



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
OCTOBER 20, 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.

	<p>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</p>
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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 September 22, 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. [Public Works/Grounds Maintenance - Beautification Awards - October 2021 \(pp. 17-19\)](#)

Residential:

Andrew and Ronda Nguyen, 2628 South Peninsula Drive, Commissioner Ruth Trager, Zone 1, to present.

Commercial Award:

Oceans Jewels Club, 935 South Atlantic Avenue, Mayor Derrick L. Henry to present.

7. CITIZENS.

7.A. PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION

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

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. [Utilities Department - Central Florida Liftstations - Ratification of an Emergency Contract for Lift Station No. 5 Valve Replacement \(pp. 21-84\)](#)

Resolution ratifying an emergency contract with Central Florida Liftstations, Inc., PO Box 740179, Orange City, Florida 32774, for the Lift Station No. 5 valve replacement with a final contract amount of \$59,660. Lift Station No. 5 is a City-owned, master lift station that receives flow not only from City residents but also South Daytona and the sludge from the Bethune Point Water Reclamation Facility. During a routine maintenance inspection, City staff observed a leak in one of the pumps' check valves that caused the station to recirculate wastewater instead of sending it to the collection system and, ultimately, the wastewater treatment plant. City staff attempted to repair the leak but were unsuccessful due to additional broken valves within the lift station causing a high risk for wastewater to fill the lift station's dry-pit.

The Utilities Department requested three quotes and Central Florida Liftstations, Inc., was the lowest, best responsive bidder with a total project cost of \$59,660. Section 30-52 (b) of the Purchasing Code authorizes the City Manager to procure goods and services as necessary to effect emergency repairs or replacement of City equipment, facilities and property. This purpose of this agenda item is to ratify the emergency contract.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.B. [Utilities Department - Florida Department of Environmental Protection \(FDEP\) - Consent Order \(OGC 21-0939\) \(pp. 85-95\)](#)

Resolution approving a Consent Order with the State of Florida Department of Environmental Protection (FDEP) (OGC File No. 21-0939) which imposes civil penalties in the amount of \$3,975 related to a missed sampling event in 2020. The City maintains an operational permit for Westside Regional Water Reclamation Facility granted by the Florida Department of Environmental Protection. This permit requires testing of multiple constituents at various intervals, including Cryptosporidium and Giardia every two years. Sampling was performed in 2019. This event was for the DTS facility and staff believed this event to satisfy both requirements. During a routine inspection and data review in winter of 2021, it was determined by FDEP that the single event in 2019 was not sufficient for both requirements. The required testing was performed in February 2021 and no Cryptosporidium or Giardia was detected so public health was never at risk as a result of the delay. As a corrective action, staff has established a schedule to run the test annually in lieu of every two years in order to ensure compliance and as a further measure to guard public health and safety. Consent Order (OGC File No. 21-0939) is a short order consent form and will be closed upon the payment of the stipulated penalty. This consent order does not bind the City to any additional actions. Funds are available in the Water and Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.C. [Utilities Department - Tetra Tech, Inc. - Work Authorization No. 10 under Contract No. 0517-3440-TT \(pp. 96-108\)](#)

Resolution approving Work Authorization No. 10 under Contract No. 0517-3440-TT, with Tetra Tech, Inc., 201 E. Pine Street, Suite 1000, Orlando, FL 32801 in an amount not to exceed \$32,153.85 for engineering services associated with the preparation of the Florida Department of Environmental Protection final report for the Demonstration Testing Facility located at the Westside Regional Water Reclamation Facility.

The Demonstration Testing System is designed to test and validate advanced water treatment technologies through ongoing data collection during the operation of the system. Tetra Tech, Inc. designed and has been providing technical oversight to staff and preparing quarterly overviews for the duration of the project. Tetra Tech, Inc. has the technical expertise, as well as the requisite data, to prepare the final summary report. This report will be used

by multiple regulatory agencies to assess the effectiveness of the technology in determining future regulations and fitness for use in potable reuse production. Funds are available in the Water and Sewer Improvement Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.D. [Public Works / Technical Services - A.G. Pifer - Golf Clubhouse - Change Orders No. 3 and No. 4 \(pp. 109-130\)](#)

Resolution authorizing the Change Orders No. 3 and 4 to A.G. Pifer Construction Co. Inc., 3629 Old Deland Road, Daytona Beach, FL for a cumulative total of \$52,458.22 with 27 days added to the contract.

- Change Order No. 3 is for replacement of additional steel components on the Golf Clubhouse restaurant in the amount of \$16,704.56 and 6 days added to the contract time.
- Change Order No. 4 is to rebuild the breezeway in the amount of \$35,753 and 21 days added to the contract time.

During the demolition of the soffit and fascia around the perimeter of the restaurant phase of this project, additional deteriorated steel was discovered. Change Order No. 03 is for the material, labor, and sub-contractors to supply and replace the additional steel components and associated roof work. During the reconstruction of the soffit and fascia of the golf clubhouse and restaurant, it was discovered that the breezeway structure that connects the pro-shop to the restaurant was in disrepair. The Public Works staff and the general contractor determined that a full rebuild of the breezeway structure is required. Change Order No. 04 is for the materials, labor, and sub-contractors to rebuild the breezeway.

Change Orders 1 and 2 were within the City Manager's authority. Change Orders 3 and 4 will exceed the City Manager's threshold, requiring Commission approval. The original Contract No. 21313 amount was \$196,856.82. Change Orders 03 and 04 will result in a new cumulative contract amount of \$270,817.11. Funds are available in the Capital Project Fund.

Recommendation: Public Works Director recommends adoption of the Resolution.

8.E. [City Manager's Office - Team Volusia Economic Development Corporation, Inc. - 2021-2022 Cooperative Agreement \(pp. 131-140\)](#)

Resolution approving the 2021-2022 Cooperative Agreement between the City of Daytona Beach and Team Volusia Economic Development

Corporation (TVEDC) in the amount of \$35,117.50. The amount is calculated using the City's 2020 estimated population (70,235) per U.S. Bureau of Economic and Business Research data times the .50 per capita rate charged to each respective TVEDC member. The purpose of the agreement is to support economic and business development as well as business expansion to enhance the economic well-being of the City. TVEDC shall plan, implement, and evaluate opportunities to foster economic growth in the City. TVEDC services will concentrate on recruiting new businesses, retaining existing businesses and facilitating business expansions in Daytona Beach. TVEDC will account for the use of these funds as measured by reports on its activities, including any programs, goals, and accomplishments. Funds are available in the General Fund.

Recommendation: City Manager recommends adoption of the Resolution.

8.F. [Finance Department - Allocation of Bike Week Sponsorship Funds](#)
(pp. 141-143)

Resolution authorizing the following:

\$670 to the Midtown Community Development Corporation for their Senior Citizen Jazz Project; \$300 for a general donation to SMART Lives INC. from the Bike Week Sponsorship of Commissioner Paula Reed.

\$200 for the purchase of pumpkins and candy for the City's Trunk or Treat Event at City Hall from the Bike Week Sponsorship Funds of Commissioner Stacy Cantu.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - 1113 West ISB – Small-Scale Comprehensive Plan Amendment DEV2021-057](#)
(pp. 144-192)

Ordinance on second reading - PUBLIC HEARING 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 adopt the Ordinance.

9.B. [Development and Administrative Services, Planning Division - 1113 West ISB Planned Development-General Rezoning DEV2021-056 \(pp. 193-266\)](#)

Ordinance on second reading - PUBLIC HEARING 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 adopt the Ordinance.

9.C. [Development and Administrative Services, Planning Division - Clyde Morris Vascular Business Professional \(BP\) Rezoning DEV2021-062 \(pp. 267-280\)](#)

Ordinance on second reading - PUBLIC HEARING 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 adopt the Ordinance.

9.D. [Development and Administrative Services, Planning Division - DME Sports LLC - Voluntary Annexation DEV2021-072 \(pp. 281-294\)](#)

Ordinance on second reading - PUBLIC HEARING 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 adopt the Ordinance.

9.E. [Development and Administrative Services, Planning Division - Masonova Commerce Park - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 295-342\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Map Amendment, changing the Future Land Use Map designation for 3.4± acres of land from Level 1 Residential (L1R) to Retail; 2.4± acres of land from Level 2 Residential (L2R) to Retail; 2.9 acres from Level 2 Residential (L2R) to Park/Recreation (P/R); and 5.9 Acres from Level 1 Residential (L1R) to Park/Recreation (P/R). Total acreage included in the LSCPA request is 14.6± acres of land. Applicant: Harry Newkirk, of Newkirk Engineering Inc., on behalf of Masonova LLC and The City of Daytona Beach Planning Division, on behalf of the City of Daytona Beach.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.□

9.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 \(pp. 343-687\)](#)

Ordinance on second reading - Quasi-Judicial Hearing 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 adopt the Ordinance.

9.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 \(pp. 688-721\)](#)

Ordinance on second reading - PUBLIC HEARING 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 adopt the Ordinance.

9.H. [Development and Administrative Services - Property Rights Element - Large Scale Comprehensive Plan Text Amendment \(pp. 722-729\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Text Amendment, creating the Property Rights Element, adding Goals, Objectives and Policies to ensure that private property rights are considered in local decision making in accordance with House Bill 59.

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

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

Action: Motion to adopt Ordinance.

9.I. [Development and Administrative Services, Planning Division - Daytona Beach LPGA 7-Eleven Planned Development \(PD\) Agreement Rezoning \(pp. 730-800\)](#)

Ordinance on second reading - Quasi-Judicial Hearing approving the Daytona Beach LPGA 7-Eleven Planned Development (PD) Agreement for property located at 2100 LPGA Boulevard. This agreement renames and amends the existing Investor Realty Company PD, to allow a car wash as a permitted use, revise minimum lot development criteria, and incorporate additional signage, in addition to the existing 7-Eleven store located on the

property. Applicant: Joshua Long, Gunster Law Firm, on behalf of Slazenger Green Inc. ****Item was continued from the September 22, 2021 City Commission Meeting at the request of the Applicant****

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

9.J. [Development and Administrative Services, Planning Division - Hand Avenue - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 801-896\)](#)

Ordinance on second reading - PUBLIC HEARING - approving a Large Scale Comprehensive Plan Amendment, amending the Future Land Use Map designation for 22.2± acres of land, from Volusia County Commercial (C) 4.9± acres and Urban Medium Intensity (UMI) 17.3± acres to City Level 2 Residential (L2R). The subject property will be incorporated into the Neighborhood “S” Development Area.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0

Action: Motion to adopt the Ordinance.

9.K. [Legal Department - City Code Amendment - Chapter 62, Article III Nuisance Abatement \(pp. 897-909\)](#)

Ordinance on second reading - PUBLIC HEARING 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 adopt the Ordinance.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Third Amendment to the First United Methodist Church Planned Development \(PD\) Agreement & Hallmark Heritage Planned Development – General \(PD-G\) Rezoning DEV2020-056 & DEV2020-057 \(pp. 910-966\)](#)

Ordinance on first reading - approving the Third Amendment to the First United Methodist Church Planned Development (PD) Agreement, totaling approximately 78.2± acres of land, to remove 42.2± acres of vacant, undeveloped land, for a remainder of 36± acres of land; the amendment also includes a request to extend the completion schedule for the development; and to rezone the 42.2± acres of the property subject to the First United Methodist Church PD to the new Hallmark Heritage Planned Development, to allow for a mixed-use development to include a variety of residential, medical, and limited commercial uses. The property is generally located on the west side of Williamson Boulevard, north of Strickland Range Road, approximately 750 feet southeast of the intersection of Memorial Medical Parkway and Williamson Boulevard. Applicant: A. Joseph Posey, Esquire, Storch Law Firm, on behalf of the First United Methodist Church of Ormond Beach Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 3-to-2

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 17, 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.