



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
SEPTEMBER 8, 2021
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 the Minutes](#)

Approval of the Minutes of the August 4, 2021 Regular City Commission Meeting held at 301 S. Ridgewood Avenue Daytona Beach, Florida 32114.

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 - No Presentation](#)

No Presentation.

7. **CITIZENS.**

7.A. [PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY](#)

COMMISSION

During this time Citizens have the opportunity to address the City Commission on any item on the Consent Agenda.

8. CONSENT AGENDA.

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA MAY BE REMOVED FROM CONSIDERATION BY THE CITY COMMISSION AND CONTINUED FOR TWO (2) WEEKS UNTIL THE NEXT REGULARLY SCHEDULED CITY COMMISSION MEETING. (ONLY MEMBERS OF THE CITY COMMISSION MAY REMOVE ITEMS FROM THE AGENDA).

8.A. Finance Department - Northeast II, d/b/a TC Delivers - Utility Billing Printing and Mailing Services Contract (pp. 19-102)

Resolution awarding utility bill printing and mailing services contract at an estimated annual cost of \$39,600.00 to Northeast II, d/b/a TC Delivers, 8879 Boggy Creek Road, Orlando, FL 32824 by piggybacking City of Tampa ITB No. 41071019. The term of the utility bill printing and mailing services contract is a one-year period with an optional renewal of three additional one-year periods. Utility Billing is expected to generate approximately 336,000 paper and electronic bills each fiscal year at an estimated annual cost (not including postage) of \$39,600. TC Delivers holds USPS required certifications for postage which is billed at cost without markup. TC Delivers has been the provider for printing and mailing services to the City since 2017 and the current contract expires on September 19, 2021. The City Manager is requested to be authorized to exercise the renewal options of the contract. Funds are available in the Water & Sewer Fund.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8.B. Utilities Department - Carollo Engineers - Work Authorization No. 42 to Professional Services Contract No. 1307-1022 - Reuse System Hydraulic Model (pp. 103-121)

Resolution approving Work Authorization No. 42 under Contract No. 1307-1022 with Carollo Engineers, Inc., 200 East Robinson Street, Suite 1400, Orlando, Florida 32801 for a Reuse System Hydraulic Model in a lump sum amount of \$212,542.08. Senate Bill 64 may require the City to eliminate the use of non-beneficial surface water discharge at the Halifax River. This item is needed to develop a reuse system hydraulic model to aid in the evaluation of reclaimed water management. Funds are available in the Renewal & Replacement - 8% Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.C. [Utilities Department - Core & Main - Bid No. 21451 - Polymer Meter Boxes and Lids \(pp. 122-129\)](#)

Resolution awarding Bid No. 21451 to Core & Main, 590 Ferguson Dr., Orlando, FL 32805 in an amount not-to-exceed \$232,607.50 for polymer meter boxes and covers. In order for water distribution crews to keep up with the requests of the Latitudes and Mosaic subdivisions and other commercial and multi-family developments, water stores needs to increase the inventory of polymer meter boxes and lids. The purpose of this request is to replenish the inventory of water meter installation materials. Funds are available in the Water and Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.D. [Legal Department - Francis Mercuri v. City of Daytona Beach, Case No. 2018 31876 CICI - Settlement \(pp. 130-134\)](#)

Resolution authorizing payment in the amount of \$55,000 to Francis Mercuri, as the father and Personal Representative of the Estate of Francis Anthony Mercuri, and his attorney, Corey Bundza, Esq., for release of all claims and full settlement in the above referenced case, involving the death of Francis Anthony Mercuri on February 26, 2018, in a City transport van after his arrest for trespassing at Bellaire Plaza on February 20, 2018. Funds are available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.E. [Human Resources - Daytona Beach Pier/Building - Property Insurance - Proposal Acceptance \(pp. 135-154\)](#)

Resolution accepting the proposal submitted for the pier/building property insurance policy by the City's insurance broker, Brown & Brown of Florida, Inc., 300 N Beach St., Daytona Beach, FL 32114. The insurance carrier Arch Specialty Insurance Company provided a proposal for property insurance coverage excluding named storms, windstorms, flood, wave/wash/storm surge. Coverage for the pier/building and loss of rental income coverage under this policy is for the total insured value of \$10,250,000 for the period of September 30, 2021 through September 30, 2022 for a total annual premium of \$47,359. Funds are available in the Pier Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.F. [Human Resources Department - Brown & Brown of Florida, Inc. - Property Insurance Coverage - Proposal Acceptance \(pp. 155-200\)](#)

Resolution authorizing the acceptance and payment of the property insurance proposals submitted by the City's insurance broker, Brown & Brown of Florida, Inc., 300 N Beach St., Daytona Beach, FL 32114 on behalf of:

- Preferred Governmental Insurance Trust (PGIT) for named storm/flood and other peril coverage for buildings/structures, contents and machinery that is essential to continued operations with a total insured value of \$87,690,238.
- Landmark American Insurance Company for the buildings/structures, contents and machinery with a total insured value of \$242,621,341 for covered perils excluding named storm coverage.
- Endurance American Insurance Company providing a \$1,000,000 primary layer of coverage including named storm and flood for the same buildings/structures, contents and machinery insured under the Landmark American policy.

All policies are for the period of October 1, 2021 to October 1, 2022 for a total premium of \$911,197. This represents a \$77,301 increase in last year's annualized premium due to rate increases, lack of competition from other carriers and adding additional buildings/structures to the policies.

Authorization is also requested to pay any additional property insurance premium due to adjustments of property values or coverage or adding additional properties, up to an additional \$50,000 for the period of October 1, 2021 to October 1, 2022. Funds are available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

8.G. [City Manager's Office - FY 2020/21 September Budget Amendment \(pp. 201-205\)](#)

Resolution amending Resolution No. 20-298 (as previously amended), which adopted the FY 2020/21 budget, in order to increase revenues by \$4,195,850, operating expenditures by \$4,218,292, and reduce transfers and capital spending by \$ 22,442. This budget amendment increases revenues related to tennis instruction and supervised play, bike week sponsorship funds, prop fair contributions, and solid waste revenues. The amendment also reduces the transfer from the DDA and the Downtown CRA. Finally, it recognizes a extraordinary increase in the amount of workers compensation payments anticipated for the current year.

Recommendation: Information Services and Budget Director recommends adoption of the Resolution.

8.H. [Public Works/Technical Services Department - Preserve at LPGA License Agreement for use of City Right of Way \(pp. 206-237\)](#)

Resolution approving the License Agreement for Preserve at LPGA for use of City Right of Way. The Preliminary and Final Plat for the Preserve at LPGA were approved by the City Commission on May 18, 2020. This item will allow for the approval of a License Agreement for privately owned signage and landscaping to be located within City rights of way in the Preserve at LPGA development.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.I. [Human Resources Department - Agreement Amendment - International City/County Management Corporation-Retirement Corporation \(ICMA-RC\) \(pp. 238-264\)](#)

Resolution approving the amended Governmental Money Purchase Plan and Trust Adoption Agreement between the City and the International City/County Management Corporation-Retirement Corporation (ICMA-RC) increasing the City's contributions to the 401A plan for General, Administrative, Professional and Technical employees in Plan No.109439 and Police Officer and Firefighter 401A Plan No.100191 from 10.00% to 10.82% commensurate with FY2021-2022. This will result in an overall increase in the projected annual employer cost by \$14,357.12. Funds are available in the Consolidated Insurance Fund.

Recommendation: Human Resources Director recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Land Development Code \(LDC\) Text Amendment BOA Quorum \(pp. 265-274\)](#)

Ordinance on second reading - PUBLIC HEARING amending Article 2, Section 2.5.I. of the Land Development Code (LDC), to amend the quorum and necessary vote requirements for the Board of Adjustments. Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.B. [Development and Administrative Services - Anti-Discrimination Income Source \(pp. 275-277\)](#)

Ordinance on second reading - PUBLIC HEARING authorizing the City Commission, the opportunity to exercise its legislative discretion to elect to make it illegal under City law, to discriminate against a person based on their ability to obtain housing due to a person's lawfully derived income source for rental payment.

James Morris, Deputy City Manager, Development and Administrative Services, to report.

Recommendation: Deputy City Manager, Development and Administrative Services, recommends passing Ordinance on first reading.

Action: Motion to adopt the Ordinance.

9.C. [Development and Administrative Services, Planning Division - Third Amendment to Minto Tomoka Parcel B Planned District Agreement – Planned Development-General \(PD-G\) Rezoning \(pp. 278-423\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving the Third Amendment to the Minto – Parcel B Planned District (PD) Agreement to add additional commercial uses and incorporate additional signage for the partially developed Latitude Landings shopping center consisting of approximately 36.4± acres of property generally located on the north side of LPGA Blvd, on both the east and west sides of the FPL powerlines.

Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Sutton Land Trust No. 1.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.D. [Development and Administrative Services, Planning Division - Accessory Dwelling Units Land Development Code Text Amendment \(pp. 424-451\)](#)

Ordinance on first reading - PUBLIC HEARING amending Article 4 (Zoning Districts) Section 4.9.C.4; Article 5 (Use Standards), Table 5.3.B.4, Table 5.3.B.5, Table 5.3.B.6 and Section 5.3.C.32; Article 6 (Development Standards) Table 6.2.C.1. and; Article 11 (Definitions and Interpretations) Section 11.5 of the Land Development Code, to add Accessory Dwelling Units as a permitted accessory use, and to provide definitions, dimensional

standards and developmental standards.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 4-to-1.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 22, 2021.

9.E. [Development and Administrative Services, Planning Division - Affordable Housing Land Development Code Text Amendment \(pp. 452-470\)](#)

Ordinance on first reading - PUBLIC HEARING amending Article 6.22 of the Land Development Code, to add regulations and standards for compliance with the State Housing Initiatives Partnership Program (SHIP). Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 22, 2021.

9.F. [Development and Administrative Services, Planning Division - Outdoor Art Display and Sales Activities - Main Street and Dr. Mary McLeod Bethune Boulevard - Land Development Code Text Amendment \(pp. 471-493\)](#)

Ordinance on first reading - PUBLIC HEARING amending Article 5, Section 5.4 of the Land Development Code (LDC), to add Temporary Outside Activities as a temporary use on properties located on Main Street and Dr. Mary McLeod Bethune Boulevard; and to add use specific standards for the temporary use.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 22, 2021.

9.G. [Development and Administrative Services, Planning Division - Ocean Center - Public Use Permit \(pp. 494-513\)](#)

Resolution - Quasi-Judicial Hearing approving the Amended and Restated Ocean Center Public Use Permit (PUP), to consolidate the PUP and all Interlocal Agreements between The City of Daytona Beach and the County of Volusia, related to special events and outside activities at the Ocean Center, located at 101 N. Atlantic Avenue, and its associated parking

areas. □

James Morris, Deputy City Manager, Development and Administrative Services, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt the Resolution.

9.H. [City Manager's Office - FY 2021/22 Tentative Property Taxes and Budget for the City of Daytona Beach \(pp. 514-526\)](#)

1. PUBLIC HEARING - Members of the general public may speak on the proposed millage rate and the FY 2021/22 budget.

2. **Resolution** of the City of Daytona Beach adopting an ad valorem property tax tentative millage rate of 5.5300 (\$5.5300 per \$1,000 of assessed taxable value). This is unchanged from the current millage rate of 5.5300, and a 2.70% increase to the rolled back rate of 5.3843; and a voted debt service tentative millage rate of 0.2394 (\$0.2394 per \$1,000 of assessed taxable value) which is a 5.52% reduction from the current tax rate of 0.2534.

3. **Resolution** adopting the tentative Budget for the fiscal year October 1, 2021, to September 30, 2022; prescribing estimated Revenue Sources of \$278,835,224, and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$278,835,224.

Fred Coulter, Budget Officer, to report.

Recommendation: City Manager recommends adoption of the Resolutions.

Action: Motion to adopt the Resolutions and set the second Public Hearing as September 22, 2021.

9.I. [City Manager's Office - Daytona Beach Downtown Development Authority FY 2020/21 Tentative Millage and Budget \(pp. 527-535\)](#)

1. Presentation by Reed Berger, Redevelopment Director. Discussion on the proposed millage rate of 1.0000 and proposed budget.

2. PUBLIC HEARING - Members of the general public may speak and ask questions on the proposed millage rate and the FY 2021/22 budget.

3. **Resolution** of the Daytona Beach Downtown Development Authority adopting an ad valorem property tax tentative millage rate of 1.0000 (\$1.0000 per \$1,000 of assessed taxable value). This is the rate utilized in the Notice of Proposed Property Taxes and is a 52.33% tax decrease from the rolled back rate of 2.0977.

4. **Resolution** adopting the tentative Budget for the fiscal year October 1, 2021, to September 30, 2022; prescribing estimated Revenue Sources of \$309,737 and setting forth Operating Expenditures, Capital Expenditures, and Transfers of \$309,737.

Reed Berger, Redevelopment Director, to report.

Recommendation: Authority Chairman recommends action.

Action: Motion to adopt the Resolutions.

9.J. [Development and Administrative Services, Planning Division - Veteran's Museum and Education Center - Public Use Permit \(pp. 536-556\)](#)

Resolution - Quasi-Judicial Hearing approving a Public Use Permit (PUP) for S. Cornelia Young Memorial Library, located at 302 Vermont Avenue to allow the Veteran's Museum and Educational Center (VMAEC) to operate on the property and to memorialize additional uses approved for the property. Applicant: Development and Administrative Services Department, Planning Division, on behalf of the VMAEC.

James Morris, Deputy City Manager, to report.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [City Manager's Office - Veteran's Museum Lease Agreement \(pp. 557-568\)](#)

Resolution approving a License Agreement between the City of Daytona Beach and Veterans Museum and Education Center, Inc. for the creation of a veteran's museum at the S. Cornelia Young Library located at 302 Vermont Avenue. The Lease is for a term of twenty (20) years with a ten (10) year extension. Lessee to provide for general maintenance, utilities, and other services as outlined in the agreement. Also authorizing the City Manager to terminate existing agreements in conflict herewith.

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

10.B. [Development and Administrative Services, Planning Division - First Amendment to Bellewood Commons Planned Development-General \(PD-G\) Rezoning \(pp. 569-600\)](#)

Ordinance on first reading approving the First Amendment to the Bellewood Commons Planned District (PD) Agreement, located at 1260 Beville Road, to allow a “drug store or pharmacy, without drive-through service” as a permitted use. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of JB Daytona Beach, LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, September 22, 2021.

10.C. [City Manager's Office - City of Daytona Beach Proposed 2022 Legislative Priorities Approval \(pp. 601-609\)](#)

Resolution approving the list of proposed priorities to prepare for the upcoming State and Federal Legislative Cycles. The list is being submitted for City Commission review and final approval. These priorities are based on previous and current priorities communicated by City Commission, input from staff, review with City’s State and Federal lobbyists, and Legislative reports from the Florida League of Cities. The Commission’s approved list will be presented to the Volusia Legislative Delegation meeting on October 6, 2021.

Hardy Smith, Government Relations Administrator, to report.

Recommendation: Government Relations Administrator recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

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

12. PUBLIC COMMENT FORUM - During this time Citizens are allowed 3 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.

13. ADJOURNMENT.