

**MIDTOWN REDEVELOPMENT  
AREA BOARD MINUTES**

**August 9, 2011**

There was a meeting of the Midtown Redevelopment Area Board held Tuesday, August 9, 2011 at 6:00 pm. in the City Hall Commission Chambers at 301 South Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

**Board Members**

Ms. Johnnie Ponder (Chair)  
Mr. Hemis Ivey (Vice-Chair)  
Ms. Patricia Heard  
Mr. Ken McGee  
Ms. Shirley Benjamin  
Ms. Denise McMillon

**Staff Members Present**

Mr. Reed Berger, Redevelopment Director  
Mr. Jason Jeffries, Project Manager  
Ms. Carrie Lathan, Assistant City Attorney  
Mr. Charles Bryant, Project Manager  
Off. Eddie Lopez, Code Enforcement  
Mr. Dennis Mrozek, City Planner  
Ms. Cathleen Olson, Recording Secretary

**1. Call to Order**

Ms. Ponder called the meeting to order at 6:02 pm.

**2. Roll Call**

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

**3. Approval of Minutes: July 12, 2011**

Ms. McMillon made a motion to approve the minutes of July 9, 2011. Ms. Benjamin seconded the motion and it was approved unanimously (6-0).

4. **Staff Report**

**Code Enforcement**

Off. Lopez outlined current Code Enforcement cases, highlighting graffiti on 517 McLeod Street, vacant lots on 363 Jefferson Street, and a boarded-up, burned-out property on 213 Garden Street.

Ms. McMillon asked if the property at 517 Jefferson Street was near Joe Harris Park. She asked the property was owned by a resident and if the owner was willing to work on the property or agree to demolition.

Off. Lopez stated that the property was near Joe Harris Park, and that the owner was an Orlando resident and unwilling to agree to demolition. He stated that the property at 136 Lincoln Street had been demolished, and noted the removal of dilapidated and unlicensed vehicles at 110 Martin Luther King, Jr. Boulevard.

Mr. Ivey asked about the status of the properties on MLK. at South St.

Off. Lopez stated that three properties would be demolished.

Mr. Ivey asked for a timeframe for demolition.

Mr. Bryant stated that the demolition had begun on August 1, with 30 days allowed for completion.

Ms. Benjamin asked for updates on the property at Orange Avenue and Haynes Street.

Off. Lopez stated that a notice had been sent to the owner to clean up the lot and requested that the property be put on the No Trespassing list. He stated that Code Enforcement issues had been addressed, and other issues would be addressed by the Police Department.

Mr. Ivey asked if the houses currently boarded up were scheduled for demolition.

Mr. Bryant stated that he was working with the owners to obtain their approval for demolition.

Mr. Ivey stated the need to focus on the main corridors in the Midtown Master Plan.

Off. Lopez stated that the main corridors were being attended to daily, particularly on sign issues.

Ms. Benjamin asked about the signs advertising “We Buy Junk Cars”.

Off. Lopez stated that those signs were not permitted in Daytona Beach and were removed when seen.

Ms. Heard asked about signs advertising dances and other events in the community stapled to utility poles.

Off. Lopez stated that all signs on utility poles were removed, noting that he was trying to make contact with the Coliseum to stop posting the signs.

Ms. McMillon asked about the possibility of drafting a letter from the Board to the Coliseum to educate the establishment regarding sign policies.

Ms. Benjamin stated that a letter should come from the City instead of the Board.

Mr. Berger stated that it was difficult to reach every establishment about every sign and emphasized the need to continue enforcing the sign policies.

**6. DISCUSSION ITEM: PROHIBITED USE, LDC TEXT AMENDMENT**

Ms. Ponder stated that the Land Development Code Text Amendment item would be moved forward in the agenda.

Mr. Bryant stated that Staff had begun research regarding the LDC text amendment to prohibit car washes and convenience stores in order to present research and information in support of such an amendment at the September 13 Midtown meeting, including maps illustrating convenience stores and car washes with their size, crimes related to those businesses, and information from the Health Department and Code Enforcement. He also asked if the Board wanted automotive sales and services included in the prohibited uses.

Mr. Ivey stated that automotive and secondhand stores should be included.

Mr. Bryant stated that secondhand stores had been included at the last meeting, but he would check to make sure.

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Mr. Mrozek stated that outdoor storage, alcohol sales, and used clothing and furniture sales had been approved by the City Commission to be included as prohibited uses.

Mr. Ivey emphasized that all current businesses would continue to operate, noting a misleading article in the newspaper regarding the issue. He clarified for the record that currently package stores, used clothing sales, and used furniture sales were prohibited uses, with automotive, convenience stores, and car washes still under discussion.

Mr. Mrozek reiterated that all existing businesses would be grandfathered in, and would remain as long as they followed the nonconforming use schedule.

Ms. Benjamin stated that there had been a misunderstanding with the Planning Board, and emphasized that existing businesses would not be closed.

Ms. Heard reiterated the misunderstanding with the community, and existing businesses would be grandfathered in as long as they met Code requirements.

Ms. Ponder asked for clarification of the term “grandfathered”.

Mr. Mrozek stated that grandfathering occurred when a business was established as a legal conforming use then the Land Development Code changed and the use became a prohibited use. He stated the business was allowed to continue under its original use as long as it did not remain unoccupied for more than three months.

Mr. Ivey asked if a motion was needed regarding the item.

Mr. Bryant stated that only a discussion was needed, not a motion.

Ms. McMillon stated that the Board needed to decide whether to include vehicular service and sales as a prohibited use. She stated that it had been an issue on Franklin Street, where a business offering vehicular service had turned into vehicle sales, emphasizing that businesses must only perform the services for which they are licensed and noting the need to be specific in the Code. She stated the need to invest in the Midtown community but that landowners must comply with set conditions, noting that there were no coffee shops or diners in the Midtown area, forcing residents to leave the community. She stated that she had tried to get citizens to attend the Police Academy and the Citizen’s Academy. She stated people needed to ask questions and become educated about the issues,

noting that police violations were public record, and reiterated the need to be accountable for what one has invested in.

**Board Action**

Mr. Ivey made a motion to recommend amending the Land Development Code to include automotive services and sales as well as convenience stores and car washes. Ms. McMillon seconded the motion and it was approved unanimously (6-0).

**5. DEV2011-001, BCU Performing Arts Parking Lot**

Mr. Bryant outlined a request by Parker Mynchenberg on behalf of Bethune-Cookman University to expand an existing campus parking lot at the corner of N. Lincoln Street and W. International Speedway Boulevard, adding 62 spaces to total 90 parking spaces. He presented the site plan review for the proposal, highlighting traffic, landscaping, signage, and design guidelines. He stated that there were no new buildings or plazas involved, and stated that it was a much-needed improvement. He stated Staff recommended approval of the request subject to comments from the Technical Review Team.

Ms. Heard stated they needed to ensure that the parking spaces would not interfere with the football practice field.

Mr. Bryant stated that the proposed parking spaces would not interfere with the practice field.

Mr. McGee stated that the property at N. Lincoln Street and W. ISB could be valuable retail space and questioned using it for parking.

Mr. Bryant stated that the property was part of the parking lot already there which would be expanded and beautified.

Mr. Ivey asked if the retention had been approved by St. John's.

Mr. Parker Mynchenberg, 7029 Ridgewood Avenue, stated that permitting requests had been submitted to St. John's, who had 30 days to decide on the request. He stated construction would not commence until they had the approval..

Mr. Ivey noted that BCU already owned the property in question and the proposal would not affect the Midtown community.

Ms. McMillon asked if the entrance from MLK would be two lanes.

Mr. Mynchenberg stated that the current entrance was one lane, and the planned expansion would widen the entrance to two lanes.

Ms. McMillon asked if the intersection would be controlled by a stoplight. She stated there were currently issues with a long stop light resulting in student traffic backing up.

Mr. Mynchenberg stated that students could use the main access from ISB if traffic became backed up.

Ms. McMillon noted concern with only four handicapped parking spaces.

Mr. Mynchenberg noted existing handicapped spaces in the proposed location and outlined connected sidewalks that would be wheelchair accessible. He stated that temporary handicapped parking spaces could be established for large events.

Mr. Ivey expressed concern with a lack of safety on the part of the previous contractor, stating the need to follow policies such as in the Rhinehart center.

### **Board Action**

Mr. Ivey made a motion to approve the site plan for the expansion of the BCU parking lot at 618 W. ISB, subject to the comments of the Technical Review Team. Ms. Heard seconded the motion and it was approved unanimously(6-0).

## **7. Revisions to Redevelopment Grant Programs**

Mr. Bryant outlined revisions to the Redevelopment grant programs, highlighting limits to the commercial and residential facade grant programs, additional benefits to homeowner properties, limiting benefits to taxable properties, and focusing business incentive grants on attracting new business to the MMB/MLK traditional business corridor. He stated that tax increment funds were falling and emphasized the need to focus funds for maximum benefits.

Ms. Ponder emphasized the need for non-matching grant programs, stating that if property owners could not afford the matching grants, they could not make use of

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them. She stated that non-matching grants existed in other communities and that some of the proposed grant programs would not work in the Midtown community.

Ms. Heard stated that the issue of non-matching grants had been addressed before, and asked for a timeframe to come up with potential non-matching grants.

Mr. Jeffries stated that a recommendation could be made to include non-matching grants in the redevelopment grant programs.

Mr. Berger stated that Staff would be going back to the CRAs with new revised grant programs. He stated that most of the funds had been used, signifying that there was a strong demand for existing programs, including matching grants, but emphasized the need to take the current opportunity to revise grant programs, and reiterated the need to focus on the visual look of the community. He also stated that Staff would do more research to promote 100% grant programs.

Ms. Ponder expressed concern with ongoing un-addressed Board concerns regarding the grant programs.

Mr. Berger stated that Board comments had not yet been scheduled to be brought before the CRA.

Ms. McMillon emphasized the need for Staff to take Board concerns before the CRA as representatives of Redevelopment Boards and bring back feedback.

Mr. Ivey emphasized that Midtown was different from other Redevelopment areas with different needs, and that the Midtown community needed to be addressed according to its needs, and not according to the needs of Main Street, Downtown, etc. He stated that the Midtown Board needed to step back and look at what was needed for the Midtown community, noting the need to reconsider the change to the facade grant, and stated that certain grant programs could be lessened to re-focus others.

Ms. McMillon stated the importance of the landscaping grant, noting that some properties on the main Midtown corridors had no landscaping.

Mr. Berger stated that the City was encouraging property owners on the ISB corridor to use the landscaping grant to replace asphalt with greenery.

Mr. Ivey asked about the possibility of retroactive grants and reimbursing property owners for improvements.

Mr. Berger stated that there were potential legal issues surrounding retroactive grants, but that he would look into the question and obtain a definitive answer. He stated that the issue would be brought back before the Board at the September meeting in order to get it on the agenda for the CRA meeting in October.

**8. Midtown Master Plan workshop**

Mr. Bryant stated that there was a Midtown Master Plan workshop tentatively scheduled for Thursday, August 25 from 4:00pm to 8:00pm with Professor Hoffman from FAMU, in order to obtain more community input and further Master Plan discussion, and to begin preliminary discussion of phase IV.

Mr. McGee asked if it was close to both Clarion and FAMU agreeing on LDC language.

Mr. Berger stated that Clarion was finishing the second of three parts for the rewrite, but a general agreement was not yet reached.

Ms. Ponder noted FAMU's contract was up and asked if Professor Hoffman's services could be contracted for another year.

Mr. Berger stated that the contract was with FAMU, not Professor Hoffman, and that once the contract expired, Professor Hoffman could be engaged for assistance on a case-by-case basis, in which if Midtown needed his services, he would provide assistance outside of a contract with the university.

Ms. McMillon emphasized the need to avoid ending up with an incomplete Midtown Master Plan if funding ran out.

Ms. Ponder stated that Professor Hoffman was willing to provide assistance on a case-by-case basis, but reiterated the need for him to be involved in the finished project.

Mr. Ivey noted that Midtown had spent less on consultants than any other Redevelopment area but were ahead in terms of creating a community Master Plan. He concurred with the need to extend Professor Hoffman's contract, stating that Professor Hoffman needed to be involved with the project day by day, not case by case.

Ms. Ponder stated that there were no other current capital projects, allowing funding for Professor Hoffman's services.

Mr. Berger stated that the completed Midtown Master Plan would be delivered in October, which should provide all the necessary tools to follow through with the plan, with Professor Hoffman available for assistance with specific questions or issues.

Mr. McGee recommended developing guidelines and scope for future work with FAMU at the August 25 workshop, emphasizing the need for a strong understanding of the specifics of what the Master Plan was intended to achieve.

Ms. Ponder reiterated that all of the Midtown Board wanted to continue working with Professor Hoffman, emphasizing the determination of the Board to finish the Midtown Master Plan right way.

**9. Redevelopment Project Updates**

Mr. Bryant outlined Redevelopment Project updates, highlighting 397 Jefferson Street on the list for demolition; 343 Fulton Street boarded up and working with Code; 210 College Park Drive working towards voluntary demolition; and 842 MMB for illegal flags and signs.

Mr. Ivey asked about permits for flags and signs.

Mr. Bryant stated that permits were available for signs but not for flags. He also noted 208 Jefferson Street had been cited for landscaping issues and a boarded-up property at 342 N. Charles Street. He stated that new flood zones would be addressed at a meeting on September 8 at 5:00pm, emphasizing the need to understand flood zones as it could affect property mortgages. He stated a Midtown community informational meeting on October 13 from 5:00pm to 7:00pm at the Dickerson Center, stating the need for the community to be informed about local businesses.

**10. Public Comments**

Ms. Ponder thanked Mr. Bryant for his work in the Midtown Community and welcomed Ms. Suzanne Grubbs on behalf of the Health Department.

Ms. Grubbs, Volusia County Health Department, emphasized the importance of adequate access to fresh fruit and vegetables in the Midtown community.

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Dr. Celeste Phillips, Assistant Director of Public Health, stated that public health had the strongest impact in areas of greater need, outlining the social determinants of public health, such as education, income, and community resources. She stated that Midtown was considered a “food desert” in terms of access to healthy food, with at least one-third of the population lacking access to grocery stores within a mile of their homes, and emphasizing the link between the percentage of a community below the poverty level with poor public health.

Mr. Ivey asked about the possibility of donating City-owned property to advance the health of the community, such as with community urban gardens.

Ms. McMillon asked how many vacant lots there were in the City, and if there was a program in place to donate City-owned properties back to the community.

Mr. Berger stated that there were over 34 vacant lots in Midtown and that community gardens were under discussion for those properties.

Ms. Norma Bland, 1317 Imperial Drive, thanked Mr. Bryant for his service to the Midtown community, and asked why churches were not included in the discussions of prohibited uses.

Ms. Lathan stated that there were federal laws prohibiting the regulation of religious uses.

Ms. Bland stated that the City had a dedicated grant writer and asked how many successful grant proposals had been written.

Mr. Berger stated that he did not know but could ask Hardy Smith for the numbers.

Ms. Bland reiterated the need for compliance and total transparency.

Mr. Samuel Rogers, 567 South Street, expressed his pride in the Midtown community and encouraged the Board to keep working.

Ms. Dolores Davis, 233 Haynes Street, commended Mr. Bryant on his work in the Midtown community, but asked how long the community would have to put up with ongoing problems, particularly such as the problems on Haynes Street. She outlined the ongoing issues and stated the need for the property to be posted No

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Trespassing, and also noted that the community had been waiting for 40 years for adequate sidewalks.

Mr. Ivey stated the need for more communication with Chief Chitwood regarding the problems on Haynes Street.

Mr. Irvin White, 340 Garden Street, questioned the timeframe in which a grandfathered business could be allowed to remain vacant before losing its grandfathered status, stating that 90 days was a very short time to turn a business around in the Midtown area, and asked if a longer timeframe could be allowed.

Mr. Ivey stated that the goal was to address community needs, stating that a new business could be established after 90 days of vacancy, but it would have to be brought in under the new Code requirements.

Mr. White expressed concern for businesses that fell under the newly prohibited uses as recommended by the Board, in that those businesses could not be reestablished after 90 days of vacancy.

Ms. McMillon stated that any businesses not in the prohibited uses could be reestablished, but there were enough pawn shops, liquor stores, consignment shops, etc. throughout the entire City, not just in Midtown, and the goal of the Board's recommendation regarding prohibited uses was to prevent further saturation of those uses. She also noted that the discussion regarding prohibited uses had been occurring for two years without much community input. She emphasized the need for responsible and accountable investing in Midtown, noting that there was nowhere to go out for a nice dinner on a major thoroughfare like Martin Luther King, with residents having to leave the Midtown community to do so.

Mr. White concurred with Ms. McMillon's concerns regarding investing in Midtown, noting his own investments in the community, and reiterated his concern regarding the short time frame in which a grandfathered business was allowed to remain vacant.

Mr. Ivey stated that the 90-day timeframe was standard throughout all Redevelopment Areas. He emphasized the need to clean up the area, noting that vacant, dilapidated buildings were beginning to be demolished, as well as \$100,000 being invested in improving Magnolia Avenue, but stated that the community could not be improved if standards and safety were not improved.

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Ms. Margery Johnson, 122 S. Keech Street, emphasized the need to improve the infrastructure within Midtown and asked when Orange Avenue would be fixed.

Mr. Berger stated that Orange Avenue was a very high priority for the City but noted that he was not as optimistic regarding the timeframe as he had been previously, with patching planned to address immediate problems.

Ms. Johnson also emphasized the need to encourage Midtown residents to attend and participate in more public meetings, and to continue working to improve the Midtown community.

Ms. Camille Holden Brown, 3670 Beacon Hill Road, Port Orange, stated that she had attended the last day of summer camp at the Dickerson Center and was allowed to do cooking activities with the kids, making whole-wheat cinnamon buns from scratch. She stated that she and her family would be giving away free smoothie samples at the backpack giveaway at the Dickerson Center to encourage families to make healthy foods. She noted her family's blog at [MidtownEcoVillage.org](http://MidtownEcoVillage.org), and outlined serious problems with the local Sav-A-Lot, with an unhealthy layout and a tiny produce section containing rotting fruits and vegetables.

Ms. Ponder thanked Ms. Brown for her contributions to the health of the Midtown community and stated the need for Midtown residents to avoid patronizing businesses that were not working for the health of their customers.

Dr. Walter Fordham, 840 Mary McLeod-Bethune Boulevard, stated that the purpose of redevelopment and revitalization started with resources, noting the need to purchase dilapidated properties and attract investors to build up the property. He stated the need to establish the City of Daytona Beach as a historic area in order to obtain more historic-oriented grants. He stated that the Midtown Board and the Master Plan contained wonderful ideas but expressed concern with a lack of available resources to implement those plans.

Mr. Etavis Russ, 609 White Street, congratulated the Midtown Board on its work within the Midtown Community, emphasizing the need to focus on Redevelopment and provide facade improvement grants.

Ms. Ponder stated that she had attended a Board meeting regarding the Shriners and stated the need for Midtown to participate with the Shriners.

Ms. Bland expressed her approval of uniting to work with Shriners and concurred with the need for fresh fruits and vegetables available in Midtown, noting problems with rotting meats, fruits, and vegetables at Pierson's Grocery.

Ms. Suzanne Grubbs clarified that in Florida, there were three food service regulatory agencies, with the Florida Department of Agriculture responsible for grocery stores and convenience stores. She stated that she had made note of Ms. Bland's comments and would notify the Department of Agriculture, noting that she would be happy to direct specific complaints to the correct regulatory agencies.

Ms. Heard also noted problems with food service employees wearing their aprons outside and then returning inside and handling food.

Ms. Grubbs stated that all food service employees should remove their aprons before exiting the restaurant or business.

**11. Board Comments**

Ms. Heard thanked the audience for their attendance and asked them to continue participating at City Commission meetings as well as the Midtown Redevelopment Board meetings. She invited the audience to attend the community meeting in August and stated that the Board would continue to do its best to make the Midtown area a better place.

Ms. Benjamin also thanked the audience for coming and asked that it not be the last meeting they attend. She also asked that Mr. Stanley Myers address his business remaining open until 2:00am.

Mr. Stanley Myers, 258 S. Martin Luther King, stated that when he was not at his car wash he had no control over what happened at the car wash, but he posted No Trespassing signs to prevent loitering on his property.

Ms. Ponder stated that Mr. Myers remained responsible for his property at all hours.

Ms. McMillon commended Mr. Myers for his work in ensuring his business was in compliance, but stated the need for Mr. Myers to be proactive in preventing his business from becoming a hangout spot.

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Mr. McGee stated the need to understand what an overlay district was, what its purposes were and how it could be used to accomplish the objectives of the Board.

Mr. Ivey expressed his appreciation for a productive meeting, stating that change did not come easy and the way forward would be difficult, but emphasized the need to continue to push the Midtown Master Plan forward and complete the necessary tasks.

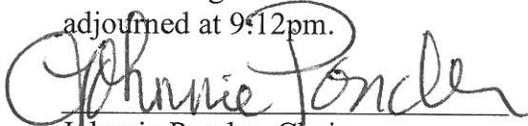
Ms. McMillon thanked the Board for their work and emphasized the need for property owners to be held responsible for their businesses and to understand all relevant processes.

Ms. Bland noted a meeting at the Dickerson Center focused on Children and Families with Loved Ones in Prison, addressing the impact of incarceration on a community.

Ms. Ponder emphasized that change was coming, but that all businesses needed to come up to Code and help clean up the community and establish new businesses that would help improve Midtown, stating that the Midtown Board was there to help the community.

**12. Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 9:12pm.

  
Johnnie Ponder, Chairman

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Cathleen Olson, Board Secretary