





**THE CITY OF DAYTONA BEACH  
BUSINESS MEETING OF THE CITY COMMISSION  
JANUARY 5, 2022  
CITY COMMISSION CHAMBERS  
6:00 PM**

**AGENDA**

Website Address - [www.codb.us](http://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.

	<b>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</b>		<b>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</b>
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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](mailto: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 December 1, 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 - Daytona Beach Alumnae Chapter of Delta Sigma Theta Sorority, Inc - Proclamation \(p. 19\)](#)

Commissioner Paula R. Reed will present a proclamation to the Daytona Beach Alumnae Chapter of Delta Sigma Theta Sorority, Inc. recognizing

their over 75 years of service to the Daytona Beach Community and surrounding areas.

**6.B.** [Development and Administrative Services - WGI, Inc. - Redistricting Presentation \(pp. 20-41\)](#)

Article 2, Section 2(c) of the City Charters states the City Commission shall, by Ordinance passed by three-fifths affirmative vote, re-designate the boundaries of each zone after each annexation and each decennial census conducted by the United States Government. This presentation is an opportunity for the Commission to hear what they can expect with the process and ask questions of WGI, Inc. about redistricting.

Al Hill, GIS Manager, WGI, Inc., 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.** [City Clerk - Citizen Boards - Ethics Training \(pp. 43-45\)](#)

**Resolution** creating an ethics training requirement for all City of Daytona Beach Citizen Boards. The City of Daytona Beach will provide annual training for all citizen board members, similar to the annual ethics training mandated for Florida elected officials. The training would include Florida Ethics Law, Open Meetings, and Public Records.

Recommendation: City Clerk recommends adoption of the Resolution.

**8.B.** [City Manager/Budget Division - FY 2021/22 First Quarter Budget Amendment \(pp. 46-54\)](#)

**Resolution** amending Resolution No. 2021-301, which adopted the FY 2021/22 budget, in order to increase revenues by \$8,962,569, operating expenditures by \$760,697, and transfers, capital, and debt service expenditures by \$8,201,872. This budget amendment increases revenues

related to carryforward of certain funds from FY 2020/21 to FY 2021/22, current year impact fee and trust fund revenues, and a transfer from the General Fund to the Capital Projects Fund. Additionally, the city's authorized FTE count is increased by three positions, which will be funded using existing appropriations in the General and Information Technology Funds.

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

**8.C.** [Utilities Department - USSI, Inc. – Sanitary Sewer Inflow Abatement Services \(pp. 55-144\)](#)

**Resolution** approving a piggyback contract using a Toho Water Authority contract with USSI Inc., 752 Commerce Drive Suite 15, Venice, FL 34292 to provide sanitary sewer collection system in-flow abatement services with the following provisions:

The term of the contract will remain in effect for three (3) years from the effective date with an option to renew for one (1) term of two (2) years:

- Authorize an initial expenditure of \$217,034.88 in FY2022; and
- Authorize the City Manager to exercise the renewal option and expend such sums as budgeted each year.

Sanitary sewer inflow abatement services utilizes smoke testing to identify locations of surface water inflow and/or groundwater infiltration into the sanitary sewer collection system, which reduces its capacity to convey sewage to the City's wastewater treatment plants. With this information, the Utilities Department can plan repair and/or replacement projects in the future.

The initial expenditure for FY22 will include the following:

- Inspection and smoke testing of 970 manholes
- Install 970 rain dishes
- Install 606 clean-out cover replacement plugs
- Smoke testing of 236,917 linear feet of gravity sewer main
- Detailed reports of inflow points and defects

The Toho Water Authority contract has been reviewed and approved by the City's Purchasing and Legal Departments for use by City Departments. Funds are available in the Water and Sewer Operating Fund and the Water and Sewer Improvement Construction Fund.

Recommendation: Utilities Director recommends adoption of the

Resolution.

**8.D.** [Utilities Department – Bid No. 22121 Supplemental Carbon Supply – Environmental Operating Solutions, Inc. – Water Reclamation Facilities \(pp. 145-154\)](#)

**Resolution** awarding Bid No. 22121 to Environmental Operating Solutions, Inc., 53 Portside Drive, Pocasset, MA 02559 for the supply of Supplemental Carbon with the following provisions:

- Authorize the purchase of Supplemental Carbon at a unit price of \$4.05/gallon for a one-year term;
- Authorize an initial expenditure of \$820,000.00 in FY2021-2022; and
- Authorize the City Manager to expend such funds as budgeted in FY2022-2023.

The purpose of this request is to maintain compliance with state and federal regulatory water quality standards.

The Westside Regional Water Reclamation Facility and the Bethune Point Water Reclamation Facility utilize glycerin as a supplemental carbon source in the treatment process to achieve better nutrient reduction. The City advertised Bid No. 22121 on November 1, 2021. One bid was received and opened on November 10, 2021 for the supply of Supplemental Carbon to be delivered as needed to the Water Reclamation Facilities. The bid is as follows:

- Environmental Operating Solutions, Inc. (EOSi) – Supplemental Carbon at \$4.05 / gallon

EOSi's submittal documents were reviewed for conformance with the bid requirements and were found to meet the qualifications and specifications. Therefore, EOSi was found to be a responsive and responsible bidder. Funds available in the Water & Sewer Operating Funds.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.E.** [Public Works Department - Technical Services Division - Fencing Contracts 19-B-116KT - Termination \(pp. 155-159\)](#)

**Resolution** authorizing termination, for convenience, the Volusia County Piggyback Fencing Contracts 19-B-116KT for Hills Fencing, Inc., 915 East Ohio Street, Lake Helen, FL 32744, Fence Direct, 9867 South Orange Blossom Trail, Orlando, FL 32837, and Sterling Enterprises, LLC, 230 North Summit Avenue, Lake Helen, FL 32744. The fence contract 19-B-

116KT is no longer used by the Public Works Department.

The Public Works Department required continuing services contracts for fencing installation, removal and repairs. The Commission authorized the piggyback contracts from Volusia County Fencing bid 19-B-116KT. It was determined that these contracts did not facilitate all of the Public Works needs. An Invitation to Bid was advertised and the Commission approved the contracts ITB-20391 for Hills Fencing, Inc., and Fence Services, Inc. d.b.a. AAA Fence Co. Hills Fencing, Inc. is under agreement on both of these contracts and the City cannot have more than one contract with the same vendor for the same services. Public Works is not using the Volusia County contract and therefore requests to terminate contracts 19-B-116KT for Hills Fencing, Fence Direct and Sterling Enterprises per Section 9 of the agreement. There is no City funding associated with this request.

Recommendation: Public Works Director recommends adoption of the Resolution.

**8.F.** Public Works - Technical Services Division – Supplemental Agreement No. 1 to LAP Agreement 439037-1-58-01 for the Beville Road Multi-Use Path Project, City Project No. 2015-095 (pp. 160-171)

**Resolution** approving Supplemental Agreement No. 1 to LAP Agreement No. 439037-1-58-01 which is necessary to adjust the project limits for the Beville Road Multi-Use Path Project to be from Andros Isles Boulevard to Woodcrest Drive.

The original LAP Agreement was accepted at the April 7, 2021 Commission Meeting and provided Federal funding in the amount of \$1,393,136 with a Local funding contribution in the amount of \$865,214 for construction plus \$302,247 for the CEI services. The project limits in the original LAP Agreement was from Andros Isles Boulevard to Clyde Morris Blvd. During the construction bidding process, it was agreed to change the construction limits to remove the section of the proposed Multi-Use Path between Woodcrest Drive and Clyde Morris Boulevard. This was due to the unexpected installation of an electronic sign by others, placing the sign in direct conflict with the proposed alignment of the Multi-Use Path. This Supplemental Agreement to adjust the eastern limits to Woodcrest Drive reduces the length of the project by approximately 988 linear feet. The amount of the Federal funding for construction will not be affected by this Supplemental Agreement and remains at \$1,393,136. The amount of the Local funding contribution for construction will be reduced from \$865,214 to \$62,421.

Recommendation: Public Works Director recommends adoption of

the Resolution.

**8.G.** [Utilities Department - Stormwater Backflow Preventer Valve Purchase – Bid No. 22092 \(pp. 172-180\)](#)

**Resolution** awarding Bid No. 22092 to Technology International, Inc., 1349 S. International Pkwy Lake Mary, FL 32746 in an amount not to exceed \$29,467 for the purchase of a stormwater backflow preventer valve.

This request is needed to purchase a backflow preventer valve for installation on an existing 48” concrete stormwater pipe located on Wilder Blvd. east of Palmetto Ave. Wilder Blvd. is city owned right-of-way which serves as a stormwater outfall for a large drainage basin west of US 1. The existing 48” concrete pipe is currently in the process of being repaired. As part of the repairs, the Utility Department will be installing a 48” Tideflex backflow preventer valve to hold back high river tides. The City advertised Bid No. 22092 for the purchase of a 48" Tideflex Checkmate backflow preventer valve on October 20th 2021 and received the following bids on October 27th 2021:

Technology International, Inc.	\$29,467
Fluid Control Specialties, Inc.	Non Responsive
Core and Main	Non Responsive

Based upon a review of the bids, Technology International, Inc. is the lowest, responsive and responsible bidder. Fluid Control Specialties, Inc. and Core and Main were declared non-responsive due to not including a bid proposal letter in their bid submission. Funds are available in the Stormwater Renewal & Replacement 8% Fund.

**Recommendation:** Utilities Director recommends adoption of the Resolution.

**8.H.** [Utilities Department - Atlantic Pipe Services, LLC - Lift Station Wet Well Cleaning \(pp. 181-235\)](#)

**Resolution** approving a piggyback contract using a Volusia County Master Agreement with Atlantic Pipe Service, LLC, 3918 Moores Station Road, Sanford, Florida 32773 to provide sanitary sewer lift station and main cleaning in the amount of \$60,000, terminating on the same day as the Volusia County's Master Agreement, May 18, 2022.

The purposes of this request is to maintain compliance with State and Federal regulations. The cleaning of lift station wet wells is vital to maintain peak performance and proper operation of the pumps and forcemains associated with each lift station. This cleaning is also important since it reduces costly pump repairs and premature failures that may result in sanitary sewer

overflows. There are 28 existing lift stations within the City's sewer system which the Utilities Department's equipment cannot properly maintain due to the wet well depths and other site constraints. This cleaning contract will be used to clean these 28 lift stations located throughout the City.

The contract's scope of work includes all labor, materials, equipment, and workmanship to perform lift station and main cleaning. The Volusia County contract has been reviewed and approved by the City's Purchasing Division and Legal Department for use by City Departments. Funds are available in the Water and Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

**8.I.** [Finance Department - Allocation of Bike Week Sponsorship Funds](#) (pp. 236-237)

**Resolution** authorizing the following:

\$500 to Leisure Services for the 2022 Mayor's Fitness Challenge from the Bike Week Sponsorship Funds of Mayor Derrick L. Henry.

\$200 to United Presbyterian Church as a general donation for use of their facility for the constituents of Pelican Bay 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 - Daytona Beach LPGA 7-Eleven Planned Development \(PD\) Agreement Rezoning](#) (pp. 238-308)

**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.B.** [Development and Administrative Services, Planning Division - Reserve at LPGA - Large Scale Comprehensive Plan Amendment \(LSCPA\) \(pp. 309-398\)](#)

**Ordinance on second reading - PUBLIC HEARING** approving a Large Scale Comprehensive Plan Map Amendment, changing the Future Land Use Map designation for 90± acres of land from Low Intensity Urban (LI-U) to Level 1 Residential (L1R), amending Neighborhood “V” creating a policy to reduce density, to allow for a multifamily residential development. The property is generally located approximately 3600-feet northwest of the intersection of West International Speedway Boulevard and LPGA Boulevard. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of LPGA Equity Land Trust No. 153.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

**9.C.** [Development and Administrative Services, Planning Division - Reserve at LPGA-Rezoning to Planned Development-General \(PD-G\) \(pp. 399-451\)](#)

**Ordinance on second reading - QUASI JUDICIAL HEARING** rezoning 90± acres of property, from Planned Development-General (PD-G) and Volusia County (VC) A-2 (Rural Agriculture) to Planned Development-General (PD-G), to allow for a multifamily development with a maximum of 560 residential units. The property is located approximately 3600’ northwest of the intersection of West International Speedway Boulevard and LPGA Boulevard. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of LPGA Equity Land Trust No. 153.

Dennis Mrozek, Planning Director, to report.

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

Action: Motion to adopt the Ordinance.

**10. ADMINISTRATIVE ITEMS.**

**10.A.** [Police Department - Ordinance Amending City Code, Chapter 110, Wrecker Services - Acceptable Methods of Payment \(pp. 452-463\)](#)

**Ordinance on first reading** - amending the City Code of Ordinances, adding a new section to Chapter 110, Wrecker Services, to provide acceptable forms

of payment for towing and related services performed by wrecker services operating within the City. A cash payment requirement to reclaim a vehicle may impose an undue hardship on the owner and may unduly prevent the owner from obtaining their vehicle leading to additional costs. A requirement for acceptance of commonly used methods of payment other than cash is in the public interest of City residents and visitors and similar requirements are not uncommon in other local jurisdictions.

Recommendation: Chief of Police recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 19, 2022.

**10.B.** [Development and Administrative Services, Planning Division - Derby Plaza – Small Scale Comprehensive Plan Amendment DEV2021-147 \(pp. 464-498\)](#)

**Ordinance first reading** approving a Small-Scale Comprehensive Plan Map Amendment, changing the Future Land Use Map designation for 4.9+/- Acres from Level 1 Residential (L1-R) to Low Intensity Commercial (LIC). Applicant: The City of Daytona Beach Planning Division.

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 19, 2022.

**10.C.** [Development and Administrative Services, Planning Division - 1st Amendment to 900 North – Planned Development-General \(PD-G\) Rezoning – DEV2021-109 \(pp. 499-551\)](#)

**Ordinance on first reading** approving the First Amendment to the 900 North Planned District (PD) Agreement to allow self parking and expand prohibited parking on the Hard Rock Hotel's satellite parking lot located at the southwest corner of the Jessamine Blvd. and North Atlantic Ave. intersection. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of 900 North Atlantic Ave 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, January 19, 2022.

**10.D.** [Development and Administrative Services, Planning Division - Places of](#)

[Worship, Distance Separation - Land Development Code Text Amendment DEV2021-151 \(pp. 552-560\)](#)

**Ordinance on first reading** amending Article 5, Section 5.2.B.13 of the Land Development code amending the Use Specific Standards for Places of Worship. Applicant: Development and Administrative Services Department, Planning Division.

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 19, 2022.

**10.E.** [City Manager's Office - Beautification/Tree Advisory Board - Appointment \(pp. 561-573\)](#)

**Resolution** appointing two members to the Beautification/Tree Advisory Board. This board shall consist of seven members. One member shall be nominated by each City Commissioner from among the resident of the zone, plus one at-large member nominated by the Mayor who may be a resident of any City Commission zone. The membership terms of Martha Grimshaw (At-Large) and Milverton Robinson (Zone 5) expired on 12/31/21 and both would like to be requested.

Bettye Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.F.** [City Manager's Office - Code Enforcement Board - Appointment \(pp.574-582\)](#)

**Resolution** appointing two members to the Code Enforcement Board. The board shall consist of seven members appointed by the City Commission. Members of the board shall be residents of the City. The membership term of Turner Hymes expired and she would like to be reappointed. Additionally, there is a vacant position and we have received an application from Katherine Marsh.

Bettye Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.G.** [City Manager's Office - Leisure Services Advisory Board - Appointment \(pp.583-591\)](#)

**Resolution** appointing two members to the Leisure Services Advisory Board.

This appointment is to fill vacancies in Zones 2 and At-Large. The board shall consist of seven (7) members, one (1) from each zone nominated by City Commissioners of respective zones, and one (1) at large member nominated by the Mayor. Members must reside within the zone of their appointment. We have received an application from Jessica Haley-Zone 2 and Luke McCoy, Sr to serve At-Large.

Bettye Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.H.** [City Manager's Office - Historic Preservation Board - Appointment \(pp.592-605\)](#)

**Resolution** appointing three members to the Historic Preservation Board the board shall consist of nine (9) members appointed by the City Commission. One member shall be nominated by each City Commission and two members nominated by the Mayor. At least one member shall be an Architect.

Members shall be appointed on the basis of civic pride, integrity, experience, interest in historic preservation and the requirements necessary for the City to maintain status as a Certified Local Government. The majority of members shall be residents of the City. The position of Architect is currently open and there are vacancies representing Zone 3 and Zone 5. We have three viable applicants: Thomas Makowski as Architect. Daniel Harshaw to represent Zone 3 and Richard Sala appointed by Zone 5 Commissioner.

Bettye Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**10.I.** [City Manager's Office - Peabody Auditorium Advisory Board - Appointments \(pp. 606-616\)](#)

**Resolution** appointing two members to the Peabody Auditorium Advisory Board. The board shall consist of seven (7) members serving four (4) year staggered terms and may be reappointed to successive terms. Members must reside within the zone from which appointed or if mayoral from within the corporate limits of the City. The terms of Suzanne Kridner (Zone 1) and Sandra Chavous (Zone 6) have expired and both would like to be reappointed.

Bettye Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

**11. DISCUSSION.**

**11.A.** [Public Works - City Commission Discussion of design options for Beach St. Phase II Streetscape \(pp. 617-637\)](#)

**Discussion** - Beach Street Phase II Streetscape project will consist of roadway, sidewalk, landscape and lighting improvements on Beach St. between Bay St. and Fairview Ave. and on Dr. Mary McLeod Bethune Blvd. (MMB) between Beach St. and Ridgewood Ave. A Workshop was held for the City Commission on October 20, 2021 at which design options were presented for MMB and for Beach Street and was followed up with a Public Meeting on November 15, 2021. This Discussion item recaps the Public Meeting and Public Comments (attached). One option discussed at the meetings included a roundabout at Fairview Avenue and Beach Street however, this option is not included as part of the Beach Street Phase II project discussion but will potentially be considered as part of a separate roadway project involving the North Beach Street corridor from Fairview to the North City limit. Conceptual design options for discussion as presented at the Commission Workshop and Public Meeting, include: (MMB) Option A: Provides a narrower street, wider sidewalks without on-street parking and (MMB) Option B: Provides a narrower street with on-street parallel parking. (Beach Street) Option A: Provides parallel parking on the east side and angled parking on west side, a raised median in the center and does not change the configuration of the Fairview Ave. intersection and (Beach St.) Option B: Provides angled Parking on both sides of the road and doesn't change the existing configuration of the Fairview Ave. intersection.

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

**13. 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.**

**14. ADJOURNMENT.**