





**THE CITY OF DAYTONA BEACH  
REGULAR MEETING – CITY COMMISSION  
APRIL 2, 2014  
CITY COMMISSION CHAMBERS  
6:00 P.M.**

**AGENDA**

Website Address – [www.codb.us](http://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 March 19, 2014 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. One Daytona Proportionate Fair Share Agreement - Time Extension (pp. 12-41)**

**Resolution** approving a 120 day extension of the 2008 Daytona Live! Proportionate Share Agreement to provide time for an updated Traffic Impact Analysis (TIA) associated with the One Daytona Project. The new deadline will be August 13, 2014. By that date the TIA will have been completed and a new One Daytona Proportionate Fair Share Agreement will have been presented to the the Commission for approval.

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

### **7B. Oceanfront Bandshell - License Agreement - Approval (pp. 42-71)**

**Resolution** approving a three-year license agreement, with the two (2) one-year renewal options, with Friends of the Bandshell (Friends) for use of the Oceanfront Bandshell for the purpose of hosting free live musical performances for a period generally beginning on Memorial Day and ending on Labor day. The Concert Series will consist of concerts on July 4, the Saturday prior to Memorial Day and Labor Day and each Saturday between Memorial Day and Labor Day Weekend. Friends is responsible for procuring, at Friends' sole cost, the set-up and breakdown, technical assistance and the professional musicians that will perform at each concert. Friends will pay an amended annual fee of \$24,268 for FY 2014.

\_\_\_\_\_ Recommendation: Support Services Director recommends adoption of the Resolution.

### **7C. Public Works Department - Redman Consulting Group, Inc. - Solid Waste Administrative Services Contract - Amendment No. 1 (pp. 72-84)**

**Resolution** approving Amendment No. 1 to the Solid Waste Administrative Services Contract, with Redman Consulting Group, Inc. (RCG), 7017 S. Atlantic Avenue, New Smyrna Beach, FL 32169, to amend the four remaining one-year renewals to one four-year renewal option, terminating August 31, 2018; adding one additional five-year renewal option terminating August 31, 2023, during which current rates would remain unchanged throughout the nine year time frame; and authorizing the City Manager to execute the renewal options subject to budgeting. RCG has had excellent past performance which has improved the efficiency and effectiveness of Solid Waste Services. Under the current agreement, RCG is paid \$41,700 annually, and \$115 per hour for other Solid Waste Related Studies/Technical Assistance. Funds available in the Solid Waste Fund.

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

**7D. Allocation of Bike Week Sponsorship Funds (pp. 85-87)**

**Resolution** authorizing payment in the amount of:

\$300 to the Poetry Club Meeting & Reading - Rose Room Rental at the Peabody Auditorium; and \$200 to Mainland High School Girl's Basketball Team from the Bike Week Sponsorship Funds of Mayor Derrick Henry. Funds available in the General Fund.

\$250 to the Early Learning Coalition of Flagler & Volusia Counties for their "Duck Race" event; \$155 to the Majesty Chapter #565 of the Eastern Star for their Easter Egg Hunt; and \$300 to Alpha Phi Alpha Fraternity, Inc. for the Third Annual Jimmy Huger Scholarship Golf Tournament from the Bike Week Sponsorship Funds of Commissioner Patrick Henry. Funds available in the General Fund.

\$250 to the Halifax Preservation Trust (Lilian Place); and \$250 to the Peabody Piano Fund from the Bike Week Sponsorship Funds of Commissioner Kelly White.

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Recommendation: Chief Financial Officer recommends adoption of the  
 Resolution.

**8. PUBLIC HEARINGS.**

**8A. Right-of-Way Vacation – Sunny Side Avenue - Utility Easement Acceptance (pp. 88-110)**

**Ordinance on second reading – PUBLIC HEARING** - vacating a 232± foot by 40 foot street Right-of-Way (ROW) located approximately 200 feet west of Nova Road and 200 feet north of Bellevue Avenue; and authorizing acceptance of a Utility Easement to The City of Daytona Beach from the applicant to cover the continued operation and maintenance of an existing gravity sewer line. Applicant: Mr. Roy Lenois. (Continued from the March 19, 2014 Regular City Commission Meeting)

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Ron McLemore, Deputy City Manager/Operations, to report.

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Recommendation: Planning Board recommends approval 7-to-0.  
 Action: Motion to adopt the Ordinance.

**8B. Special Use Permit - Our Lady of Lourdes, Italian Festival (pp. 111-135)**

**Resolution - PUBLIC HEARING** - approving a Special Use Permit to operate a carnival on the church grounds of Our Lady of Lourdes Church, located at 201 University Boulevard from Thursday, May 1 to Sunday, May 4, 2014; and from Thursday, April 16 to Sunday, April 19, 2015. The church is currently zoned R1-A (single-family residential) and is surrounded by single-family zoning. The carnival is to be located in an open area north of the church and fronting on Halifax Avenue. The church has operated similar carnivals in the past and the layout of the rides and exhibits will remain as in previous years. The arrangements for rides and parking will be the same as in the past. Applicant: Joseph Hopkins, P.E., on behalf of Our Lady of Lourdes Church.

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Richard Walton, Planning Director, to report.

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Recommendation: Planning Board recommends approval 10-to-0.  
 Action: Motion to adopt the Resolution.

**8C. Exemption of Ad Valorem Tax for Trader Joe's East Inc. (pp. 136-154)**

**Ordinance on second reading – PUBLIC HEARING** - authorizing an exemption of ad valorem tax for Trader Joe's East, Inc., for a five-year period for 100 percent of the assessed value of all improvements to real and tangible personal property at a new approximately 700,000 sq. ft. building to be constructed near Dunn Avenue and Williamson Boulevard. Trader Joe's is considering purchase and construction of the property/building site located within the City's Aero Park Brownfield Area to establish a Regional Distribution Center to service its current and future grocery stores. Over the five-year period of exemption, Trader Joe's is projected to generate capital investment of

\$88,000,000, create 450 jobs at an average annual wage of \$40,075 including benefits, and new cumulative payroll of \$66,123,750. The Economic Development Advisory Board recommended approval of a tax exemption schedule for 100 percent each year for five years at its March 19, 2014 public meeting. The Guidelines on Economic Development Ad Valorem Exemption allow the City Commission to grant the exemption to stimulate economic development. The cumulative value of the exemption over the five-year period is estimated to be \$1,591,850 by the Volusia County Property Appraiser.

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

Recommendation: Economic & Community Development Director recommends adoption of the Ordinance.

Action: Motion to adopt the Ordinance.

**8D.** City of Daytona Beach - County of Volusia - Indigo Development LLC - Infrastructure and Joint Project Coordination Agreement - Trader Joe's - Approval (pp. 155-189)

**Resolution** approving a Contract for Construction and Maintenance of Right-of-Way and Related Improvements Agreement and Joint Project Coordination Addendum between The City of Daytona Beach, the County of Volusia, and Indigo Development LLC, committing actual cost in an amount not to exceed \$400,000, in City Water and Sewer Improvement Fund revenues to facilitate the construction of roadway and utility infrastructure of the new Trader Joe's Distribution Center in Daytona Beach. Funds available in the Water and Sewer Improvement Fund.

Ron McLemore, Deputy City Manager/Operations, to report.

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

Action: Motion to adopt the Resolution.

**8E.** Rezoning - Planned Commercial Development, Dunn Avenue/I-95 Distribution Center (pp. 190-365)

**Ordinance on second reading - PUBLIC HEARING -** approving a request to rezone 76.5+ acres of land, generally located east of Interstate 95 and north of Dunn Avenue, from R-2a (Multifamily) to PCD (Planned Commercial Development), and to approve a Preliminary Plat in conjunction with the rezoning, to construct a distribution center consisting of 523,760 square feet of warehouse, 101,760 square feet of freezer building, 6,000 square foot truck wash, and 178,275 square feet of future building expansion to allow for industrial use. Applicant: Robert A. Merrell, III, Esq., and Parker Mynchenberg, P.E., on behalf of John P. Albright, President and CEO, Consolidated-Tomoka Land Co.

Richard Walton, Planning Director, to report.

Recommendation: Planning Board recommends approval 10-to-0.

Action: Motion to adopt the Ordinance.

**9. ADMINISTRATIVE ITEMS.**

**9A.** Consolidated Tomoka Land Co. - Distribution Center Final Plat - approval (pp. 366-372)

**Resolution** approving the Final Plat for the Distribution Center, a Planned Commercial Development on 76.012+/- acres of land, located immediately north of Dunn Avenue, east of I-95 and west of Mason Avenue Extension. The property is owned by Consolidated-Tomoka Land Co., a Florida Corporation and Indigo Development, LLC, a Florida Limited Liability Corporation. They are represented by the Applicant, Mr. Robert Merrell, Esq. A Tri-Party Agreement between Volusia County, the City of Daytona Beach, and the property owner is proposed to be considered with the Dunn Avenue/I-95 Distribution Center Planned District Agreement. This agreement provides the necessary language and requirements for bonding of public improvements that are in a Contract for Platting. Therefore, approval of a Contract for Plat Recording is not required.

\_\_\_\_\_ Ron McLemore, Deputy City Manager/Operations, to report.

\_\_\_\_\_ Recommendation: Deputy City Manager/Operations recommends adoption of the Resolution.

\_\_\_\_\_ Action: Motion to adopt the Resolution.

**9B. Beautification/Tree Advisory Board - Appointments (pp. 373-380)**

Resolution appointing two members to the Beautification/Tree Advisory Board. The board consists of seven (7) members, one from each Commission zone and one member at large who serve three (3) year staggered terms, commencing January 1 and shall end December 31. Must be a qualified elector of the City and reside within the zone from which appointed. Member-appointed chair can serve a maximum of two consecutive one-year terms. There is a vacancy in zone 2 and the term of Naaemah Perry (zone 5) expired on 12/31/13.

Ms Perry would like to be reappointed and we have received an application from Kristin dePaula for Zone 2. There are no additional applications.

\_\_\_\_\_ Betty Goodman, Assistant City Manager, to report.

\_\_\_\_\_ Recommendation: Commission action.

\_\_\_\_\_ Action: Motion to adopt the Resolution.

**9C. Housing Authority Commission - Appointments (pp. 381-401)**

Resolution appointing two members to the Housing Authority Commission. The membership terms of Sonya Collins Frazier and Norma Lewis expires on 04/02/14. The board shall consist of five (5) members serving four (4) year terms. Members are appointed by the Mayor and approved by the City Commission.

Ms. Frazier and Ms. Lewis would like to be reappointed. We have additional applications from: Dr. Willie Kimmons, Martin Tooley, Noemi Garcia, and Norma Bland.

\_\_\_\_\_ Betty Goodman, Assistant City Manager, to report.

\_\_\_\_\_ Recommendation: Commission action.

\_\_\_\_\_ Action: Motion to adopt the Resolution.

**9D. Midtown Redevelopment Area Board - Appointments (pp. 402-410)**

Resolution appointing two members to the Midtown Redevelopment Area Board: a Design Professional and an Alternate Design Professional. The board shall consist of nine (9) members serving for staggered terms of two (2) years appointed by the City Commission, five (5) members who reside in or have their principal place of business in the Midtown Redevelopment area <sup>(MRDA)</sup>; two (2) members who reside in the City <sup>(city)</sup>; one (1) member of the Planning Board <sup>(PB)</sup>; one (1) member who is a Design Professional <sup>(DP)</sup>; and one (1) alternate member who is a Design Professional <sup>(ADP)</sup> and who will serve only in the absence of the Design Professional member.

We have two applications: Joseph Pozzuoli for Design Professional, and David Swartz for the Alternate Design Professional.

\_\_\_\_\_ 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.**