

MINUTES

REGULAR MEETING – CITY COMMISSION

December 19, 2018

Minutes of the Regular Business Meeting of the City Commission of The City of Daytona Beach, Florida, held on Wednesday, December 19, 2018 at 6:00 p.m., in the Commission Chambers, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

1. Roll Call.

Commissioner Robert Gilliland	Present
Commissioner Dannette Henry	Present
Commissioner Paula Reed	Present
Commissioner Ruth Trager	Present
Commissioner Aaron Delgado	Present
Commissioner Quanita May	Present
Mayor Derrick Henry	Present

Also Present:

James Chisholm, City Manager

Robert Jagger, City Attorney

Letitia LaMagna, City Clerk

2. The Invocation was led by Commissioner Reed.

3. The Pledge of Allegiance was led by Commissioner Gilliland.

4A. APPROVAL OF MINUTES

Approval of the Minutes of the November 21, 2018 and the December 5, 2018 Business Meeting of the City Commission held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.

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

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

5. AGENDA APPROVAL

James Chisholm, City Manager read the Agenda changes as follows:

Pulled Item No. 6A - City Manager's Office - The Brown Riverfront Esplanade Foundation, Inc. - Riverfront Esplanade Development and Maintenance Lease

Pulled Item No. 8F - Public Works/Administration Division - City of Daytona Beach and Florida Department of Transportation (FDOT) - I-95 Community Aesthetic Feature Agreement

Added Item No. 10A - City Manager's Office - Amendment Of The City's 2018-2019 State Legislative Priorities List

Corrected the last sentence of Item No. 10A from “an amount NOT in excessof” to “an amount IN excess of”

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

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

6.

A. Pulled - City Manager's Office - The Brown Riverfront Esplanade Foundation, Inc. -Riverfront Esplanade Development and Maintenance Lease

7. CITIZENS COMMENTS

John Nicholson, 413 N. Grandview Avenue, Daytona Beach, questioned if the Beachside was included in the prisoner contract and suggested the Streets Team members should be used to paint over graffiti or pull weeds.

James V. Chisholm, City Manager, asked Mr. Nicholson to provide the addresses of the graffiti and it would be resolved.

8. CONSENT AGENDA

A. Adopted/Resolution No. 18-412 authorizing payment in the amount of \$60,000 to Janice and James Mayer and their attorney, Fermin Lopez, Esq. for release of all claims and full settlement arising from injuries allegedly sustained from a September 5, 2014 fall on City property. A RESOLUTION AUTHORIZING PAYMENT TO JANICE AND JAMES MAYER AND THEIR ATTORNEY IN THE TOTAL AMOUNT OF \$60,000 FOR RELEASE OF ALL CLAIMS AND FULL SETTLEMENT OF LITIGATION REGARDING AN INCIDENT ON SEPTEMBER 5, 2014; AND PROVIDING AN EFFECTIVE DATE.

- B. Adopted/Resolution No. 18- 413 approving Settlement of Litigation - City of Daytona Beach v. Jay Pritam Inc., Case Number 2018-31342-CICI, brought by the City to foreclose on code enforcement liens against the property located at 303 N. Ridgewood Avenue. Code fines have accrued on the property in the amount of \$29,400 and false alarm liens have accrued in the amount of \$700. The code violations included paint, parking lot potholes, signs, landscaping, broken fence, trash and debris, roofs, gutters, and fascia. A recent inspection confirms full compliance with City Codes. The Defendant has offered to pay a reduced fine/lien amount of \$15,000, payable in three equal monthly installments of \$5,000 each, as full settlement to resolve the foreclosure action. A RESOLUTION APPROVING SETTLEMENT WITH JAY PRITAM INC., IN A FORECLOSURE ACTION ON CITY LIENS RELATED TO PROPERTY LOCATED AT 303 N. RIDGEWOOD AVENUE; ACCEPTING PAYMENT TO THE CITY IN THE AMOUNT OF \$15,000 IN SATISFACTION OF THE LIENS; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXECUTE A SATISFACTION OF LIEN UPON RECEIPT OF PAYMENT; AND PROVIDING AN EFFECTIVE DATE.
- C. Adopted/Resolution No. 18-414 electing and authorizing use of the uniform method of collecting non-ad valorem assessments that may be imposed upon real property within the City for unreimbursed costs incurred by the City for the demolition of condemned structures, commencing with tax year 2019 and continuing until discontinued by the City, and requesting approval of agreements between the City and Property Appraiser, and between the City and Volusia County/Tax Collector, providing for reimbursement of costs associated with use of uniform method of collections for such assessments. A RESOLUTION OF THE CITY OF DAYTONA BEACH, FLORIDA, ADOPTED PURSUANT TO SECTION 197.3632(3)(a), FLORIDA STATUTES, ELECTING AND AUTHORIZING THE USE OF THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS THAT MAY BE IMPOSED UPON REAL PROPERTY WITHIN THE CITY FOR UNREIMBURSED COSTS INCURRED BY THE CITY FOR THE DEMOLITION OF CONDEMNED STRUCTURES, COMMENCING WITH TAX YEAR 2019 AND CONTINUING UNTIL DISCONTINUED BY THE CITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.
- D. Adopted/Resolution No. 18-415 authorizing the City Manager to submit a grant application to Racing and Recreational Facilities District Grant for the Dickerson Community Center Parking Lot Improvements for an amount up to \$369,359 and accept the grant if awarded. The estimated cost for the Dickerson Community Center Parking Lot Improvements project is \$369,359. If the grant award is less than the estimated project cost, the City will be required to provide any additional funding from other sources. No funding obligations are required as a condition of the grant. After grant acceptance, funding will be made available in an appropriate project specific account as needed for the grant. A RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO AND ACCEPTANCE OF GRANT FUNDS FROM THE DAYTONA BEACH RACING AND RECREATIONAL FACILITIES DISTRICT IN THE AMOUNT OF \$369,359 TO ASSIST IN THE COST OF THE DICKERSON COMMUNITY CENTER PARKING LOT IMPROVEMENTS PROJECT; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE GRANT IF IT IS AWARDED AND EXECUTE ALL DOCUMENTS NEEDED FOR GRANT ACCEPTANCE; AND PROVIDING AN EFFECTIVE DATE.
- E. Adopted/Resolution No. 18-416 approving Contract No.W1156 with the Florida Department of Corrections (DOC), 501 South Calhoun Street, Tallahassee, Florida 32399, to supply inmate labor assistance in the amount of \$57,497 per year. This contract shall begin on January 23, 2019 and will end on January 22, 2022 and may be renewed for up to a three (3) year period with the same terms and conditions. It is also requested that the City Manager be authorized to exercise renewal options as well as authorization to expend the annual budget appropriations for this contract. A

RESOLUTION APPROVING CONTRACT #W1156 WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR SUPERVISED INMATE LABOR SERVICES IN THE ANNUAL AMOUNT OF \$57,497 COMMENCING JANUARY 23, 2019 AND ENDING ON JANUARY 22, 2022 WITH AN OPTION TO RENEW FOR THREE ADDITIONAL ONE-YEAR TERMS UNDER THE SAME TERMS AND CONDITIONS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT; AUTHORIZING THE CITY MANAGER TO EXERCISE THE RENEWAL OPTION ON THE CITY'S BEHALF AND EXPEND FUNDS FOR THE SERVICES, SUBJECT TO BUDGETING AND APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.

- F. Pulled Resolution authorizing the City Manager to execute an agreement between The City of Daytona Beach and Florida Department of Transportation (FDOT) for a Community Aesthetic Feature which will be maintained by the City. The feature was designed and will be installed as part of the overall aesthetics component of a FDOT Design-Build Construction project, FM No.242715-2-52-01 and will be installed within the I-95 and I-4 interchange. The FDOT requires the City Commission's resolution authorizing execution be attached to the agreement. The agreement entails that both parties acknowledge that the FDOT shall bear the cost and responsibility of design and installation; the City shall bear the cost and responsibility of the perpetual maintenance of the feature. The terms of the agreement will commence upon full execution of the Agreement, and continue through December 31, 2068, which is determined as the lifespans of the project. There is no funding associated with this request; FDOT will be responsible for the funding of the project. A RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT"), PROVIDING FOR FDOT TO DESIGN AND BUILD A COMMUNITY AESTHETIC FEATURE AT THE I-95/I-4 INTERCHANGE AND FOR THE CITY TO MAINTAIN THE COMMUNITY AESTHETIC FEATURE UPON ITS COMPLETION; AUTHORIZING CITY MANAGER AND CITY CLERK TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
- G. Adopted/Resolution No. 18-417 awarding Bid No. 19051 to the Lowest-Best Responsive bidder, Clear Waters, Inc. 64 Bay Harbour Drive, Ponce Inlet, FL 32127 for a two (2) year pond maintenance service contract for a total amount of \$40,200 with three 1-year renewals and authorizing the City Manager to exercise the renewals at the same terms and conditions. The work generally consists of furnishing all labor, materials, equipment, and supervision for pond and aquatic management services for nineteen (19) locations throughout the City. The contractor will utilize good environmental and aquatic best management practices (BMP's), using methods with a wide margin of safety for fish, waterfowl and human life, and to comply with applicable laws and rules. A RESOLUTION ACCEPTING THE LOW BID OF CLEAR WATERS, INC., TO PROVIDE POND MAINTENANCE SERVICES FOR A TWO-YEAR TERM AT A COST OF \$40,200 FOR THE TWO-YEAR TERM, WITH OPTIONS TO RENEW FOR UP TO THREE ADDITIONAL TERMS OF ONE-YEAR EACH; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A GENERAL SERVICES CONTRACT IN ACCORDANCE WITH THE BID DOCUMENTS; AUTHORIZING THE CITY MANAGER TO EXERCISE THE CITY'S RENEWAL OPTIONS IN FUTURE FISCAL YEARS, SUBJECT TO BUDGETING AND APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE.
- H. Adopted/Resolution No. 18-418 approving a Final Reconciliation Agreement with 4C's Trucking and Excavation, Inc., 331 Sawgrass Road, Bunnell, FL 32110 for the ISB/SR600/US-92 Utility Repairs and Water Main Adjustments Contract with the following stipulations:
- Approve October 15, 2018, as the final completion date and start of the warranty period
 - Approve the final adjusted contract price of \$285,118.39

- Approve a final payment of \$41,392.43 due under the contract, which includes retainage

The final adjusted contract price includes an overall contract increase of \$21,181.80 due to costs associated with water main adjustments to avoid two buried unknown electrical vaults and a duct bank. This request is needed to close out the ISB/SR600/US-92 Utility Repairs and Water Main Adjustments Contract and pay the contractor for work performed. A RESOLUTION APPROVING THE FINAL RECONCILIATION AGREEMENT WITH 4C'S TRUCKING AND EXCAVATION, INC., FOR THE ISB/SR600/US-92 UTILITY REPAIR AND WATER MAIN ADJUSTMENT PROJECT; ESTABLISHING A FINAL ADJUSTED CONTRACT PRICE OF \$285,118.39 AND ONE-YEAR WARRANTY COMMENCEMENT DATE OF OCTOBER 15, 2018; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

I. Adopted/Resolution No. 18-419 authorizing payment in the amount of:

\$500 to Cultural Services for the Mayor's Fitness Challenge 2019 from the Bike Week Sponsorship Funds of Mayor Derrick 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 passed 7-to-0 with the breakdown as follows:

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

9. PUBLIC HEARINGS

- A. Adopted/Ordinance No. 18-420 amending the Daytona Beach Kennel Club Planned District Agreement to incorporate the existing billboard as an on-site sign and allow for additional wall signage on property located at 960 S. Williamson Boulevard, and authorizing the Mayor to execute the Sixth Amendment to Daytona Beach Kennel Club Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Daytona Beach Kennel Club, Inc. City Clerk LaMagna read the Ordinance on second and final reading by title only. AN ORDINANCE APPROVING THE SIXTH AMENDMENT TO THE DAYTONA BEACH KENNEL CLUB PLANNED COMMERCIAL DEVELOPMENT AGREEMENT TO INCORPORATE THE EXISTING BILLBOARD AS AN ON-SITE SIGN AND ALLOW FOR ADDITIONAL WALL SIGNAGE, ON PROPERTY LOCATED AT 960 SOUTH WILLIAMSON BOULEVARD; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SIXTH AMENDMENT TO THE DAYTONA BEACH KENNEL CLUB PLANNED COMMERCIAL DEVELOPMENT AGREEMENT; 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 Gilliland. The motion passed 7-to-0 with the breakdown as follows:

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

- B. Adopted/Resolution No. 18-421 authorizing the City to enter into the Buc-ee's Transportation Improvements Cost Allocation Agreement with Buc-ee's Ltd., ("Owner") and the County of Volusia to address traffic concurrency and traffic roadway impacts created by the Buc-ee's development located at the interchange of Interstate 95 and LPGA Boulevard on 13.97± acres. The agreement provides for Roadway Improvements in accordance with the City and the County of Volusia to satisfy traffic concurrency requirements. Buc-ee's Ltd. shall complete required traffic improvements or modification of the roadway and traffic control devices on LPGA Boulevard as stated in the Buc-ee's Transportation Improvements Cost Allocation Agreement prior to issuing the certificate of occupancy. City Clerk LaMagna read the Resolution by title only. A RESOLUTION APPROVING THE BUC-EE'S TRANSPORTATION IMPROVEMENTS COST ALLOCATION AGREEMENT WITH BUC-EE'S LTD AND THE COUNTY OF VOLUSIA, PROVIDING FOR THE PROPORTIONATE FAIR SHARE CONTRIBUTION BY BUC-EE'S LTD, RELATING TO TRANSPORTATION FACILITY CONCURRENCY FOR THE BUC-EE'S DEVELOPMENT LOCATED AT THE INTERCHANGE OF INTERSTATE 95 AND LPGA BOULEVARD; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

James Morris, Deputy City Manager, explained the item and the transportation improvements in relation to the Buc-ee's Plan Development Agreement. It is intended to address the impact the development will have on the interchange.

John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated he was at the County meeting and there is no cost to us and no maintenance to any of this.

It was moved by Commissioner Delgado to adopt the Resolution. Seconded by Commissioner Reed. The motion passed 7-to-0 with the breakdown as follows:

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

- C. Adopted/Resolution No. 18-422 authorizing the City to enter into The Mosaic Transportation Improvements Cost Allocation Agreement with BII Volusia Holdings, LLC ("Owner") and the County of Volusia, and approve the proportionate fair share amount. The Agreement addresses traffic concurrency and roadway impacts created by the Mosaic development located west of LPGA Boulevard and south of Tournament Drive. The Agreement provides for a proportionate fair share contribution for the total buildout of Mosaic for offsite traffic improvements, based upon a maximum buildout of 1,200 dwelling units. The Agreement vests traffic concurrency for Mosaic in the amount of \$2,500,000 to be paid to the County. Within ninety (90) days of the effective date of this Agreement, payment in the amount of One Million (\$1,000,000) Dollars shall be paid to the County and for years two (2) through six (6), Owner shall pay Three Hundred Thousand (\$300,000) Dollars on the annual anniversary date of the first payment. City Clerk LaMagna read the Resolution by title only. A RESOLUTION APPROVING THE MOSAIC TRANSPORTATION IMPROVEMENTS COST ALLOCATION AGREEMENT WITH BII VOLUSIA, LLC AND COUNTY OF VOLUSIA, PROVIDING FOR THE PROPORTIONATE FAIR SHARE CONTRIBUTION BY BII VOLUSIA, LLC, FOR ROADWAY IMPROVEMENTS RELATING TO TRANSPORTATION FACILITY CONCURRENCY FOR THE MOSAIC RESIDENTIAL DEVELOPMENT, LOCATED WEST OF LPGA BOULEVARD AND SOUTH OF TOURNAMENT DRIVE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

No comments.

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

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

10. ADMINISTRATIVE HEARINGS

- A. Adopted/Resolution No. 18-423 amending the City's 2018-2019 State Legislative priorities list. At the December 17, 2018 Volusia Legislative Delegation meeting, a proposed local bill was introduced that will benefit the City of Daytona Beach and the Legislative Delegation gave its unanimous support of the bill. This legislation, if approved would release state owned rights and restrictions to property along the Daytona Beach riverfront to the City at no cost to the City. Release of the State restrictions has been approved by the Florida Cabinet contingent on payment by the City of an amount not in excess of \$8.7 million. City Clerk LaMagna read the Resolution by title only. A RESOLUTION APPROVING THE AMENDED STATE LEGISLATIVE PRIORITIES LIST FOR FY 2018-2019; AND PROVIDING AN EFFECTIVE DATE.

Hardy Smith, Government Relations Administrator, stated an interesting opportunity had come to Daytona Beach since they last met and established the legislative priorities for the 2018-2019 year. He stated , since the 1920's the City of Daytona Beach and the State of Florida have been working collaboratively to transfer state owned property, state deed restrictions and light along the Daytona Beach Downtown Riverfront area, from the state to the City. He stated the Florida Cabinet has recently agreed to remove the remaining restrictions and transfer existing stated lands to the City. He stated that state ownership of the remaining property and the rights and covenants they hold are seen as impediments for them successfully implementing the master plan activities the City has adopted over the last several years. He stated based on a state appraisal, the land and the rights have a value in excess of \$8,700,000. He stated the cabinet's approval of transferring this to the City is contingent on payment by the City to the State an amount equal to the value in excess of \$8,700,000. He stated Representative Elizabeth Fetterhoff with support from Senator Travis Hutson have introduced a proposed local legislative bill to remove all the state restrictions and validate what the cabinet has done in agreeing with transferring the land and restrictions. He stated the legislation could make this happen at no cost to the City. He stated the request would be if they agree to include it on their legislative priority list they adopted at the last meeting.

Mayor Henry stated this is a phenomenal opportunity and he hopes it's successful. He stated it took a lot to get to this point.

James V. Chisolm, City Manager, stated the staff has done an outstanding job.

It was moved by Commissioner Trager to pass the Resolution on first reading. Seconded by Commissioner Reed. The motion passed 7-to-0 with the breakdown as follows:

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

11. COMMISSION COMMENTS

Commissioner Gilliland asked has there been any follow up with the streets team for Midtown. He wanted to know if the amount was under the City Manager's authority because he doesn't remember that amendment coming through the Commission.

James Chisholm, City Manager, stated he doesn't recall but he will check and is certain they did one for Orange Avenue.

Commissioner Gilliland stated he saw the workers out working this morning and he just wasn't sure what happened with it and for everyone to have a Happy Holiday.

Commissioner Henry stated Happy Holidays to everyone and she looks forward to seeing everyone next year.

Commissioner Reed asked when the construction work will get finished on Martin Luther King Jr. Street from Orange Avenue to International Speedway Boulevard and Happy Holidays.

Mr. Chisholm stated the City received some bids which came out to be a lot higher than they'd expected but will still manage to move forward.

Commissioner Trager stated this will be the City's last year hosting the NAIA, National Association of Intercollegiate Athletics Football Championship and they honored about 26 of the City's local students from each high school in the area for their character and athletic ability. She expressed her gratitude for Mr. Hardy Smith, Government Relations Administrator doing an excellent job as the guest speaker at the dinner and Mr. Charles Bryant, Redevelopment Project Manager for how beautiful the senior prom turned out. Also, on Friday, December 21, 2018 the City's Police Department will have their bicycle give away from 4:00 pm – 7:00 pm. Lastly she said Happy Holidays and Happy New Year.

Commissioner Delgado stated Happy Holidays.

Commissioner May stated last week at the Pan Handling meeting there were some disturbing issues brought forth and wanted to know if the City had ways to sanitize or help the situation so that when families attend the parks and etc., they'll feel like it's a sanitary environment.

Mr. Chisholm stated the discussion was very productive and the sanitation element of the population in a lot areas are concerning but the City will see what they can do to resolve the matter concerning the access to the bathrooms in the park and how they can implement portables. Hopefully, that will decrease some of the problems in the community and the other side of it is the sanitation of the park benches as well.

Commissioner May thanked Mr. Chisholm and stated she looks forward to seeing everyone in the New Year.

Mayor Henry stated from the last meeting, the testimony was one of the most challenging experiences he's had since being elected and could really see a possibility of doing something about it even though it may take a long time. He had an opinion right then about the ordinance and it made him feel as if the City's efforts to address the issue of homelessness in general and in the community while the City continues to do whatever it takes. Then that should make the resolve even greater and one of the things the City needs to focus on is assuring and creating those second step opportunities because y are critical. As long as the Mayor and Commissioners have the City, the population will also be with them but the City has to continue to keep it at their forefront. He mentions the fourth Mayor's fitness challenge and if anyone would like more information they can contact Shannon Ponitz, Utilities Director and he would like for the people to get ready to move, sweat and eat a lot better. There are so many places in the City to exercise and the majority of them don't cost you anything and then there are some that cost. The City is a beautiful place to exercise in and he's learned that he can leave his neighborhood and other machinery at home and go see the City and burn some calories. He expresses for everyone to join and the cost would only be \$20 and people would receive a great series of gifts and commodity.

Mr. Chisholm stated Merry Christmas and hopes everyone has an awesome New Year.

Robert Jagger, City Attorney, stated he would like to request a motion to direct the City Attorney to file an appeal in the case of Anthony Bontempo and Florida Carey verses Sheriff Michael Chitwood regarding a word of attorney fees. He stated once they made the motion they would need to open an opportunity for public speaking.

Mayor Henry asked Mr. Jagger what the public would speak about concerning that matter.

Mr. Jagger stated the question for the Commissioners would be an appeal for an award in a case involving a seizure of guns from a gentleman that was obtained under the Baker Act. The City had a judgment against it and it took approximately \$900 that the case went on under the statue for a motion and a hearing on attorney fees. The result of that hearing was an award to the plaintiff of \$89,000 and that is the award that would be appealed.

It was moved by Commissioner Delgado to pass the motion. Seconded by Commissioner Reed. The motion passed 7-to-0 with the breakdown as follows:

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

12. ADJOURNMENT

There being no further discussion or comments the meeting was adjourned at 6:51p.m.

13. PUBLIC COMMENT FORUM Convened 6:53p.m.

Marjorie Johnson 122 South Keech Street, Daytona Beach, stated her concerns regarding her Zone and asked the Commission to finish the projects that need to be done.

John Nicholson, 413 N. Grandview Avenue, Daytona Beach, stated he would like to see the art works on 95. He asked for a comprehensive look at the City employees' salaries. He stated his concerns regarding the streets cleaning on the beachside area and asked the Commission to look at landscaping ordinances to keep the City clean.

Commissioner May asked Mr. Nicholson which zone in the City.

Mr. Nicholson responded on the Beachside.

Commissioner May stated that waste management contractor agreed to make some extra driving on the weekend and she would be glad to walk there to look at it.

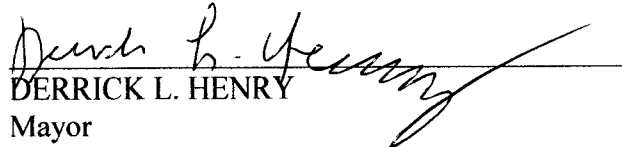
Jim Cameron, Senior Vice President Government Relations, Daytona Regional Chamber of Commerce, 126 E Orange Avenue, Daytona Beach, stated they have been working with First Step Shelter group to support the shelter; they will be going out the next two weeks to let businesses participate in a change program. He stated they would promote the shelter by using electronic board to advertise it.

Anne Ruby, 137 Park Avenue, Daytona Beach, asked for the Brown Park design proposal and a list of what the City is spending on operations and maintenance of Riverfront Park. She asked about the City managers evaluation. She also asked the Commission to address the issue for the safe zone and overflow zone.


Jenny Nazak, 501 Harvey Avenue, Daytona Beach, stated her concerns regarding the maintenance of the Riverfront Park. She stated her suggestions regarding promoting a healthy environment and asked to give attention to parks and fitness.

Doyle Lewis, 340 North Street, Daytona Beach, stated his concerns regarding the trash cans in the public areas and the safe zone parking.

There being no further discussion or comments the forum was adjourned at 7:06p.m.


DERRICK L. HENRY
Mayor

ATTEST:


Letitia LaMagna
City Clerk

Adopted: January 9, 2019

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.