



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
OCTOBER 6, 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.

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 the Minutes](#)

Approval of the Minutes of the September 8, 2021 Regular City Commission Meeting held at 301 S. Ridgewood Avenue, Daytona Beach, FL 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 - 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. [Public Works Department/Technical Services Division - Cardno - Work Authorization No. 22 under Contract No. 2010-018-CA - Approval \(pp. 21-39\)](#)

Resolution approving Work Authorization No. 22 under Contract No. 2010-18-CA with Cardno, 380 Park Place Boulevard, Suite 300, Clearwater, Florida 33759, in an amount not to exceed \$63,099. The Clyde Morris Boulevard Brownfield site has the presence of a free product contaminant covering approximately 1.7 acres. In the past, free product recovery costs were included in the annual authorization. However, in March 2021, the Florida Department of Environmental Protection approved suspending free product recovery activities at the site, based on the results of a comprehensive efficacy evaluation. On August 24, 2021, the FDEP met with City staff, Cardno and a third-party attorney (Segundo J. Fernandez, Esq.) to discuss the pathway for requesting site closure. This work authorization covers the remaining assessment tasks needed to submit a site closure request. Work for this project to be completed as further described in the attached Cardno proposal dated August 26, 2021. Funds are available in the Solid Waste Management Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.B. [Development and Administrative Services - Strategic Planning Group, Inc. - Affordable Housing Consultant Contract Award \(pp. 40-108\)](#)

Resolution awarding the Affordable Housing Consultant contract for a sum not to exceed \$73,557, to Strategic Planning Group, Inc. (SPG) located at 830-13 North A1A, Suite 402, Ponte Vedra Beach, FL 32082. On April 07, 2021, the City Commission adopted resolution 2021-128 approving the release of the Request for Proposal (RFP) to solicit a study to develop an affordable housing plan with implementation recommendations. SPG responded as needed to the RFP and is well qualified to perform the work. The study will identify affordable housing supply and demand in the City of Daytona Beach followed by the identification of methodology and policy recommendations to meet the City's projected need for additional affordable housing in the City. The study will also provide a legally defensible strategy for the adoption of a Linkage Fee Ordinance. Finally, the study will recommend effective methods to encourage private provision of affordable housing to support the City Commission's stated goal of encouraging

affordable housing in the city of Daytona Beach. The Affordable Housing Consultant Contract No.21462 outlines the Scope of Work to be performed by SPG. Funds are available in the General Fund, CDBG Fund, and SHIP Fund.

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

8.C. [Business Enterprise Management Department - Ring Power - Purchase Order Authorization - Sole Source \(pp. 109-124\)](#)

Resolution authorizing a purchase order to Ring Power, 401 Tomoka Farms Road, Daytona Beach, FL 32114 to teardown and rebuild a Caterpillar Backhoe in the amount of \$36,259.22. The Public Works Streets Division Caterpillar Backhoe Unit No.5433, requires a teardown and rebuild due to engine failure since a replacement engine was not located. This is a sole source purchase as the equipment must be disassembled in order to determine the extent of the repairs required and to develop a realistic cost estimate. Ring Power has the expertise and parts to disassemble and rebuild the existing engine. Funds are available in the General Fund.

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

8.D. [Business Enterprise Management Department - 8th Annual Women's 25K Tennis Tournament - Contract Approval \(pp. 125-142\)](#)

Resolution approving a contract between the United States Tennis Association (USTA) and the City of Daytona Beach to host the 8th Annual Daytona Beach Professional Women's Tennis Championship Tournament from November 8 - 14, 2021 and authorizing the expenditure of up to \$33,000 to sponsor the event. This tournament helps showcase professional women's tennis, the City, and the Florida Tennis Center. Funds are available in the General Fund contingent upon FY 21/22 budget approval.

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

8.E. [Utilities Department - ABBA Pump Parts & Service - Lift Station No. 39 Pump Replacement - Sole Source \(pp. 143-150\)](#)

Resolution approving a purchase from ABBA Pump Parts & Service, 5370 Munro Court, Burlington, Ontario, L7L 5N8, Canada, in the amount of \$92,190. The purpose of this request is to maintain the operational reliability and redundancy of Lift Station No. 39. Lift Station No. 39 is a City-owned triplex master sanitary sewer lift station constructed in the 1960's and serves

a large portion of the City Northern beachside area. Recent emergency repairs have highlighted the need to replace the existing lift station pumps to ensure reliability within the station.

As part of this project, the three (3) pumps within Lift Station No. 39 will be converted to dry-pit submersible style pumps in order to reduce maintenance and safety concerns. Lift Station No. 39 contains two (2) Fairbanks Morse pumps and one (1) American Wellworks pump. The Utilities Department is wanting to simplify lift station maintenance by replacing the existing pumps with a single manufacturer. ABBA is the only known pump manufacturer that can provide pump replacements for the three pumps located within Lift Station No. 39 without causing additional costs to the City. These additional costs would include adjusting the existing pipe connections and any other pump modifications to the existing lift station wetwell in order for the pumps to be installed. For these reasons, ABBA is being sole sourced for this purchase. Funds are available in the Renewal & Replacement 8% Fund.

Recommendation: Utilities Director recommends adoption of this Resolution.

8.F. [Utilities Department - 2020 Volusia Multi-Jurisdictional Program for Public Involvement \(PPI\) Plan \(pp. 151-180\)](#)

Resolution adopting the 2020 Volusia Multi-Jurisdictional Program for Public Involvement (PPI) Plan. The purpose of adopting the 2020 Volusia Multi-Jurisdictional Program for Public Involvement Plan is to comply with the requirements under the Community Rating System. The National Flood Insurance Program (NFIP) provides federally supported flood insurance in communities that regulate development in floodplains. Daytona Beach participates in the NFIP allowing all property owners to obtain federal flood insurance policies. The Community Rating System (CRS) qualifies Daytona Beach property owners for a reduction in their flood insurance premiums. The current reduction is 20% in the special flood hazard area and 10% outside of the special flood hazard area. The CRS program requirements were revised by the NFIP in 2013 to include new creditable activities. One of the new creditable activities is the development and implementation of a Program for Public Involvement (PPI) plan which is a coordinated flood hazard outreach program for the purpose of building community resilience to flooding. The CRS requirements also provide extra benefits to Daytona Beach for partnering with other jurisdictions to develop and implement a PPI plan involving a broader multi-jurisdictional area. These benefits are:

- Provide additional information in a more effective and efficient manner.
- Provide Daytona Beach the opportunity to improve the CRS class rating (currently a 6) which would result in lower flood insurance premiums through higher discounts.

Staff has determined that the proposed PPI plan is consistent with the city's goals and objectives in reducing the potential for property loss in the flood prone areas and ensuring the lowest possible flood insurance premiums for property owners. There is no City funding associated with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.G. [Utilities Department - Chinchor Electric, Inc. - Bethune Point Water Reclamation Facility Generator Replacement Project - Change Order No. 3 \(pp. 181-220\)](#)

Resolution approving Change Order No. 3 with Chinchor Electric, Inc., 1460 S. Leavitt Avenue, Orange City, FL 32763 for the Bethune Point Water Reclamation Facility Generator Replacement Project with the following provisions:

- Approve Change Order No. 3 in the amount of \$45,882.38 for an adjusted contract value of \$1,010,871.47
- Approve a time extension of 210 days for a new final completion date of January 17, 2022

The City advertised and awarded Bid No. 20343 for the Bethune Point Water Reclamation Facility Generator Replacement Project to Chinchor Electric, Inc. for an initial contract value of \$1,674,624.31. Subsequently, the City issued two (2) change orders in order to realize tax savings and adjust for actual field conditions and account for value engineering adjustments. The change orders reduced the contract value by \$709,635.22. Change Order No. 3 is needed to increase Operator access and safety, allow for facilities to be fully utilized upon construction completion, and reduce required maintenance. Change Order No. 3 will increase the contract value by \$45,882.38 for an adjusted contract value of \$1,010,871.47.

Additionally, the Contractor documented project delays that resulted in an overall request for a time extension of 210 days. Reasons for the delay include: COVID-delays impacting worker availability and equipment deliveries; delays related to excessive coordination/lead times outside of the Contractors control. This delay will push back Final Completion for the project from June 21, 2021 to January 17, 2022. Funds are available in the Renewal & Replacement 5% Fund.

Recommendation: The Utilities Director recommends adoption of the Resolution.

8.H. [Legal Department - Windsor and Maley Apartments - Approval of Agreements \(pp. 221-260\)](#)

Resolution authorizing the City to enter into: (1) an Assignment and Assumption of Lease, Non-Disturbance and Attornment Agreement, with the Housing Authority of Daytona Beach (“Housing Authority”) and The WM at the River LP (“WM at the River”); (2) a Subordination, Nondisturbance, and Attornment Agreement, with Bank of America (“BOA”); and (3) an Agreement to Subordinate to [the HUD] Rental Assistance Demonstration Use Agreement, with the WM at the River. The Housing Authority is the owner of public housing developments located at 524 and 600 S. Beach Street, commonly known as the Windsor and Maley Apartments. The Windsor and Maley Apartments are being redeveloped and converted from public housing to long-term, project-based Section 8 rental assistance. Once the redevelopment is completed the Windsor and Maley Apartments will be known as the WM at the River, and consist of 298 rental units (“Project”). The WM at the River, a Florida limited partnership, has been formed for the sole purpose of acquiring financing, and redeveloping and operating the Project, pursuant to a 99 year ground lease with the Housing Authority (“Ground Lease”).

The City previously entered into a site lease with the Housing Authority, dated December 19, 2012 (“Site Lease”), whereby the City leased (i) space on the Housing Authority’s existing lattice communications tower on the roof of the Windsor building for use as a telecommunications antenna, and (ii) storage space located on the roof of the building for operation of a Tower Gateway Base Station. As a result of the proposed Ground Lease, the Housing Authority is requesting that the City enter into an Assignment and Assumption of Lease, Non-Disturbance and Attornment Agreement with the WM at the River, whereby the Housing Authority’s rights and responsibilities under the City’s Site Lease will be assumed by the WM at the River. Furthermore, as a condition to financing the Project, BOA is requiring that the City enter into a Subordination, Nondisturbance, and Attornment Agreement, to ensure that the City’s Site Lease is subordinated to the Bank’s mortgage. Finally, the U.S Department of Housing and Urban Development (“HUD”) requires that any lien on the Project and/or land be subject and subordinate to the Rental Assistance Demonstration Use Agreement between HUD and the WM at the River, which limits the use of the Property to affordable housing. To that end, the Housing Authority is also requesting that the City enter into the Agreement to Subordinate to [the HUD] Rental Assistance Demonstration Use Agreement.

Recommendation: City Attorney recommends adoption of the Resolution.

8.I. [Legal Department - Sara Margison -Settlement of Claim \(pp . 261-264\)](#)

Resolution authorizing payment in the total amount of \$50,000 to Sara Margison and her attorney, Luis Gracia, for release of all claims and full settlement of damages or expenses due to injuries Ms. Margison suffered on December 4, 2019, after her vehicle was struck by a City-owned police cruiser at the intersection of Dunn Avenue and Clyde Morris Boulevard. Funds are available in the Consolidated Insurance Fund.

Recommendation: City Attorney recommends adoption of the Resolution.

8.J. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 265-266\)](#)

Resolution authorizing payment in the amount of:

\$300 to Omega Psi Phi Fraternity, Inc., for their 3rd Annual Jack "Cy" McClairn, Leader Challenge Golf Scholarship Tournament from the Bike Week Sponsorship Funds of Commissioner Paula R. Reed.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Project Zeta - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 267-344\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large-Scale Comprehensive Plan Amendment (LSCPA), changing the Future Land Use Map for 5.3± acres from Level 1 Residential (L1R), 10.9± acres from Level 2 Residential (L2R), and 7.0± acres from Office Transition (OT), to Mixed Use (MU) (total of 23.2±) acres; and amending Future Land Use Element Neighborhood "U", creating a new issue (M) limiting the 23.2± acres to a maximum of 95,000 square feet for nonresidential development and residential density to a maximum of 300 multifamily units or 100 townhome units. The property is generally located approximately 2,500 feet northeast of the intersection of West International Speedway Boulevard and LPGA

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, Planning Division - Project Zeta -](#)

[Rezoning, Planned Development-General \(PD-G\) \(pp. 345-408\)](#)

Ordinance on second reading - Quasi-Judicial Hearing rezoning 23.2± acres of property, from Single Family Residential-5 (SFR-5) to Planned Development – General, to allow for a mixed-use development, including residential, commercial and office uses, as well as compensatory storage as a principal use. The property is located approximately 2,500 feet northeast of the intersection of West International Speedway Boulevard and LPGA Boulevard. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Lamms Investments, LLC

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-1.

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - Peabody Historic Overlay \(HO\) Rezoning \(pp. 409-428\)](#)

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Ordinance on second reading - Quasi-Judicial Hearing approving a Historic Overlay (HO) zoning district map amendment for the Peabody Auditorium located at 600 Auditorium Boulevard.

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

Recommendation: Planning Board recommends approval 7-to-0.

Action: Motion to adopt the Ordinance.

9.D. [Development and Administrative Services - Anti-Discrimination Income Source \(pp. 429-441\)](#)

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.E. [Development and Administrative Services, Planning Division - Links Terrace Proportionate Fair Share Agreement DEV2021-054 \(pp. 442-466\)](#)

Resolution - PUBLIC HEARING authorizing the City to enter into the Links Terrace Proportionate Fair Share Agreement with Meritage Homes of Florida, Inc., ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution in the amount of \$1,119,189.96, based on a maximum buildout of 199 single-family 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 72 of the County's Land Development Code. The contribution will provide local transportation improvements to County and City roads and shall be paid to the County prior to final site plan approval of the Links Terrace project that is generally located East of LPGA Boulevard and North of Champions Drive.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.F. [Public Works/Technical Services - Preliminary and Final Plat and Contract for Plat Recording for Links Terrace Phase 1 \(pp. 467-577\)](#)

Resolution - Quasi-Judicial Hearing approving the Preliminary and Final Plat, as well as the execution of a Contract for Plat Recording, and a License Agreement for Links Terrace Phase 1. The plat creates a subdivision which is located northeast of the Intersection of International Golf and Champions Drive. The project has been reviewed by staff and found to be consistent with the Land Development Code. The preliminary plat including this phase of the project has been reviewed and approved by the Planning Board at their June 24, 2021 meeting. The Final Plat and Construction Plans have been reviewed by City staff and the Plat has been reviewed by the City's consulting surveyor for consistency with Chapter 177 of the Florida Statutes. The Contract for Plat Recording allows for bonding of improvements that may not be completed before recording is desired while the License Agreement details the obligations necessary to allow construction of private improvements within City rights of way within the subdivision.

Recommendation: Public Works Director recommends adoption of the Resolution.

9.G. [Public Works/Technical Services - Preliminary and Final Plat and Contract for Plat Recording for Links Terrace Phase 2 \(pp. 578-666\)](#)

Resolution - Quasi-Judicial Hearing approving the Preliminary and Final plat and a Contract for Plat Recording for Links Terrace Phase 2. The plat

creates a subdivision which is located northeast of the Intersection of International Golf and Champions Drive. The project has been reviewed by staff and found to be consistent with the Land Development Code. The preliminary plat including this phase of the project has been reviewed and approved by the Planning Board at their June 24, 2021 meeting. The Final Plat and Construction Plans have been reviewed by City staff and the Plat has been reviewed by the City's consulting surveyor for consistency with Chapter 177 of the Florida Statutes. The Contract for Plat Recording allows for bonding of improvements that may not be completed before recording is desired.

Recommendation: Public Works Director recommends adoption of the Resolution.

9.H. [Development and Administrative Services, Planning Division - Legends Preserve Proportionate Fair Share Agreement \(pp. 667-693\)](#)

Resolution - PUBLIC HEARING authorizing the City to enter into the Legends Preserve Proportionate Fair Share Agreement with Meritage Homes of Florida, Inc., ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution in the amount of \$1,837,656.49, based on a maximum buildout of 264 single-family 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 72 of the County's Land Development Code. The contribution will provide local transportation improvements to County and City roads and shall be paid to the County and City prior to final site plan approval of the Legends Preserve project that is generally located south of International Golf Drive and east of LPGA Boulevard.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution

Action: Motion to adopt Resolution.

9.I. [Development and Administrative Services, Planning Division - Williamson Crossing Lot 6 - Proportionate Fair Share Agreement DEV2019-025 \(pp. 694-710\)](#)

Resolution - PUBLIC HEARING authorizing the City to enter into the Williamson Crossing Lot 6 Proportionate Fair Share Agreement with Shoppes at Williamson Crossing, LLC, ("Developer") and Volusia County. The agreement provides for a proportionate fair share contribution to the County in the amount of \$103,101.75, based on a maximum buildout of 16,875-square-feet of development. 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 local transportation improvements to County and City roads and shall be paid to the County prior to final site plan approval of the Williamson Crossing Lot 6 project that is generally located southeast of the intersection of LPGA Boulevard and Williamson Boulevard.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Director recommends adoption of the Resolution.

Action: Motion to adopt the Resolution.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - 1113 West ISB Planned Development-General Rezoning DEV2021-056 \(pp. 711-784\)](#)

Ordinance on first reading rezoning 1.3± acres of land from Single-Family Residential-5 (SFR-5) to Planned Development-General (PD-G), to allow for the development of a 5300± square-foot (sf) building to include an orthodontist office and additional shell retail/restaurant space. The property is located at 1113 W. International Speedway Blvd., on the south side of International Speedway Blvd. across from Daytona State College, immediately east of the Tarragona Shoppes and immediately west of the Tarragona Tower. Applicant: Joseph H. Hopkins, P.E., The Performance Group, Inc., on behalf of Best Orthodontics PA.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-2

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 20, 2021.

10.B. [Development and Administrative Services, Planning Division - 1113 West ISB – Small-Scale Comprehensive Plan Amendment DEV2021-057 \(pp. 785-833\)](#)

Ordinance on first reading - approving a Small-Scale Comprehensive Plan Amendment changing the Future Land Use Map designation for 1.3± acres of land from Office Transition (OT) to Low Intensity Commercial (LIC). The property is located at 1113 W. International Speedway Boulevard, on the south side of International Speedway Boulevard across from Daytona State College, immediately east of the Tarragona Shoppes and immediately west of the Tarragona Arch. Applicant: Joseph H. Hopkins, P.E., The Performance Group, Inc. on behalf of Beverly J. Smith .

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-2

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 20, 2021.

10.C. [Legal Department - City Code Amendment - Chapter 62, Article III Nuisance Abatement \(pp. 834-845\)](#)

Ordinance on first reading amending Chapter 62, Article III, related to Nuisance Abatement to incorporate the 2020 statutory changes to s. 893.138, Florida Statutes. Florida Statutes identify various matters which may be declared a public nuisance and abated by municipalities through local administrative action. Pursuant to this authorization, the City Code includes provisions for abatement of these matters as public nuisances by the City Commission appointed, Nuisance Abatement Board. In 2020, the Florida Legislature amended the state law to include additional criminal or criminal-related matters which may be declared public nuisances and abated through the Nuisance Abatement Board. The purpose of this ordinance is to update applicable provisions of the City Code to include these as additional matters which may be abated through procedures outlined in Chapter 62, Article III, of the City Code.

Robert Jagger, City Attorney to report.

Recommendation: City Attorney recommends passing the Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 20, 2021.

10.D. [Development and Administrative Services, Planning Division - Clyde Morris Vascular Business Professional \(BP\) Rezoning DEV2021-062 \(pp. 846-859\)](#)

Ordinance on first reading - rezoning 2.9± acres of land located on the northwest quadrant of the Clyde Morris Boulevard and Florida Street intersection, from Residential Professional (RP) to Business Professional (BP), to allow for a medical office complex. Applicant: A. Joseph Posey, Esq., Storch Law Firm, on behalf of TG-EG, LLC.

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, October 20, 2021.

10.E. [Development and Administrative Services, Planning Division - DME Sports LLC - Voluntary Annexation DEV2021-072 \(pp. 860-873\)](#)

Ordinance on first reading - approving a voluntary annexation of a parcel of land containing 3.81± acres of land generally located on the south side of Bellevue Avenue and south of the Daytona Beach Airport. The property is contiguous to the municipal boundary and complies with Chapter 171 of the Florida Statutes. Applicant: Joseph H. Hopkins, P.E., on behalf of DME Sports LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Staff recommends approval.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, October 20, 2021.

10.F. [Development and Administrative Services, Planning Division - Masonova Commerce Park – 1st Amended & Restated Planned Development-General \(PD-G\) Rezoning and Preliminary Plat – DEV2018-055 & DEV2019-048 \(pp. 874-1218\)](#)

Ordinance on first reading - approving the Amended and Restated Masonova Commerce Park Planned District (PD) Agreement, to redevelop the existing shopping center located at 1011 Mason Avenue to include additional building area and uses; façade, parking, and landscaping upgrades; and to incorporate the property located at 1021 Mason Avenue. This request also includes a Preliminary Plat for the Masonova Commerce Park Subdivision. Applicant: Bradley D. Bauknecht, P.E., Newkirk Engineering Inc., on behalf of Masonova LLC and 1011 Mason LLC.

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, October 20, 2021.

10.G. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Outdoor Art Display & Sales Activities on Main Street & Dr. Mary McLeod Bethune Boulevard DEV2021-068 \(pp. 1219-1251\)](#)

Ordinance on first reading - amending Article 5, Section 5.3 of the Land Development Code (LDC), to add Outdoor Art Display and Sales Activities as an accessory use on commercial properties located in the RDB-2, RDB-3, RDD-3, RDM-2, RDM-5, and BR-1 zoning districts that front on Main Street and Dr. Mary McLeod Bethune Boulevard; and adding use specific standards for the new accessory use.

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, October 20, 2021.

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.