





**THE CITY OF DAYTONA BEACH
REGULAR MEETING – CITY COMMISSION
APRIL 1, 2015
COMMISSION CHAMBERS
6:00 P.M.**

AGENDA

Website Address – www.codb.us (City Clerk)

NOTICE- If any person decides to appeal any decision of the City Commission at this meeting, he will need a record of the proceedings and, for that purpose, he 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 needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office not later than three days prior to the proceedings.

- 1. ROLL CALL.**
- 2. INVOCATION.**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG.**
- 4. APPROVAL OF MINUTES.**

4A. [Approval of Minutes](#)

[Approval of the minutes of the February 4, 2015 Signs Workshop, the March 18, 2015 Regular City Commission Meeting held at City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida.](#)

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. CITIZENS.

6A. PUBLIC COMMENT BY PEOPLE ADDRESSING THE CITY COMMISSION

During this time Citizens have the opportunity to address the City Commission on any item on the Consent Agenda or any other matter that is not on the Agenda.

7. 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).

7A. Budget Amendment (pp. 11-17)

Resolution amending Resolution 14-343 which adopted the 2014-2015 budget, in order to increase revenues by \$7,191,450 and capital expenditures and transfers by \$1,043,679; authorizing the Budget Officer to maintain currently accepted grant budgets; and accepting the certification of the Police Chief in accordance with Florida Statutes § 932.7055(5)(b).

Recommendation: Budget Officer recommends adoption of the Resolution.

7B. Friends of the Bandshell - Oceanfront Bandshell License Agreement - Amendment (pp. 18-33)

Resolution approving an amendment to the license agreement (Resolution 14-82) with Friends of the Bandshell (FOB) to extend the term of the agreement by two years, extending the Summer Concert Series season by adding the first two Saturdays after Labor Day, and clarifying each party's responsibilities. FOB uses the Bandshell to host free live musical performances for a period generally beginning on Memorial Day and ending on Labor Day.

Recommendation: Redevelopment Director recommends adoption of the Resolution.

7C. Utilities Department - Change Order No. 1 - Lift Station 2 and Infrastructure Improvements Project - Contract 0314-0210 (pp. 34-46)

Resolution approving Change Order No. 1 to Contract No. 0314-0210 for Lift Station 2 and Infrastructure Improvements with 4C's Trucking & Excavation, Inc., 331 Sawgrass Road, Bunnell, FL, 32110, in the amount of \$132,461.52; adjusting the contract price to \$567,142.92; extending the contract time by 130 calendar days; and authorizing the City Manager and City Clerk to execute the Change Order. Funds are available in the Water and Sewer Improvement Fund.

Recommendation: Interim Utilities Director recommends adoption of the Resolution.

7D. Pubic Works Department - Backhoe Loader - Emergency Purchase (pp. 47-59)

Resolution approving the emergency purchase of one Caterpillar 430F Backhoe Loader

from Ring Power Corporation, 401 N. Tomoka Farms Road, Daytona Beach, FL 32124, in the amount of \$102,066, utilizing Florida Sheriffs Association Cooperative Bid Award #14-12-0904, to replace a 1998 backhoe for the Streets Division which became inoperable. The City was able to save \$15,000 off the purchase cost of \$117,066 with the trade-in of the old machine. Funds available in the Capital Projects Fund.

Recommendation: Interim Public Works Director recommends adoption of the Resolution.

7E. Allocation of Bike Week Sponsorship Funds (pp. 60-61)

Resolution authorizing payment in the amount of :

\$100 to the Early Learning Coalition of Flagler and Volusia Counties, Inc. for their 2nd Annual Duck Race from the Bike Week Sponsorship Fund of Mayor Derrick Henry.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

8. PUBLIC HEARINGS.

8A. P & S Paving - Large Scale Comprehensive Plan Amendment (pp. 62-99)

Ordinance on second reading - PUBLIC HEARING - approval of a Large Scale Comprehensive Plan Amendment (LSCPA) changing the Future Land Use Map (FLUM) designation from Volusia County Low Impact Urban (LIU) to Daytona Beach General Industrial for 11.1± acres of land located at 3701 Olson Drive to continue a commercial asphalt plant. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Tim Phillips, P & S Paving, Inc.

Richard Walton, Planning Director, to report.

Recommendation: Planning Board recommends approval 9-to-0.
Action: Motion to adopt the Ordinance.

8B. P & S Paving Planned Development General (PD-G) - Rezoning (pp. 100-133)

Ordinance on second reading - PUBLIC HEARING - approving a request to rezone 30.7± acres of land located at 3701 Olson Drive from Volusia County Industrial Planned Unit Development (IPUD) and Heavy Industry (M-5) to Planned Development General (PD-G) to allow for the continued operation of an existing asphalt plant and authorizing the Mayor to execute the PD Agreement. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of P&S Paving, Inc.

Richard Walton, Planning Director, to report.

Recommendation: Planning Board recommends approval 9-to-0.
Action: Motion to adopt the Ordinance.

8C. Land Development Code Text Amendment - Midtown Redevelopment District Use Tables (pp. 134-172)

Ordinance on first reading - PUBLIC HEARING - to amend the Land Development Code (LDC), Article 5: Use Standards, Section 5.2 Principal Uses, Subsection 5.2.A Principal Use Tables 5.2.A.3 Principal Use Table for Redevelopment Districts. Applicant: Development and Administrative Services Department, Redevelopment Division.

Reed Berger, Redevelopment Director, to report.

Recommendation: Midtown Redevelopment Board recommended approval 9-to-0.
Planning Board recommended approval 7-to-0.
Action: Motion to pass the Ordinance on first reading.
Note: If passed, Public Hearing, April 15.

8D. Midtown Master Plan - Rezoning (pp. 173-217)

Ordinance on first reading - PUBLIC HEARING - approving a request to rezone 598.82+ acres located generally in the area bounded by the F.E.C. Railroad on the east, George W. Engram Boulevard on the north, Nova Road on the west, and Orange Avenue on the south and extends south on Martin Luther King Boulevard to Shady Place to be consistent with the adopted Midtown Master Plan/Redevelopment Plan. Applicant: Development and Administrative Services Department, Redevelopment Division.

Reed Berger, Redevelopment Director, to report.

Recommendation: Midtown Redevelopment Board recommended approval 9-to-0.
Planning Board recommended approval 7-to-0.

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, April 15.

8E. Embry Riddle Aeronautical University - Comprehensive Sign Plan, First Amendment (pp. 218-251)

Resolution - PUBLIC HEARING - approving a request to modify the approved Comprehensive Sign Plan for Embry Riddle Aeronautical University. Applicant: Duncan Ross, Prosser, Inc. on behalf of Embry Riddle Aeronautical University.

Richard Walton, Planning Director, to report.

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

Action: Motion to adopt the Resolution.

8F. Semi-Public Use Permit - Miracle Media Studios (pp. 252-281)

Resolution - PUBLIC HEARING - approve a Semi-Public Use Permit located at 106 Ivy Lane to allow a radio studio (broadcaster) in the RDD-1 (Beach Street Retail) zoning district subject to the additional area currently proposed for the café (restaurant) use at 242 S. Beach St., Suite 100, shall be maintained as a permitted use in the RDD-1 zoning district and a RDD-1 permitted use shall be reestablished within six months of any discontinuance of the café use. Applicant: Colleen Miles, Land Development Resource Group, LLC, on behalf of Patricia P. Miracle, General Manager, Miracle Media Group.

Reed Berger, Redevelopment Director, to report

Recommendations: Downtown Redevelopment Board recommends
approval 9-to-0.

Planning Board recommends approval 7-to-0.

Action: Motion to adopt the Resolution.

9. ADMINISTRATIVE ITEMS.

9A. Halifax Humane Society, Planned Development - General (PD-G) - Rezoning, First Amendment (pp. 282-332)

Ordinance on first reading – approving a request to rezone 3.1+ acres of land located at 2364 West LPGA Boulevard to Planned Development – General (PD-G), amending the existing Master Development Agreement for the Halifax Humane Society Planned Commercial Development to add the 3.1+ acres, expanding the boundaries to a total of 8.1+ acres and authorizing the development of a dog park and adding retail sales and service as an accessory use, and authorizing the Mayor to execute the First Amendment to the Master Development Agreement. Applicant: Steven R. Buswell, P.E., Parker Mynchenberg and Associates, Inc., and James Stowers, Esq., Wright, Casey & Stowers, P.L., on behalf of Halifax Humane Society.

Richard Walton, Planning Director, to report.

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

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, April 15.

9B. Exemption of Ad Valorem Tax for TopBuild Corporation/Masco Administrative Services, Inc. (pp. 333-355)

Ordinance on first reading - approving an exemption of ad valorem tax for a 10 year period for TopBuild Corporation, a spin-off of Masco Administrative Services, Inc. and formerly referenced as Project Speed II, to assist consolidation of some responsibilities currently external to their operations. The exemption would be for a portion of the assessed value of all improvements to real and tangible personal property to assist plans to construct a new 75,000 sq. ft. corporate headquarters at 475 N. Williamson Boulevard within the Aero-Park Brownfield Area. Over the period of exemption the company is projected to generate \$12,500,000 in new capital investment, retain 205 jobs at an average wage of \$71,088 and create 55 new jobs at an average annual wage of \$83,667, as well as, \$4,601,685 in new cumulative payroll, and \$205,235,151 in total cumulative payroll. The Economic Development Advisory Board per the Updated Exemption Guidelines recommended the following tax exemption schedule at its March 4, 2015 public meeting: 100% in years 1-3; 75% in years 4-5; 50% in years 6-9; and 25% in year 10. The cumulative value of the exemption is projected to be \$366,649 per the Office of the Volusia County Property Appraiser.

Emory Counts, Economic/Community Development Director, to report.

Recommendation: Economic/Community Development Director recommends passing the Ordinance on first reading.

Action: Motion to pass the Ordinance on first reading.

Note: If passed, Public Hearing, April 15.

9C. Trap, Neuter, and Return (TNR) Pilot Program Agreement - Revision (pp. 356-393)

Resolution amending Resolution No. 15-52 to approve a revised six-month pilot Trap, Neuter, and Return (TNR) Agreement with Concerned Citizens for Animal Welfare (CCFAW). Applicant: Development and Administrative Services Department, Planning Division.

Rich Walton, Planning Director, to report.

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

Action: Motion to adopt the Resolution.

9D. Resolution of Support - Creating Standards for the Expansion of the Current Beach Traffic-Free Zones (pp. 394-397)

Resolution encouraging the Volusia County Council to create standards which would allow for the expansion of the current beach traffic-free zone to include the area from University Boulevard on the north to Silver Beach Boulevard on the south. Such standards should provide permanent alternative beach access and parking for specific purpose of encouraging private investment, promoting beachside improvement, and addressing the low property values, homeless population, and potential environmental, density, and traffic intensity issues.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

9E. Beachside Redevelopment Board - Appointment (pp. 398-404)

Resolution appointing one (1) member to the Beachside Redevelopment Board (Formerly the Main Street/South Atlantic Redevelopment Area Board). Article 2 §3 (b) of the Land Development Code amended by Ordinance No.15-23 states that the board shall consist of seven (7) members and a Planning Board member who shall serve as an ex officio nonvoting member appointed by the City Commission. Members shall reside or have their principal place of business in either the Main Street Redevelopment Area (MSRA) or the South Atlantic Redevelopment Area (SARA). A majority of the board members shall be residents of the City. We have an application from Theresa Cantrell who qualifies as working for a business in the Main Street Redevelopment Area and also as a Daytona Beach resident.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

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

11. ADJOURNMENT.