

**DOWNTOWN/BALLOUGH ROAD  
REDEVELOPMENT AREA BOARD  
MINUTES**

**December 6, 2011**

There was a meeting of the Downtown/Balough Road Redevelopment Area Board held Tuesday, December 6, 2011, at 12:00 p.m. in the City Hall Commission Chambers, 301 South Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

**Board Members**

Mr. Al Smith, Chair  
Mr. Bob Abraham  
Mr. Dan Harshaw  
Mr. Larry Robinson  
Ms. Cathy Washington  
Mr. Bob Johnson  
Mr. Scott Weidman  
Mr. Harold Goodemote

**Board Members Absent**

Mr. Steve Koenig

**Staff Members Present**

Mr. Reed Berger, Redevelopment Director  
Mr. Jason Jeffries, Project Manager  
Ms. Carrie Lathan, Assistant City Attorney  
Police Chief Michael Chitwood  
Ms. Jeanne Tolley, Redevelopment Technician  
Ms. Janice Lowry, Recording Secretary

**1. Call to Order**

Mr. Smith called the meeting to order at 12:00 pm.

**2. Roll Call**

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

**3. Approval of Minutes: November 1, 2011**

Mr. Jeffries stated that the minutes were not yet ready for approval due to staffing problems.

4. **Staff Report**

a. **Code Enforcement**

Mr. Jeffries stated that Hector Garcia, the new Code Enforcement Officer, was not present but copies of the code report had been distributed to the Board. He asked for questions from Board members.

Mr. Goodemote stated that a truck for sale was parked across from 603 North Beach Street and had been there for some time.

Mr. Jeffries stated that staff would review the matter.

5. **CITY CODE AMENDMENT: Public Solicitation**

Mr. Jeffries stated the ordinance would be heard by the City Commission on first reading at its regular meeting on December 7 and on second reading December 21. He stated the amendment would extend the restrictions of solicitation for immediate delivery of food and prohibit the solicitation of money or food at any time while on the street or public sidewalk in the Downtown Shopping District. He stated he had also enclosed as part of the packet an article from USA Today about the issue in other cities. He said there were strict ordinances in Sarasota, Little Rock, Atlanta, Las Vegas and Houston.

Mr. Smith asked for a synopsis of what would change.

Mr. Jeffries stated it would prohibit solicitation in the Downtown Redevelopment Area on sidewalks and in the shopping areas. Requests for food would also be prohibited.

Mr. Harshaw asked why it could not be the district and not just streets and sidewalks since most panhandling took place in parking lots. He suggested that it extend from U.S. 1 to the water.

Mr. Berger stated it had to be done in steps and the first line of enforcement should be for the sidewalk cafes and to assure people who were considering a business in the area that they would have enforcement. He stated the City Attorney's office had not had the opportunity to do research in other cities.

Ms. Lathan stated the City Attorney was not comfortable with extending it beyond the proposed boundaries. She stated maybe down the road it could be extended by two blocks. She stated the courts would probably consider the area from the railroad to the water to be too broad an area.

Mr. Harshaw stated people were being accosted when they stepped out of their cars and that was the reason no one wanted to park in the back. He stated it should be a geographical boundary and streets and sidewalks would not solve the problem.

Ms. Lathan stated the City Attorney could bring it up at the Commission meeting the following day or it could be a second step.

Mr. Goodemote stated he agreed with Mr. Harshaw as he had been approached time after time by the same people.

Chief Chitwood stated if the police were called, they could arrest panhandlers on charges other than solicitation, such as open containers and drunkenness.

Mr. Smith asked if Lieutenant Garvin could have handouts made up to tell merchants what numbers to call.

Chief Chitwood stated he had a meeting with the merchants the following week.

Mr. Harshaw stated he would like to have the Board make it a blanket district. He stated he would make it the tourist district and the shopping district.

Chief Chitwood stated if a panhandler was aggressive, 911 should be called. Non-emergency calls should be made to (386) 671-5100 #5. His e-mail address was [chitwoodm@dbpd.us](mailto:chitwoodm@dbpd.us) and his cell number was (386)566-5392.

Mr. Smith asked if there were any objections to making a special district.

### **Board Action**

Mr. Harshaw made a motion to recommend that the process be a geographical area for the full Downtown Business Core District, not just street and sidewalks. Ms. Washington seconded the motion and it was approved unanimously (8-0).

### 6. **DISCUSSION ITEM: Downtown Parking Enforcement**

Mr. Jeffries stated Paul Wetzel, Support Services Director, was present to discuss parking enforcement in the Downtown area. He stated he had been receiving complaints from merchants regarding the lack of enforcement. He believed it was due to the defunding of the position of a dedicated police officer for that purpose.

Mr. Wetzel introduced Earl Cooley, Manager of LAZ Parking, the company responsible for enforcement in the special district on the Beachside. He asked for questions and suggestions from the Board.

Mr. Harshaw stated enforcement was necessary because the merchants and their employees were taking the parking spots, especially at the ISB intersection. He stated the possibility of courtesy warnings stating that a ticket would be issued the following month had been discussed six or eight months ago. He felt enforcement was needed because there were neighboring merchants and elderly customers who could use those spaces.

Mr. Wetzel stated they had talked to the merchants and Board members a year ago and began placing fliers on improperly parked vehicles but were told that they could not do that because the code did not allow it. Subsequently they were asked to stop parking enforcement. He asked if the Board wanted to consider starting it again.

Mr. Cooley said most of the parking issues were caused by the merchants themselves parking in front of their businesses. He stated he had done a survey that indicated that they were the same vehicles year-in and year-out. He stated they had opted to distribute the fliers because the cost of ticketing was greater, but they were told that it was not allowed.

Mr. Smith asked for Mr. Cooley's opinion on time limits versus parking meters.

Mr. Cooley stated meters were the better way because chalking tires was antiquated. However, that was the only method available at the present time.

Mr. Smith asked if parking meters had a negative or a positive impact on retail business.

Mr. Cooley stated merchants did not want meters but they were the best way to go.

Mr. Smith asked about the availability of Bob Gibbs.

Mr. Jeffries stated he would return in January.

Mr. Smith stated that Mr. Gibbs indicated that people were driven by the convenience of parking close to where they wanted to be. Mr. Gibbs suggested meters in certain areas to see how they would do. He had also indicated retailers had seen increased sales when parking meters were in place.

Mr. Cooley stated pay stations were also an option. Aesthetically the merchants had a problem with meters. A pay station would provide a ticket to be placed on the dashboard of a car and was less expensive to install and maintain.

Mr. Smith stated the income generated minus expenses was something that could be proposed to the CRA or the Commission for use in marketing the Downtown area.

Ms. Washington asked why meters were removed from the Downtown area.

Mr. Jeffries stated it is his understanding that the meters were removed at the request of the merchants in the 1970's. He stated there was a perception issue on the part of people having to walk from the back parking lots to the front entrance of a business but it was really a shorter distance than walking from the parking lot at the mall to the mall entrance.

Mr. Goodemote asked where the instruction to discontinue enforcement came from.

Mr. Cooley stated enforcement was limited to the Beachside district and the LAZ contract had to be amended to allow enforcement throughout the City. He stated it was a matter of the merchants indicating that they wanted enforcement and that would have to come from the Board. He stated a proposal had been worked out and should be Citywide.

Mr. Abraham stated enforcement without meters was a problem because of unintended consequences such as bad publicity created when a customer got a parking ticket while trying to shop. He stated meters made it easy to understand the violation.

Mr. Harshaw stated he would prefer to reimburse his customers for the parking. He stated many people had concerns about being accosted while walking from the back to the front of the business.

Mr. Cooley stated reimbursing customers could not be done with meters because there was no receipt however receipts were issued by the pay stations. He stated they worked well as long as they were highly visible and well-lit.

Mr. Wetzel noted that there had been a pay station at Peabody Auditorium for the past year.

Mr. Smith asked if there was a rule of thumb regarding generated income.

Mr. Cooley stated meters would cost \$600 each and a pay station would cost \$6,000. He stated there would need to be two pay stations per block, for a cost of \$12,000. He stated the pay station at Peabody was refurbished for a cost of \$3,000 and he could probably find two of those for Downtown.

Mr. Weidman recommended incorporation into the master plan for the streetscape because when Beach Street was narrowed the meters would have to be removed.

Mr. Smith stated pay stations seemed to be more practical.

Mr. Cooley stated there should be fifteen parking spaces per pay station in order to make it as convenient as possible.

Mr. Harshaw stated \$6,000 per pay station would pay a police officer's salary to give out tickets.

Mr. Smith asked Mr. Berger if parking could be included in the scope of work that Mr. Gibbs would be doing.

Mr. Berger stated he would talk to Mr. Gibbs.

Mr. Smith stated Mr. Gibbs had a great deal of experience and it might be good to involve him. He stated his concern was that the use of punitive measures might result in catching some of the innocent. He stated it might be good to try one block with Mr. Gibbs' assistance.

Mr. Jeffries stated part of Mr. Gibbs' contract involved workshops with merchants and the parking issue could be folded in as part of the workshops. He confirmed the consensus of the Board was to pursue the parking meter idea and have more communication with the merchants.

Mr. Smith stated at the same time LAZ could come back to the Board with a forecast of the profit and loss.

Mr. Wetzel stated they could do that but noted that time limits for parking spaces in the back parking lots were mixed. Some were two hours and some three hours, and chalking tires would need to be done unless some of it was designated as free parking. He stated they could do some projections. He stated LAZ did parking enforcement at Breakers Oceanfront Park parking lot and received expenses from that but the greater part was reinvested in Breakers Park.

Mr. Weidman said he felt it was a bad idea to do just one block because it would discourage customers from using that block.

## **7. Redevelopment Project Updates**

Mr. Jeffries stated the DDA's ongoing effort was the Downtown holiday marketing promotion and anyone who had not signed up for the Downtown discount card should go to the Downtown website to do so. It would provide

information on what was happening downtown and the card provided a ten percent discount in participating stores. The DDA promoted the effort as a way to develop an e-mail list for future use in distributing information on what was going on in the Downtown area to regular customers. In addition, Downtown had been advertised on Bright House Cable and there had been radio promotions for shopping and dining during the holidays. The DDA had reviewed RFP submissions for marketing firms to manage the Downtown marketing promotions in their ongoing efforts beyond the first of the year. They had selected a firm and were currently in contract negotiations.

Mr. Jeffries stated the DDA had been dealing with the Farmers' Market. The City issued an RFP for operation of the City Island Farmers' Market and the DDA submitted a response. The DDA was the only entity to submit and negotiations were ongoing between the DDA and City staff. The City Commission would hear the issue on December 21.

Mr. Jeffries stated the public market was supposed to be on the agenda at the current meeting but because of administrative issues dealing with the Farmers' Market, the report was not yet complete. He stated it should be ready for the January Board meeting.

Mr. Jeffries reminded the Board that the workshops with Bob Gibbs would be held at the beginning of the year. His first task was to come back with a refined retail strategy for Downtown. He would use his contacts in the retail industry and the retail development sector to recruit potential retail businesses to the Downtown area.

Mr. Smith asked what specific goals would be expected from Mr. Gibbs.

Mr. Berger stated there were measurables throughout the contract and staff would monitor them. He stated they were confident that they would receive good information.

Mr. Jeffries stated rezoning of the former auto dealerships had been requested. Part of it would be planned development for a specific project in what was the back area. For the rest of the area there was not a defined project yet but the request was for rezoning to RDD-3 or RDD-2. The request was under staff review and might be on the January agenda. The dealerships would be demolished and staff was still working out the details as far as the level of landscaping along the public rights-of-way.

Mr. Harshaw asked if it would be rezoned to lower-density retail.

Mr. Jeffries stated it would be rezoned to RDD-3. He stated they were approved for fifty units per acre through the density bonus and this would cap it at forty units per acre.

Mr. Weidman asked about the back portion of the property.

Mr. Jeffries stated an application has been submitted for an assisted-living facility.

Mr. Weidman asked if that would impact the planned demolition of the buildings by March.

Mr. Jeffries stated it would not and it would be brought up in January because there were timing issues on the demolition.

Mr. Harshaw asked if it would be a high-end assisted living or government assisted living.

Mr. Jeffries stated details were still under negotiation.

Mr. Smith stated it was his understanding that it was similar to Bishop's Glen with graduated care levels, and that would put it more toward the street than the neighborhoods.

Mr. Berger stated the issue was whether it would be taxable or nontaxable and the intention was that it would be taxable. He stated staff had expressed concerns about demolition, the taxable issue, and beautification of the perimeter of the area.

Mr. Jeffries stated prohibited uses would not be allowed and specific language would be added to the final agreement.

Mr. Jeffries stated staff needed feedback on vacant lot standards from the Board. He stated buildings along the east side of Atlantic Avenue had to have 4' fences and sod when the old hotels were demolished and that was the current extent of the standards. He asked if some of the standards should be brought over to the Downtown Area. For instance, the owners of the vacant auto lots had been encouraged to have the 10' landscaping and not necessarily the picket fence.

Mr. Harshaw stated he would like to see a 10' setback and a 4' dog-eared fence with landscaping and irrigation on the front side. He stated on A1A there was no really strong method of monitoring to make sure the area was maintained.

Mr. Jeffries stated currently only the picket fence and sod were required.

Mr. Harshaw stated it would need to be mowed and watered.

Mr. Goodemote stated there would be a potential for hardship to the owners and would result in power lines coming down to a single pole.

Mr. Harshaw asked if they were talking about commercial, residential or every vacant lot.

Mr. Jeffries stated currently they were just talking about the east side of Atlantic Avenue where it was all generally commercial property, so the standards applied to all properties along the east side. The Board was bringing up an interesting point as to how it would be written if expanded to other redevelopment areas or Citywide, or if they were only talking about former commercial properties or 50' vacant residential lots.

Mr. Harshaw stated he thought it was for all major thoroughfares and he thought Beach Street would be considered a major thoroughfare. He stated it should also be applied to International Speedway Boulevard with a 4' fence and a 10' buffer for all vacant lots.

Mr. Smith stated he was sure there would be unintended consequences and the Board would need more information.

Mr. Jeffries stated the Planning staff would work on it.

Mr. Jeffries stated had been approached by Halifax Urban Ministries. He stated he had been advised that HUM provided homeless services at their Bay Street facility when the temperature dropped below a certain level, but that was incorrect because they provided ongoing homeless services as well as homeless prevention services where people could pick up bags of food. He stated HUM proposed to consolidate those services into the North Street facility and HUM currently paid for additional police services for security in that area. They proposed to move the homeless services out of the Bay Street facility in return for a reduction in costs for services supplied by the City.

Mr. Smith asked if HUM would not have to stop since it was grandfathered in.

Mr. Jeffries stated that was correct so this would provide some incentives.

Mr. Weidman asked if they moved out if they could move back in.

Mr. Jeffries said no and the City could obtain some assurances. He stated as long as they did it within three months they would not lose the grandfathering status.

Ms. Lathan asked if the North Street center was within the Ridgewood Overlay Area.

Mr. Jeffries stated yes.

Ms. Lathan stated she thought there was pending legislation and asked if it had gone before the Planning Board.

Mr. Jeffries said he thought it had.

Mr. Weidman asked if it was correct that existing services could not be expanded.

Mr. Jeffries stated yes.

Mr. Weidman asked if there was a way to change the code regarding expanding existing services if they were coming from one area of the Downtown to another.

Mr. Jeffries stated there could be unintended consequences and that could work against the City. He stated HUM would still provide homeless prevention services out of that facility, which meant providing food to low-income individuals to help prevent them from becoming homeless. He stated it appeared that that particular service did not result in the lines of people outside.

Mr. Weidman asked if there was anything else about the Salvation Army relocating.

Mr. Jeffries stated there was no additional information.

Mr. Jeffries stated the terms of several Board members would end on December 31. He asked that anyone who wanted to serve another term complete an application. He stated Mr. Goodemote had reached his term limit. However, there were currently no applications from anyone who qualified for the Ballough Road area therefore Mr. Goodemote could serve until that was filled. He stated that Mr. Abraham was ex-officio from the DDA. He stated the terms of the two design professionals would be renewed.

Mr. Goodemote stated he had heard that Smokey Yunick's property would begin demolition by December 19.

Mr. Jeffries stated he had not seen a permit application. He stated rumors had been circulating about that property but none of the new owners had approached City staff.

Mr. Harshaw asked about drawings for the streetscape from ISB to the ocean.

Mr. Berger stated any further action would be delayed until after the first of the year. When they did bring it back there would be several alternatives instead of just one plan. He stated there would be public meetings and price points on various solutions. He expected to have a public meeting by January or February.

Mr. Harshaw stated there was recently a fatal accident. He stated the area between U.S. 1 and the river was a race track and he felt trees and other visual effects would slow traffic down.

**8. Public Comment**

Mr. John Nicholson, 413 North Grandview Avenue, stated panhandlers also asked for cigarettes and possibly that should also be mentioned in the code amendment. He stated regarding the City Attorney's concerns, he would suggest that they go from Palmetto Avenue to the river rather than the railroad tracks to the river because there were people who were parking Downtown on the east side of Beach Street and walking across to the restaurants. He stated it would prevent people from standing in the parking lot or on the sidewalks and asking for food or money.

Mr. Nicholson stated there was an area across from the Josie Rogers house that was landscaped with irrigation and parking and asked if there was a possibility that it could remain.

Mr. Nicholson stated the Board should be aware before fences were put up on the beachside that the homeless could sleep behind them.

Mr. Nicholson stated Halifax Urban Ministries was not grandfathered in as far as allowing people to sleep on their property. He stated they also provided coffee and doughnuts in the morning which was also illegal.

Mr. Berger stated regarding parking at 400 Beach Street, since it was a Brownfield there was discussion about leaving the existing surfaces.

**9. Board Comments**

Mr. Goodemote expressed his appreciation to the City for putting up the Christmas lights so quickly.

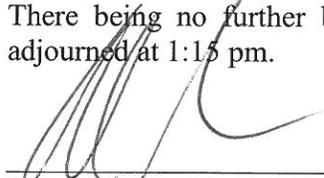
Mr. Jeffries stated that the Christmas wreaths were funded by the DDA and the banners were still funded by the CRA.

Mr. Harshaw referred to comments about the holiday discount cards and stated he would rather that the merchants accept coupons from customers and be reimbursed by the DDA than pay a marketing company.

Mr. Smith stated 800 discount cards had been sent out.

10. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 1:15 pm.

  
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Mr. Al Smith, Chairman

*not available for signature*  
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Ms. Janice Lowry, Recording Secretary