization No. 5 to Contract No. 0516-1120-CDM with CDM Smith, 2301 Maitland Center Parkway, Suite 300, Maitland, FL 32751, for CEI Services for the Sweetheart Trail – Beach St (Wilder Blvd to Shady Place), for an amount not to exceed \$129,487.32. This is an FDOT SUNTrail project and requires consultant CEI oversight. The scope of work for this project is to construct a shared use non-motorized trail along Beach Street between Wilder Blvd and Shady Place. The SUNTrail Agreement for this project was approved and accepted with Res 18-90. Funds available in the General Fund.

Recommendation: Deputy Public Works Director recommends adoption of the Resolution.

**8.K.** [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 267-269\)](#)

**Resolution** authorizing payment in the amount of:

\$150 to Reign Homeschooling Academy for Florida East Coast Supersonics Track Club, Inc., for the 2018 AAU Junior Olympics Games and \$150 to New St. James Missionary Baptist Church for their annual Backpack

Giveaway to be held on Saturday, August 11, 2018 from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

\$200 to Daytona Beach GEM Project, Inc., for a General Donation from the Bike Week Sponsorship Funds of Commissioner Dannette Henry.

\$250 to Alpha Phi Alpha Fraternity, Inc., for the Black Diamond Soiree Scholarship Fundraiser to be held on August 11, 2018, \$250 to Reign Homeschooling Academy for Florida East Coast Supersonics Track Club, Inc., for the 2018 AAU Junior Olympics Games and \$1,000 to Bethune-Cookman University for the 1988 DST Line, Concert Chorale Fund from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

**8.L.** [Finance Department - Allocation of Bike Week Sponsorship Funds](#)  
**\*\*added 07-17-18\*\***

**Resolution** authorizing payment in the amount of:

\$500 to Daytona Beach Symphony Society for a General Donation from the Bike Week Sponsorship Funds of Commissioner Kelly White.

\$1,500 to Boys & Girls Clubs of Volusia/Flagler Counties, Inc., for a General Donation from the Bike Week Sponsorship Funds of Commissioner Robert Gilliland.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

**9. PUBLIC HEARINGS.**

**9.A.** [Development and Administrative Services, Planning Division - DME Sports - Large Scale Comprehensive Plan Amendment \(pp. 270-309\)](#)

**Ordinance on first reading - PUBLIC HEARING** - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) changing the Future Land Use Map (FLUM) designation from "County" Activity Center (AC) to "City" Mixed Uses for 13.67± acres of land located on the south side of Bellevue Avenue adjacent to the Daytona Beach International Airport. Applicant: Joseph H. Hopkins, P.E., The Performance Group, Inc., on behalf of Michael Panaggio, DME Sports, LLC.

Dennis Mrozek, Planning Director, to report.



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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 5, 2018.

## 10. ADMINISTRATIVE ITEMS.

### 10.A. [Development and Administrative Services, Planning Division - DME Sports - Voluntary Annexation \(pp. 310-327\)](#)

**Ordinance on first reading** - approving a voluntary annexation of 13.67± acres of land located on the south side of Bellevue Avenue and adjacent to the Daytona Beach Airport, contiguous to the municipal boundary, and pursuant to Chapter 171, Florida Statutes. The applicant is seeking to annex two parcels, the parent tract is 9.98± acres and serves as the main campus for DME Sports Academy and the second parcel contains 3.69± acres and contains a sports training field affiliated with the main campus. Applicant: Joseph Hopkins, P.E., The Performance Group Inc. on behalf of Michael Panaggio, DME Sports, LLC.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 1, 2018.

### 10.B. [Development and Administrative Services, Planning Division - DME Sports - Rezoning, Planned Development-General \(pp. 328-417\)](#)

**Ordinance on first reading** - approving a request to rezone 13.67± acres of land located on the south side of Bellevue Avenue adjacent to the Daytona Beach International Airport from "County" Planned Unit Development (PUD) and Light Industrial (I-1) to "City" Planned Development-General (PD-G) to allow for the continued operation and future expansion of the DME Sports Academy with additional industrial, medical, and office uses, and authorizing the Mayor to execute the DME Planned District Agreement. Applicant: Joseph H. Hopkins, P.E., The Performance Group, Inc., on behalf of Michael Panaggio, DME Sports, LLC.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 1, 2018.

### 10.C. [Development and Administrative Services, Planning Division - Land](#)

[Development Code Text Amendment - Amend Article 2 and 9  
\(pp. 418-428\)](#)

**Ordinance on first reading** - amending the Land Development Code (LDC) as follows:

Article 2.11. Board of Building Codes.

I. Quorum and Necessary Vote.

1. Quorum. - Amend the number of members from four to three to constitute a quorum.

Article 9.2. International Property Maintenance Code and Local Amendments.

B.7.111.4 Open hearing. Delete text that a quorum shall consist of not less than two thirds of the board membership.

B.7.111.5 Postponed hearing - Delete text in its entirety.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, August 1, 2018.

**10.D.** [Budget Division - FY 2018/19 Proposed Tentative Millage Rates  
\(pp. 429-434\)](#)

**Resolution** advising the Property Appraiser for advertising purposes, the FY 2018/19 proposed tentative operating millage rate, rolled-back rate, and voted debt service rate. The requested proposed tentative millage rates for each \$1,000 of assess valuations are:

	Proposed	Current
Rolled-back	5.8527	N/A
General Fund Operating	6.3333	6.3333
Voted Debt Service	0.3090	0.3389

The first public hearing is scheduled for September 5, 2018, on which the proposed tentative millage rate and proposed FY 2018/19 Budget will be acted upon.

Fred Coulter, Budget Officer to report.

Recommendation: Budget Officer recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

**10.E.** [Cultural & Leisure Services Department - Biketoberfest 2018 Master Plan - Private Property \(pp. 435-553\)](#)

**Resolution** adopting the Biketoberfest 2018 Private Property Master Plan as submitted by the Daytona Area Convention and Visitors Bureau. The Biketoberfest Development Committee recommends approval of the Biketoberfest 2018 Private Property Master Plan as submitted.

Kay Galloway, Director of Market Development, to report.

Recommendation: Commission Action.

Action: Motion to adopt the Resolution.

**10.F.** [Cultural & Leisure Services Department - Biketoberfest 2018 Master Plan - Public Property \(pp. 554-614\)](#)

**Resolution** adopting the Biketoberfest 2018 Public Property Master Plan. The activities included in the plan have been conducted routinely for many years each Biketoberfest. City staff has reviewed these requests and no concerns were noted.

Helen Riger, Cultural & Leisure Services Director, to report.

Recommendation: Cultural & Leisure Services Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

**10.G.** [City Manager's Office - Michael Kahn - Panhandling Ordinance - Retainer Agreement \(pp. 615-636\)](#)

**Resolution** approving an Attorney Retention Agreement between the City of Daytona Beach and Attorney Michael Kahn. Daytona Beach is experiencing a significant increase in aggressive panhandling. The situation is a health and safety issue for the community's residents, businesses and visitors. A retainer agreement with Mr. Kahn is recommended for the purpose of development of an Ordinance to regulate aggressive panhandling in Daytona Beach. After adopting and beginning enforcement of an Ordinance addressing aggressive panhandling written by Mr. Kahn, the City of St. Augustine reports positive results. Funds available in the General Fund.

James Chisholm, City Manager, to report.

Recommendation: The City Manager recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

**10.H.** [City Manager's Office - Riverfront Park Agreement](#)

Riverfront Park Agreement - Backup to follow.

**11. DISCUSSION.**

**11.A.** [Discussion - Proposed Land Development Code and Code Of Ordinances Text Amendments To Allow Mobile Food Vending \(pp. 638-683\)](#)

City Commission to discuss proposed text amendments to the Land Development Code (LDC) and Code of Ordinances to allow mobile food vending as a temporary use within the City.

**11.B.** [Discussion - Proposed Park Trespass Warning Ordinance \(pp. 684-688\)](#)

City Commission to discuss a proposed Ordinance on Park Trespass Warnings.

**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 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.**