

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES

September 21, 2010

There was a meeting of the Downtown Development Authority held Tuesday, September 21, 2010 at 5:00 pm in the Conference Room 149-B at 301 South Ridgewood Avenue, Daytona Beach, Florida:

Board Members

Mr. Bob Abraham, Chair
Ms. Shiela McKay-Vaughan, Commissioner (excused 5:56pm)
Ms. Sheryl Cook
Ms. Stacey Lipton

Board Members Absent

Mr. Jack White

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Paul Wetzel, Support Services Director
Mr. Jason Jeffries, Project Manager
Mr. Robert Jagger, Deputy City Attorney
Ms. Jeanne Tolley, Redevelopment Technician
Ms. Cathleen Olson, Recording Secretary

1. Call to Order

Mr. Abraham called the meeting to order at 5:09pm.

2. Roll Call

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

3. Approval of the Minutes of August 17, 2010

Ms. Lipton made a motion to approve the minutes of August 17, 2010. Ms. McKay-Vaughan seconded the motion and it was approved unanimously (4-0).

4. **Discussion: Downtown Event Permitting**

Mr. Wetzel outlined the permitting process for Downtown events, as requested by the Board at a previous meeting. He stated that charges were based on the services different departments needed to supply for any events per their cost estimate, such as the hourly rate of Police and Fire Department. He stated that the fees were based on the evaluation of the information provided by the applicant on the form given to them, then distributed to all relevant departments, and returned to Support Services with the rates estimated to provide the services requested. He stated that the facility permit was then produced and sent to himself, Helen Riger, the Chief of Police, and the City Manager's office, to verify the estimate of the fees.

Ms. McKay-Vaughan asked if the fee rate varied.

Mr. Wetzel stated that the rate varied according to the number of people expected and the location, noting that applicants were permitted to do their own clean-up service.

Mr. Abraham asked where the Police officers staffing events were taken from in the Police force.

Mr. Wetzel stated that officers dedicated to the CRA should not require further fees for events, but that other officers were usually off-duty and charged for overtime pay.

Ms. Cook asked about discussion of officers available to staff events at a lower rate instead of overtime pay.

Mr. Wetzel noted the existence of Citizen's Patrol officers available at a lower rate, but stated that there were not many Citizen's Patrol officers and they were not law enforcement officers. He stated that applicants should note whether Citizen's Patrol would be appropriate for their proposed event.

Ms. Lipton asked for a clarification of permit fees.

Mr. Wetzel stated that fees typically were related to alcohol, permitting, street closing, Fire Department and Emergency Medical Services, and parks clean-up.

Ms. Cook noted insufficient clean-up from the Seafood Festival and asked whether there was a supervisor in charge of clean-up.

Mr. Wetzel stated that there should be a supervisor in charge of clean-up, but acknowledged problems with the issue. He stated that Mr. McLemore was the Deputy City Manager in charge of Public Works, responsible for street clean-up.

He also noted that the clean-up process was not consistent between events, due to the possibility of applicants requesting their own clean-up.

Ms. Cook asked about the electrical fees.

Mr. Wetzel stated that electrical fees were related to electrical signs needed for events, such as directions to parking.

Mr. Al Smith emphasized the need to bring permitting costs down to encourage events in the Downtown area, noting excessive charges such as \$900 for sidewalk usage. He also stated that the fees from the Fire Department seemed excessive, considering their proximity to the Downtown area.

Mr. Wetzel stated that concerns had been conveyed to the Fire Chief, and stated that fees were not charged for small events, but that larger events necessitated the ability for quick entry and exit into the area.

Ms. Lipton asked whether charges were determined by the number of people anticipated in attendance, noting the apparent number of 2,000 attendees marking higher permit fees.

Mr. Wetzel stated that he was unaware as to the method of determining fees used by the Police and Fire Departments, but stated permitting was separate from Police and Fire. He also noted that certain fees, such as sidewalk fees, were written into the Land Development Code, and were not able to be adjusted.

Mr. Abraham noted a sidewalk sale several years prior and asked why the City needed to profit from events such as that.

Ms. Cook asked what fees, such as sidewalk permits, accomplished, noting that the business owners owned the sidewalk already.

Mr. Wetzel stated that the City was responsible for activities on the sidewalk, and that both the City and the business owner were liable for the sidewalk.

Ms. Lipton emphasized that the concern of the Board was prohibitively high permit fees, noting the need to maximize usage of Downtown real estate.

Ms. Naomi Weiss of the Daytona Beach Partnership Associated emphasized problems with applicants being unaware of the permit fee amounts, noting events such as the Oyster Festival in which the numbers quoted regarding permit fees were much smaller than the actual fees charged, which was extremely detrimental in planning such an event.

Mr. Wetzel stated that he could provide the permit fee charged used by Cultural Services, and noted that groups could request fee reimbursement for services not rendered.

5. Discussion: Request from Marina Point Association to amend DDA boundaries

Mr. Jeffries presented two letters from the Marina Point Association to amend the boundaries of the DDA to exclude Marina Point from the taxing district, noting that the tax revenue generated by Marina Point, \$14,815, was approximately 13% of overall tax revenue. He outlined the amendment process necessary to amend the DDA boundaries: set date for hearing; publish and mail notice of hearing; hold public hearing; certified notification of election to freeholders and electors; develop registration list; hold referendum. He stated that the overall cost of the amendment process amounted to approximately \$28,000, noting that the DDA must bear the cost. He also stated that taxes to the DDA comprised on average 4% of the tax bill of a Marina Point resident, noting that Marina Point was not the highest taxed area in the City.

Mr. Abraham asked for clarification regarding City expenses.

Mr. Jeffries stated that City expenses were the cost of Staff to put the public hearing together.

Ms. McKay-Vaughan asked about the possibility of using mail-in ballots to reduce expenses, and asked for clarification regarding the term “qualified freeholder”.

Mr. Jagger stated that a freeholder was defined as a landowner, and “qualified” denoted that they were registered to vote.

Mr. Abraham asked whether opinion of the Attorney General would be sought.

Mr. Jagger stated that he would recommend seeking the opinion of the Attorney General, due to existing conflicts regarding freeholder elections.

Mr. Abraham asked about the involvement of the legislature.

Mr. Jagger stated that it was possible to amend the Special Act.

Ms. McKay-Vaughan asked for clarification as to the options of the DDA.

Mr. Jagger recommended following the Special Act up to the resolution stage and then seeking the advice of the Attorney General regarding the election.

Ms. Lipton asked if everyone in the Marina Point area was in favor of their exclusion, and expressed concern about setting a precedent to allow areas to annex themselves out of the tax district.

Mr. Jagger stated that it was the discretion of the Board as to how to move forward with Marina Point and possible future cases.

Ms. Cook noted that WROD was not included in the request, as they were not a part of the actual Homeowners' Association.

Mr. Jeffries clarified that the request was from the three residential towers, and did not include the marina itself, nor the Chart House or the Boat Works.

Ms. Lipton asked if there was a list of all homeowners signing off on the petition.

Mr. Abraham stated that they had received a letter from the two associations of the two condominiums signed by the President of the associations.

Mr. Mark Mullen, 713 Marina Point, President of the Marina Point Association, Inc., stated that the issue had not yet been formally presented to the residents, but it would be formally discussed should the issue come to a vote.

Mr. Abraham acknowledged the likelihood that unit owners would be in agreement with the request, due to the resulting lower taxes, noting that residents likely did not see the benefits that the DDA considered to exist.

Ms. Lipton stated that residents of Marina Point were in the Downtown area en route to almost anywhere else in town, and noted that they could walk to restaurants and shopping in the Downtown area within blocks of their residences. She also emphasized concerns with setting a precedent of allowing areas to exclude themselves from the tax district.

Mr. Abraham stated the need to consider whether it would be economically feasible for the DDA to go through with the amendment procedure, noting that the estimated cost of \$28,000 would likely be on the low end of a cost estimate.

Ms. Lipton asked about the possibility of litigation against Marina Point for the legislative costs.

Mr. Jagger stated that the Special Act expressly states that the DDA must bear the legislative cost.

Mr. Abraham stated that the Marina Point Association could voluntarily contribute to legislative costs, should the DDA find the cost to be prohibitive to moving forward with the issue. He expressed reluctance to vote on the issue due to pending questions to consider, such as the impact of the legislative cost alone

on the DDA budget moving forward, as well as when any boundary changes would become effective in regards to the tax year.

Mr. John Nicholson, 413 N. Grandview, asked for clarification as to the reasons for the desire of Marina Point to be excluded from the DDA taxing district, and questioned whether the precedent would be set for all residential areas to request exclusion, and if the DDA would only be intended for commercial benefit.

Mr. Mullen stated that the request for exclusion from Marina Point was due to the lack of direct benefit from the DDA, only indirect benefit, stating that only the Downtown itself received direct benefit. He stated that the residents supported Downtown, but emphasized problems with City permitting, noting in particular problems with water pipes, for which Marina Point would need to spend upwards of \$300,000 without any assistance from the City. He stated that the best course of action would be to amend the Special Act to remove the need for the long and costly legislative process and provide the DDA with the ability to remove areas from the district at its discretion.

Ms. Lipton asked how the Marina Point residents would prefer the \$14,000 of tax revenue to be spent, instead of being paid to the DDA.

Mr. Smith asked to meet with Mr. Mullen to discuss options, emphasizing that the Board was not seeking to battle with Marina Point.

Mr. Mullen stated that discussions had taken place in the past, but that Marina Point had repeatedly been told that no assistance was possible.

Ms. Lipton stated that she had not been aware of the dissatisfactions of Marina Point.

Ms. McKay-Vaughan stated that she had expressed the dissatisfaction of Marina Point to both the DDA and the City Commission in the past, emphasizing the need work with Marina Point to discuss whether there was anything the Board could do to satisfy the residents.

Mr. Mullen stated that he had asked for assistance in the past, but due to the way that the Act was written, the DDA was unable to provide assistance.

Mr. Jeffries stated that there could be other avenues, through the CRA, to provide assistance.

Ms. McKay-Vaughan asked for a clear description of the problems and the options.

Mr. Berger acknowledged problems with permitting, and stated the need to find a public benefit, such as for future development, to give financial assistance.

Mr. Abraham noted a Catch-22, given that the water pipes issue would need to relate to future development, while Marina Point residents tended to be in opposition to future development.

Mr. Berger emphasized the need for discussion and possible compromise on both sides.

Mr. Mullen clarified that Marina Point did not oppose all future development, and expressed concern with a lack of notification about meetings relevant to the issue.

Mr. Jagger asked for clarification as to what was needed from the legal aspect.

Ms. McKay-Vaughan stated the need for clarity as to the definitions of who could vote on the issue.

Board Action

Ms. McKay-Vaughan made a motion to continue the issue for a maximum of two months to allow for further discussion with Marina Point, with the condition that the issue would be revisited and updated at the next month's meeting. The motion was unanimously approved (4-0).

6. Discussion: Downtown Holiday Central

Mr. Jeffries noted a memo from the DBPA Holiday Team outlining holiday plans.

Ms. Lipton asked whether a marketing plan had been established for holiday plans.

Ms. Weiss stated that a marketing plan was being established including a holiday pocket guide to be distributed with a calendar of events and descriptions of activities, as well as posters, flyers, and magazines.

Ms. Lipton asked if there were a name for the holiday events.

Ms. Weiss stated that Downtown Holiday Central was the name for all of the activities planned for the holiday season, and noted an outline of decorations involving the name.

Ms. Cook asked if a calendar was available for events, noting a lack of notification of activities.

Ms. Weiss stated that the DBPA was trying to improve coordination of Downtown activities, and acknowledged the need for a comprehensive calendar available in advance of activities.

7. **Funding Request: Downtown Holiday Decorations**

Mr. Jeffries noted the need for a decision regarding holiday decorations.

Board Action

Ms. Cook made a motion to approve a three-year lease of holiday decorations with purchase at the end of the lease. Ms. Lipton seconded the motion and it was approved unanimously (3-0).

8. **Funding Request: Beach Street Oktoberfest**

Mr. Jeffries outlined the request to fund the Beach Street Oktoberfest, noting the requested funding of \$2,536.56 would cover permit costs. He stated that \$10,275 was available in the DDA line item. He suggested that if the requested funding was approved, the DDA would pre-pay the permit fees out of the existing year's budget, although the event would take place in the next fiscal year.

Ms. Cook asked for clarification as to the date of the proposed event.

Mr. Scott Lawson, 28 S. Beach Street #210, stated that the event would take place October 2, due to a conflict with the Seafood Festival on Manatee Island on September 25. He provided an outline of the event as an authentic German Oktoberfest as a family-friendly event with German food and music, with the goal of bringing people to the Downtown area during a slow time of year. He stated that the festival would be located from Magnolia Avenue to Orange Avenue between the Beach Street arches.

Mr. Abraham asked where the restaurants would be operated.

Mr. Lawson stated that the Abbey would be on the intersection of Magnolia, and the Bavarian Coffeehouse would be near the band stage.

Ms. Cook asked whether the street would be restored to its normal state by midnight.

Mr. Lawson stated that the festival would be closing down by 11:00pm, and that the street would be restored and cleaned by midnight.

Ms. Cook stated that it would be worth approaching the Police Department in regards to having Citizen's Patrol officers on duty instead of Police Officers, in an attempt to limit fees.

Mr. Smith noted issues with the cost of closing the street to traffic, stating that it was nearly as expensive to close one block as it would be to close multiple blocks.

Ms. Lipton noted that there were five events already planned for the Downtown area, questioning whether the funding could be better used during a month in which there were not multiple events taking place, and questioned the logistics of multiple events taking place on a single day, with the French Market and the Oktoberfest both on a Saturday. She questioned whether the Oktoberfest would be truly beneficial to the Downtown area and suggested coming up with criteria when event funding was being requested from the DDA.

Mr. Abraham asked for clarification as to potential benefit to the Downtown merchants.

Mr. Smith stated that it had been his idea to come before the Board to ask for funding, noting that Mr. Lawson had not intended to ask for assistance.

Ms. Lipton asked if it would be better to move the event to another date not in conflict with the French Market, such as October 23, and expressed concern about the inclusion of outside restaurants instead of local Downtown restaurants.

Mr. Lawson stated that he had approached Ivy Lane and Stavros', neither of whom expressed interest in participation.

Ms. Cook asked if the motion could recommend partial funding for the event.

Mr. Smith asked if it would be feasible to move the event to October 23.

Mr. Lawson stated that it could be better on October 23, but stated that he had to ensure that there were no conflicts on that day.

Board Action

Ms. Cook made a motion to approve \$1,500 of funding for the Oktoberfest on the condition that it be moved to October 23. Ms. Lipton seconded the motion and it was approved unanimously (3-0).

9. DBPA 2010/11 Annual Grant and Work Plan

Due to conflict with the City Commission meeting, this item was postponed to the following month.

10. DBPA Update

Due to conflict with the City Commission meeting, this item was postponed to the following month.

11. **Staff Update**

Due to conflict with the City Commission meeting, this item was postponed to the following month.

12. **Public Comments**

Due to conflict with the City Commission meeting, this item was postponed to the following month.

13. **Other Business**

Ms. Lipton asked about the possibility of doing a survey of local businesses regarding Downtown events to obtain information of what events local businesses liked and other events they would like to see.

14. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 6:55pm.



Bob Abraham, Chairman



Cathleen Olson, Board Secretary