

**MIDTOWN REDEVELOPMENT
AREA BOARD MINUTES**

October 12, 2010

There was a meeting of the Midtown Redevelopment Area Board held on Tuesday, October 12, 2010 at 6:00 p.m. in the City Hall Commission Chambers at 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members

Ms. Pascale Brown
Ms. Patricia Heard (arrived 6:15)
Mr. John Huger (arrived 6:17)
Mr. Hemis Ivey
Mr. Ken McGee
Mr. John McGhee II
Ms. Denise McMillon

Staff Members Absent

Ms. Johnnie Ponder
Ms. Shirley Benjamin

Staff Members Present

Ms. Carrie Lathan, Assistant City Attorney
Mr. Reed Berger, Redevelopment Director
Mr. Charles Bryant, Project Manager
Ofc. John Stenson, Code Enforcement
Cpt. Craig Capri, Police Department
Ms. Cathleen Olson, Recording Secretary

1. Call to Order

Mr. Ivey called the meeting to order at 6:03 pm.

2. Roll Call

Ms. Olson called the roll and noted members present as stated above.

3. Approval of Minutes: September 12, 2010

Mr. McGhee made a motion to approve the minutes of September 12, 2010. Ms. McMillon seconded the motion and it was approved unanimously (5-0).

4. **Staff Report**

(a) Police Department Report

Cpt. Capri introduced himself and outlined his history with the Police Department. He stated that the outside police detail was going well, noting that the Redevelopment areas were becoming the quietest areas in terms of overall part-one crime.

Ms. McMillon asked about the range of the foot patrol.

Cpt. Capri stated that the range of the patrol was between Mary McLeod-Bethune Boulevard, Nova Road, and Bellevue Avenue, noting that it only extended to the Redevelopment area, and emphasizing that the patrol must be outside, on foot, bicycle or Segway.

Ms. McMillon expressed concern regarding areas heavily populated with senior citizens, noting recent problems with break-ins and car thefts.

Cpt. Capri stated there were issues with car thefts and there were programs in place working with apartment complexes to discourage criminal activity. He stated that the Police Department focus had shifted to areas such as Derbyshire Road and south of Bellevue due to the decrease in criminal activity in Midtown.

Ms. McMillon expressed concern regarding streets running north/south being used as cut-throughs to avoid traffic issues on Orange Avenue and International Speedway Boulevard, noting speed issues and potential danger to children and pedestrians in those areas.

Cpt. Capri stated that he would address specific streets and noted the possibility of constructing speed bumps on problem streets.

Mr. Ivey stated there needed to be fair treatment of the crowds during Biketoberfest.

Cpt. Capri stated that the Police Department would work with the community to ensure fair treatment during Biketoberfest, noting that there had only been one arrest the previous year.

Mr. Ivey stated he was concerned about speeding during the day, as well as potential issues with parking destroying grass and landscaping during the event.

Cpt. Capri stated that the Police Department would work with the community to address concerns with parking on grass without issuing tickets unfairly.

Ms. Heard expressed concern regarding insufficient parking on Green Street, as well as overly inclusive retail permits.

Cpt. Capri emphasized that the Police Department would not be issuing parking tickets during Biketoberfest, but stated that he was unsure of policies regarding retail permitting.

Ms. McMillon noted issues with loitering near the Bronson dorm of Bethune-Cookman University due to a ban on smoking on campus, resulting in students congregating on the sidewalk outside of the campus.

Reverend Victor Goodin, Bethune-Cookman University, Office of the President for Governmental Relations, stated that the University did not have the authority to enforce loitering regulations outside of University property.

Mr. John McGhee asked about a possible end-date for the outdoor detail, noting the need to anticipate possible cessation.

Cpt. Capri stated that he was unsure of future funding but would look into the issue and inform the Board.

Mr. Berger stated that the funding was still available for the program.

(b) Code Enforcement

Ofc. Stenson outlined new properties involved with Code violations, noting in particular a property on Magnolia and Franklin Street with many Code citations.

Mr. Ivey stated the need for the addresses of properties in violation, emphasizing the need to assist property owners willing to work with Code Enforcement, and recommended that the Board wait for address information before moving forward with Code Enforcement.

Ms. McMillon expressed concern that waiting for address information would cause delays for properties in violation, emphasizing the need to notify residents of Code violations and allowing a grace period to rectify violations. She also noted concerns of a Midtown resident regarding a lack of parking due to recent landscaping, as well as concerns of a resident whose car was towed without sufficient notification, having parked on the sidewalk due to a lack of available parking in the driveway, as residents had done for years prior. She asked what options residents had when there was no available parking in their area.

Ofc. Stenson acknowledged parking as an ongoing general problem, but stated that parking on the sidewalk was a violation. He outlined issues with cars parked on unimproved surfaces due environmental problems, and stated that most instances of towing were due to cars blocking right-of-way.

Mr. Bryant noted that residents around Magnolia had been notified of changes to ticketing and towing policies in the area.

Ms. Heard asked about the responsibility for cutting the grass between the property and the street.

Ofc. Stenson stated that the property owner was responsible for cutting the grass, acknowledging the discrepancy between the responsibilities of the property owner for the grass while the City could tow from the area.

Ms. Heard requested that Code Enforcement publicize areas in which parking would be more strictly enforced, noting issues with elderly residents having nowhere to park near to their homes.

Ofc. Stenson stated that he would provide notification to the public regarding parking policies.

Ms. McMillon emphasized the need to provide tenants with adequate time for renovation, stating that the same properties should not appear on the Code Enforcement list month to month.

Ms. Heard asked if residents were aware of grants available to facilitate renovation.

Ofc. Stenson stated that effort had been made to inform residents of available grants.

Mr. Bryant noted that residents must have adequate parking to be eligible for grants, but reiterated that efforts were being made to ensure that residents were aware of grant information.

Mr. Ivey reiterated the need to address the senior citizen contingent of the Midtown area.

Mr. Bryant outlined issues with 322 Fulton Street, stating that renters had come from out of town and had been unaware of the poor condition of the property, and the property owner had not been amenable to working with the tenants to renovate the property. He stated that the tenants had moved out and the property owner was attempting to rent out the property again without making necessary improvements, and highlighted the issues with the property.

Mr. Huger asked whether the property could be deemed temporarily uninhabitable.

Ofc. Stenson stated that Code Enforcement could keep the owners from renting the property until an occupational license was obtained pending property inspection, but noted that the fine for violation of the rental prohibition was only a one-time fee of \$250. He also noted a positive response to the Kick It to the Curb program, and stated that Code Enforcement would be active during Biketoberfest

Ms. Heard emphasized the need to enforce vending permits, stating that there were many vendors selling retail items without proper permitting, and highlighted in particular a traveling barbecue vendor.

Ofc. Stenson stated that the process of citing permit issues was complicated when church property was involved.

Ms. McMillon emphasized the danger of transporting a lit barbecue grill, stating that fires had been set due to the traveling barbecue vendor.

Ofc. Stenson stated that the barbecue vendor in question had been cited and that Code Enforcement was aware of the situation and monitoring the vendor.

Mr. McGhee asked about the procedure for garbage removal with the Kick It to the Curb program.

Ofc. Stenson noted 10 trash trucks, 4 cherry-pickers, and 15 dumpsters, as well as regular trash cans.

5. **PRESENTATION: Midtown Redevelopment Master Plan**

Mr. Craig Huffman, 1127 Morningside Court, Tallahassee, Florida, presented highlights from the October 11 workshop, noting the involvement of 72 students from the Florida A&M School of Architecture in developing the concept of a master plan for Midtown, and stated that the plan was based around 5 concepts, emphasizing that the plan was still in the visionary phase. He outlined the Town Square concept, with slowed traffic and a trolley system providing transportation, noting Savannah, Georgia as an example as a community with a pedestrian emphasis.

Mr. McGee asked for clarification regarding traffic circles on major corridors.

Mr. Huffman stated that International Speedway Boulevard would be continuous, and only MLK, MMB and Orange Avenue had traffic circles planned, with the intent to tie the northern and southern areas of Midtown together.

Mr. Ivey noted pictures illustrating students' ideas from the workshop for each concept of the plan.

Mr. Huffman outlined the concept for greenways of linear parks running north/south throughout the Midtown area, with a civic area along Orange Avenue and MLK Blvd, as well as the concept for different uses of properties in Midtown, noting the need to preserve residential areas while adding commercial space. He presented the idea of a central urban park at the heart of Midtown surrounded by mixed-use retail and housing, creating a new town center of the Midtown district, and outlined the concept of the four focal points of Midtown, highlighting a proposed African-American Museum and Culture Center on MLK Boulevard dedicated to the study of the history of Midtown and the contributions of Midtown residents as a long-term project. He also noted the extensive turnout at the workshop and expressed his appreciation on behalf of FAMU for the opportunity to work with Midtown on the project.

Mr. Huger expressed his optimism regarding the project but expressed concern that tangible results were still in the distant future.

Mr. Huffman stated that the next step was to implement a system to obtain comments and feedback regarding the proposed plans.

Ms. Brown noted her background as a resident of Silver Spring, Maryland as an example of successful revitalization of a blighted area, and expressed her appreciation of the effort being made to obtain and incorporate input from the Midtown community.

Mr. McGhee commended FAMU on the work being done and noted that the illustrations were useful in outlining future plans.

Mr. McGee stated that the work being done by FAMU was important and appreciated, noting the current lack of vision in Midtown revitalization prior to FAMU's involvement.

Mr. Huffman stated that the current focus was on establishing a framework to guide future development.

Ms. Heard expressed her appreciation of FAMU's work and noted the extensive turnout of the workshop. She asked if a movie theater was necessary to establish in the area.

Mr. Huffman stated it was his opinion that a movie theater would be beneficial, but noted that he was unaware of the proximity of other local theaters, and the economic feasibility needed to be considered.

Ms. McMillon asked about the possibility of establishing a grocery store or other businesses addressing the needs of residents in Midtown, noting that Midtown residents had to leave the area for shopping needs. She commended the professionalism of the FAMU students.

Mr. Huffman stated the need to establish a mix of larger and smaller businesses to maximize economic stimulus.

Ms. McMillon noted the speed of economic redevelopment in Harlem, but emphasized that the government and City of New York had actively supported the revitalization.

Mr. Ivey reiterated the success of the workshop, emphasizing the need to stay focused and be aware of laying a solid groundwork in creating a master plan for Midtown from scratch.

Mr. Huffman noted that Reverent Goodin and President Reed of BCU had expressed willingness to host future workshops, and the next workshop would likely be in the first week of December.

6. **DEV2010-53, LDC TEXT AMENDMENT, Site Plan Review Process**

Mr. Bryant outlined proposed revisions to the Land Development Code intended to streamline the development review process in redevelopment areas and add an appeals process, amending Article 3, Section 5; Article 4, Section 7 and Section 8; Article 5, Section 4; Article 18, Section 5; and Article 20, Section 2. He outlined changes from a previous draft based on Board comments, noting that the amendment had been revised to continue the review of all new construction in redevelopment areas by the respective Redevelopment Boards, and that projects proposing to occupy existing vacant structures where minimal improvements were required to meet the LDC site plan criteria were proposed for an administrative review.

Mr. McGee asked if the current draft was identical to the draft presented at the previous meeting.

Mr. Jeffries stated that there had been no changes from the previous draft, noting that the Board had requested more time to review the proposed amendments.

Ms. McMillon asked if the Board's recommendations were considered sincerely by the Planning Board.

Mr. Ivey stated that the Board had had time to review the changes and emphasized the need to make a recommendation to the Planning Board either to approve or deny the proposed amendments.

Mr. McGhee stated that it was his experience as a member of the Planning Board, that recommendations made by the Redevelopment Boards were heavily considered.

Mr. Huger asked for clarification as to the potential effect of the amendments on future development plans, emphasizing the need to avoid crippling future plans.

Mr. Ivey emphasized that the unique nature of the Midtown area created different needs from other areas, noting in example that the amendments pertaining to bars and boutiques were not relevant to Midtown.

Mr. McGee emphasized the need for the Board to be able to approve projects and to make decisions by means of their own land development process.

Mr. Ivey stated it was his opinion was that the proposed amendments would decrease the ability of the Midtown Board to make the best decisions for the community.

Mr. McGhee asked if the proposed amendments had to be voted on as a whole, or if they could be approved or denied individually.

Mr. Berger stated that the Board could recommend modifying aspects of the amendments or to approve only certain parts.

Mr. McGhee noted concerns with the square footage limitations and requirements in the memo, stating that 20,000 square feet was more significant to Midtown than it might be in another area. He emphasized the need for the proposed amendments to be carefully considered by individuals with relevant expertise.

Mr. McGee asked for clarification as to square footage requirement referred to by Mr. McGhee.

Mr. McGhee noted the language regarding the 20,000 square foot construction and 14,000 square foot site plan review requirements.

Mr. Berger stated that the draft in the packet was an earlier draft, and that an updated draft should have been in the meeting packet. He requested a short recess so Mr. Jeffries could copy and distribute copies of the updated draft.

Ms. Heard asked if the Board should further review the information.

Mr. Ivey stated that the information was the same as had been presented the previous month and reiterated the need to move forward with making a recommendation in favor of or against the amendments.

Mr. Huger asked about the consequences of voting the amendments down, particularly in terms of FAMU's work in Midtown.

Mr. Jeffries stated that the proposed amendments were strictly procedural in terms of proposed development reviews, while FAMU was working on a blueprint of

Midtown redevelopment, emphasizing that the amendments would not have an effect on zoning plans.

Mr. Ivey stated the need to avoid limiting the possibilities of future development through LDC amendments.

Mr. Jeffries reiterated that the amendments were related to administrative processes, not legislative.

Ms. Brown stated that the Board had requested that FAMU be present for discussion of the amendments, noting the need to review all new developments, and asked about the possibility of revisiting the item again.

Mr. Jeffries stated that the amendments would have no effect on zoning, and all new constructions would come before the Board. Only reoccupying vacant buildings or changes of use could be administratively approved.

Mr. McGee asked for clarification regarding Article 5.17(b) concerning new construction.

Mr. Jeffries stated that all new construction or additions to existing structures would come before the Board for review.

Mr. McGee stated that all changes of major impact should come before the Board.

Mr. Jeffries stated that if the cost of rehabilitation exceeded the value of the building, it could be administratively approved, but if the improvements had a major visible impact on the surrounding area, it would come before the Board for review.

Mr. Ivey asked whether voting against the amendments would result in Midtown's exclusion from the revised amendments.

Mr. Berger stated that the Midtown Board could make a recommendation to the Planning Board to exclude the Midtown area from the amendments, but noted that the Planning Board could make any recommendation to the City Commission regardless of Midtown's recommendations.

Mr. Jeffries clarified the process, stating that the Midtown Board would make a recommendation to the Planning Board, then the Planning Board would make a recommendation to the City Commission based on the recommendations of the Redevelopment Area Boards, and then the City Commission would ultimately make the final decision regarding the amendments.

Ms. McMillon asked for clarification regarding new construction coming before the Midtown Board.

Mr. McGee clarified new construction as either a new structure or an addition to an existing structure.

Mr. Jeffries stated that per the existing code, changes such as permitted improvements to the exterior facades could be administratively approved, and stated that the proposed amendments were related to a change of use of an existing building. He stated that the intent was to streamline and expedite the process of reoccupying vacant buildings. He stated that there were discrepancies between the process of reoccupying a building within redevelopment areas and all other areas of the City.

Mr. Ivey emphasized that the redevelopment areas had different needs from the rest of the City, which could necessitate a different review process.

Mr. McGhee asked for clarification as to whether a vote against the amendments would result in the exclusion of Midtown.

Ms. Lathan stated that the Board could make a motion to recommend excluding the Midtown Redevelopment Area from the proposed amendments.

Mr. McGee reiterated his concern with the possibility of projects of major visible impact being administratively approved, emphasizing the need to amend the language to state that such progress shall be reviewed by the Board, instead of may be reviewed by the Board.

Mr. Ivey asked the Board to make a recommendation to either approve the amendments with comments or changes or to vote against making the recommendation to the Planning Board to adopt the amendments in Midtown.

Mr. McGhee noted that he was amenable to certain aspects of the proposed amendments, such as changes to the appeals process, but did not approve of other aspects.

Mr. Ivey asked if the issue should be continued for one more month pending further review.

Board Action

Mr. Huger made a motion to approve DEV2010-53, LDC Text Amendment, Site Plan Review process. Ms Heard seconded the motion and it was unanimously **denied** (0-7).

7. **Redevelopment Project Updates**

Mr. Bryant outlined issues with Halifax Wrecking on Marion Street, stating that the dumpsters had caught on fire.

Ofc. Stenson noted that there were five active Code Enforcement cases on the property.

Mr. Bryant presented a letter he had delivered to residents in the Magnolia Avenue area highlighting issues with vehicles being parked on the grass. He outlined four pending demolitions of properties on Division Street, Jefferson Street, Martin Luther King, Jr. Blvd., and Oak Street, and noted the ribbon-cutting ceremony of Liberty Plaza on Friday, October 22 at 4pm, as well as an upcoming Domestic Violence Forum.

Mr. Huger asked about the advantage to property owners voluntarily agreeing to demolition.

Mr. Bryant stated that the process of demolition was much simpler and less expensive when the property owner agreed to voluntary demolition.

Mr. McGhee asked about the letter regarding service stations.

Mr. Bryant outlined issues with stormwater, stating that there were two service stations in the Midtown area with Code violations due to drainage issues and above-ground gas tanks.

Mr. McGhee asked if there was adequate time for the property owners to bring the properties into compliance.

Mr. Bryant stated that the property owners had been previously cited.

Mr. Huger emphasized the need to support legitimate businesses.

8. **Public Comments**

There were no public comments.

9. **Board Comments**

Ms. Heard expressed concern with new construction in the Midtown area due to the lack of adequate parking, emphasizing that the BCU Performing Arts Center did not have sufficient parking. She also asked about the future of the Bethune Festival, noting that it had not been placed on the City Commission agenda. She stated she was concerned about property owners having to pay extra for permits

during events in addition to the overall permitting fees, and questioned the necessity of having EMTs on premises during festivals or events.

Ms. Brown stated that she was tendering her resignation, emphasizing her concern with the manner in which the Board treated its constituents and each other. She stated that she was unwilling to participate further in the negativity, and that negative behavior did not serve the needs of the public as should be the goal of the Board. She also stated that she had requested the Board meet in a workshop forum to address her stated issues as well as speaking to individual members with no evident willingness to address the issues. She stated that they needed to move away from arguments regarding procedures and policies and directly address the issues of Midtown.

Mr. Huger noted ongoing concern with the length of the Midtown Board meetings.

Ms. McMillon stated that there was shuttle service available for the BCU Performing Arts Center, but noted that many people were not aware of the service. She expressed frustration with procedures and noted concern with the length of time before any tangible results were evident from the FAMU project.

Mr. Ivey stated that Board members should try to attend more meetings and to limit discussions in order to avoid unnecessarily prolonged meetings, stating that workshops should be utilized for extensive discussion rather than Board meetings.

Mr. McGee commended the Board for its energy and involvement with the Midtown community.

10. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:34 pm.

Hemis Ivey, Co-Chairman

Cathleen Olson, Board Secretary