





**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
NOVEMBER 18, 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.

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|  | 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 March 31, 2020 Emergency Meeting of the City Commission and the October 7, 2020 Regular City Commission Meeting held City Hall, 301 S. Ridgewood Avenue, Daytona Beach, FL.

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 \(pp. 18-19\)](#)

EMERGENCY PROCEDURES FOR PUBLIC COMMENT AT PUBLIC MEETINGS

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. 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. 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, subject to these City procedures and compliance with all recommendations from the Federal Centers for Disease Control and Prevention (“CDC”) to minimize the spread of the COVID-19 disease. The Commission Chambers will be closed for in-person attendance by the public. The City Hall Lobby adjacent to the Chambers will have a limited defined area, with social distancing, for persons waiting to make public comment. The 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, or to make general public comment, at appropriate times, when called upon, subject to such time limitations as may be imposed by the public body. 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 who do not intend to make public comment before the Commission or Board will not be permitted to remain in City Hall. All persons must comply with CDC social distancing guidelines while inside City Hall, such as by remaining at least 6 feet apart. Use of facial masks in City Hall 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 \(pp. 20-22\)](#)

RESOLUTION EXTENDING THE LOCAL STATE OF EMERGENCY DUE TO COVID-19 FOR AN ADDITIONAL SEVEN DAY PERIOD ENDING NOVEMBER 25, 2020; RATIFYING MAYORAL EXECUTIVE ORDER NO. 20; AND PROVIDING AN EFFECTIVE DATE.

Recommendation: City Attorney recommends adoption of the Resolution.

8.B. [Budget Division - FY 2019/20 Final Budget Amendment \(pp. 23-27\)](#)

Resolution amending Resolution No. 19-261 (as previously amended), which adopted the FY 2019/20 budget, in order to increase revenues by \$1,916,284, operating expenditures by \$2,500, and capital expenditures by \$1,913,784. This budget amendment increases revenues related to receipt and disbursement of SNAP Funds by the DDA, the receipt of a grant from the USTA, and receipt of unbudgeted state and federal revenues related to Hurricanes Matthew, Irma, and Dorian.

Recommendation: Budget Officer recommends adoption of the Resolution.

8.C. [Public Works/Administration - Florida East Coast ROW, LLC - Annual Railroad Reimbursement Agreement \(pp. 28-34\)](#)

Resolution authorizing a payment to Florida East Coast ROW LLC (FEC ROW), 7150 Phillips Highway, Jacksonville, FL 32256 for the Annual Railroad Reimbursement Agreement for a total of \$49,922.48. The City has a blanket utility lease agreement with the Florida East Coast ROW, LLC, authorized by Resolution 19-283. The annual pipe-wire license fees are budgeted every year between the Utilities Department, Public Works

Department, and the IT Department. Funds are available in the Water & Wastewater Fund (\$48,509.41), the General Fund (\$1,023.27) and the Information Technology Fund (\$389.80).

Recommendation: Public Works Director recommends adoption of the Resolution.

8.D. [Leisure Services Department - Parillo, Inc., dba Permacraft Signs - Lowest Bid Award \(pp. 35-61\)](#)

Resolution awarding the lowest bid to Parillo, Inc. dba Permacraft Signs, 1644 S. Ridgewood Avenue, South Daytona, FL 32119 for the purchase of as-needed banners and banner related services for contract period of three years, with option to renew for up to 1 term of 2 years. submitted the lowest responsive bid for banner fabrication, installation, removal, and related services for an expenditure of \$127,608, authorizing the City Manager to exercise the options to renew the contract on the City's behalf; and make expenditures for needed services during the renewal periods, subject to budgeting and appropriation.

Recommendation: Leisure Services Director recommends adoption of the Resolution.

8.E. [Public Works/Administration - Victor Stanley - Mary McLeod Bethune Boulevard Streetscape Site Furniture Purchase \(pp. 62-74\)](#)

Resolution approving the purchase of Site Furniture from Victor Stanley, P.O. Drawer 330, Dunkirk, MD 20754 for the Mary McLeod Bethune Blvd. Streetscape Project in the amount of \$52,338(\$31,055.30 Midtown and \$21,282.26 Downtown), as well as the purchase of anchor bolts for the installation from Daytona Bolt & Nut Co., 815 N Beach Street, Daytona Beach, FL 32114 in the amount of \$2,000 (\$1,187.50 Midtown and \$812.50 Downtown).

The Public Works Department requested a proposal from Victor Stanley utilizing the Cooperative Agreement BuyBoard Contract No. 592-19. The proposal was received for a total cost of \$52,337.56, excluding the anchor bolts needed to install the furniture. The site furniture will be installed by City staff. An additional \$2,000 is budgeted for the purchase of the anchor bolts. The direct purchase through Victor Stanley, not purchasing the site furniture through the construction contract, and the self-performed installation using City staff would save the City \$44,462.44. The Redevelopment – Midtown Fund has \$32,243 budgeted, and the Redevelopment – Downtown has \$22,095 budgeted. The use of funds for the proposed improvements is consistent with the Redevelopment Plan goals, objectives and policies. Funds are available in the Redevelopment Trust

Funds.

Recommendation: Public Works Director recommends adoption of the Resolution approving the purchase of Site Furniture from Victor Stanley in the amount of \$54,338.

8.F. [Development and Administrative Services - Acceptance of Settlement Offer - Department of Environmental Protection - 408 Dr. Mary M. Bethune Boulevard \(pp. 75-87\)](#)

Resolution accepting the Settlement Offer from the Florida Department of Environmental Protection, for the City to administratively settle alleged violations by the Florida Department of Environmental Protection and contested by the City of state and Federal regulations committed as a result of an eminent danger demolition, by the City's contractor, of a dangerous structure located at 408 Dr. Mary McLeod Bethune Boulevard, pursuant to a Condemnation and Demolition Order issued by the City's Building Official. The Department of Environmental Protection originally demanded \$7,500 to settle. The parties have now agreed upon the sum of \$2,000 with no admission of liability by the City.

Recommendation: Deputy City Manager, Development Services recommends adoption of the Resolution.

8.G. [Business Enterprise Management Department - Tortugas Baseball Club Lease Abatement \(pp. 88-93\)](#)

Resolution amending the commercial lease agreement between the City of Daytona Beach and the Tortugas Baseball Club, LLC located at 110 East Orange Avenue, Daytona Beach, FL 32114 to abate a portion of fiscal year 2020 and 2021 lease payments. Minor League Baseball canceled its 2020 season due to the coronavirus pandemic and other events with large numbers of attendees were also prohibited or canceled. Resolution 2020-70 authorized to waive 90 days of the Lessee's rent payments. The Tortugas are requesting to further abate lease payments for the months of September 2020 through March 2021, totaling \$35,837, while assuming the City's maintenance obligations during the abatement period limited to expenditures for the same amount. On April 1, 2021, the Tortugas will resume paying the Annual Base Rent as set forth in the Lease including the annual increase of 1.5% No funding is required for this item.

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

8.H. [Business Enterprise Management Department - Bethune Cookman University Municipal Stadium License Fee Abatement \(pp. 94-97\)](#)

Resolution approving an abatement of the 2020 Annual License Fee for \$71,643 from Bethune Cookman University (BCU) located at 640 Dr. Mary McCleod Bethune Blvd. for the use of the Municipal Stadium. The President of BCU canceled its 2020 football season due to the coronavirus pandemic. Beginning March 1, 2021, BCU will resume paying the Annual License Fee as set forth in the Use Agreement, including the annual Capital Contribution Fee. No funding is required.

Recommendation: Business Enterprise Management Director recommends approval of the Resolution.

8.I. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 98-99\)](#)

Resolution authorizing payment in the amount of:

\$350 to Community Healing Project, Inc., for a general donation from the Bike Week Sponsorship Funds of Commissioner Quanita May.

\$478 to Leisure Services for the F.R.E.S.H. Book Festival 2021 event and \$400 to Daytona Beach Chapter of the Links, Inc., for a general donation from the Bike Week Sponsorship Funds of Commissioner Paula Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Hand Avenue - Voluntary Annexation \(pp. 100-109\)](#)

Ordinance on second reading - PUBLIC HEARING approving a voluntary annexation of two parcels of land containing 12.9± acres and 9.0± acres of land generally located in the northeast quadrant of the intersection of Hand Avenue and Williamson Boulevard. The property is contiguous to the municipal boundary, and complies with Chapter 171 of the Florida Statutes. Applicant: Robert Merrell III, P.A., on behalf of CRISP39-6 LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Staff recommends approval

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Sofran](#)

[Eckerds - Third Amendment to Planned District \(PD\) Agreement \(pp. 110-139\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving the third amendment to the Sofran Eckerds Planned District Agreement to change the primary tenant and change site signage to allow for continued use of a retail store. Applicant: Candi L. Gray, Emerald Coast Permitting, Inc., on behalf of Bharat Gupta, Amba Estates Daytona Beach, LLC

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0

Action: Motion to Ordinance on first reading.

9.C. [Development and Administrative Services, Planning Division - Dollar General - Clyde Morris - Large Scale Comprehensive Plan Amendment \(pp. 140-191\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment (LSCPA) for 3.8± acres of land, changing the Future Land Use Map designation from Office Transition (OT) to Retail (R), for 2.9± acres of land generally located on the northeast corner of North Clyde Morris Boulevard and Mason Avenue; amending the language in Neighborhood K Issue (a), Policy (1) to add language limiting the Floor Area Ratio (FAR) to 0.5, and Policy (2), to revise language designating office, storage and service-related businesses and retail activities from accessory uses to principal uses. Applicant: Mark A. Watts, Esquire, Cobb Cole, on behalf of PHB Investments LLC, and Hix Snedeker Companies 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 - Dollar General - Clyde Morris - Rezoning \(pp. 192-255\)](#)

Ordinance on second reading - Quasi-Judicial Hearing rezoning 3.8± acres of land generally located at the northeast corner of North Clyde Morris Boulevard and Mason Avenue from Single-Family Residential-5 (SFR-5) and Residential/Professional (R/P) zoning to Planned Development – General (PD-G), to allow for the development of a 10,640 sf retail sales establishment and associated site improvements. Applicant: Mark A. Watts, Esquire, Cobb Cole, on behalf of PHB Investments LLC, and Hix Snedeker Companies 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 - Silver Hills Daytona Beach - Large Scale Comprehensive Plan Amendment \(pp. 256-326\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment (LSCPA) for 3.6± acres of land, amending the Future Land Use Element, Neighborhood A, creating Issue (h), Policy (1) establishing a maximum of 250 units and limiting the Floor Area Ratio (FAR) from 3.0 to 1.82. The property is located on the east and west sides of North Atlantic Avenue, south of Golf Boulevard and north of Driftwood Avenue. Applicant: Robert Merrell, Esq., Cobb Cole, on behalf of Seth Mendelsohn, property owner.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-1.

Action: Motion to adopt Ordinance.

9.F. [Development and Administrative Services, Planning Division - Silver Hills PD - Rezoning \(pp. 327-393\)](#)

Ordinance on second reading - Quasi-Judicial Hearing rezoning 3.9± acres of land generally located on the east and west sides of North Atlantic Avenue, south of Golf Boulevard and north of Driftwood Avenue, from Tourist Accommodations (T-1) zoning to Planned Development – General (PD-G), to allow for the development of a 250-unit multifamily dwelling with a maximum height of 75’ and a maximum density of approximately 69 dwelling units per acre (du/ac). Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Decatur Properties V Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 4-2.

Action: Motion to adopt Ordinance.

9.G. [Public Works - The Cottages at Daytona Beach - Approval of Final Plat \(pp. 394-413\)](#)

Resolution - PUBLIC HEARING approving the Final Plat for The Cottages at Daytona Beach. The plat is a 1-lot multi-family subdivision located at the southwest corner of Williamson Blvd. and Strickland Range Rd. The

preliminary and final plat has been reviewed by staff and found to be consistent with each other and in compliance with the Land Development Code and the preliminary plat has been reviewed and approved by the Planning Board at their July 23rd meeting. The City Commission reviewed the preliminary plat and a PD agreement at their September 23rd and October 7th meetings. The final plat has been reviewed by the City's consulting surveyor for consistency with Chapter 177 of the Fla. Statutes. There are no uncompleted public improvements and thus no Contract for Plat Recording or bond required. No funds are required for this action.

Recommendation: Public Works Director recommends adoption of the Resolution.

9.H. [Development and Administrative Services - The Cottages at Daytona - Proportionate Fair Share Agreement \(pp. 414-437\)](#)

Resolution - PUBLIC HEARING authorizing the City to enter into the Cottages at Daytona Proportionate Fair Share Agreement with Capstone Collegiate Communities LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$741,298.36, based on a maximum buildout of 283 dwelling units. The purpose is to satisfy concurrency requirements consistent with the requirements of Section 3.4(Z) of the City's Land Development Code and Section 70 of the County's Land Development Code. The contribution will provide transportation improvements in the impact area and shall be paid to the County prior to final site plan approval of the Cottages at Daytona project that is generally located near North Williamson Boulevard and Strickland Range Road.

James S. Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager, Development and Administrative Services recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.I. [Development and Administrative Services - Cloar - Planned District Proportionate Fair Share Agreement \(pp. 438-452\)](#)

Resolution - PUBLIC HEARING authorizing the City to enter into the Cloar Planned District Proportionate Fair Share Agreement with Minto Communities LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$1,542,536, based on a maximum buildout of 500 dwelling units.

The purpose is to satisfy concurrency requirements consistent with the requirements of Section 3.4(Z) of the City's Land Development Code and Section 70 of the County's Land Development Code. The contribution will provide transportation improvements in the impact area and shall be paid to

the County prior to final site plan approval of the Clear Planned District project that is generally located northwest of the intersection of LPGA Boulevard and Interstate 95.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager, Development and Administrative Services recommends adoption of the Resolution..

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [City Manager's Office - Project Delta West Redevelopment Incentive Grant Agreement \(pp. 453-473\)](#)

Resolution approving the Project Delta West Redevelopment Incentive Grant Agreement between the City of Daytona Beach, Florida, the City of Daytona Beach Community Redevelopment Agency, and Framework Group, LLC. This agreement will require the developer to construct at minimum a 200 unit multi-family apartment and 500 space parking structure. Incentivizing the inclusion of thirty (30) housing units for a period of 5-years to provide housing opportunities for qualifying residents with income levels up to the "Moderate" level as defined. The agreement further brings forth the public benefit of 88 public parking spaces, in addition to the removal of blight, increased property values, and employment opportunities. Also authorizing the reimbursement of 90% of the eligible tax increment received from the subject property on an annual basis as a redevelopment incentive grant subject to the terms of the agreement. The incentive period of the agreement is through the life of the CRA or the maximum cap of \$10,500,000, whichever occurs sooner.

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

10.B. [Development and Administrative Services, Planning Division - Daytona Lakes RV Resort - Rezoning to Planned Development-General \(PD-G\) \(pp. 474-529\)](#)

Ordinance on first reading - to rezone 173.3± acres of land, from Planned Development – General (PD-G) to Planned Development – General (PD-G), to allow for the development of an RV resort with a maximum of 480 RV spaces and associated site amenities and approximately 100,000 square-foot (sf) of stand-alone commercial uses. The property is generally located on the west side of the Interstate 4 (I-4) and US-92 / West International Speedway Boulevard intersection. Applicant: Glenn D. Storch, Esq., Storch Law Firm, on behalf of Blue Coral Properties, 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, January 6, 2021.

10.C. [Development and Administrative Services, Planning Division - RV Park Locations - Land Development Code Text Amendment \(pp. 530-539\)](#)

Ordinance on first reading - amending Article 5, Section 5.2.B.24 (Use Specific Standards) of the Land Development Code (LDC), to amend the location standards for Recreational Vehicle Parks (RV), and to re-establish previous locations that allowed RV Parks.

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, January 6, 2020.

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. 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.