

**DOWNTOWN DEVELOPMENT AUTHORITY
MINUTES**

December 13, 2011

There was a meeting of the Downtown Development Authority held Tuesday, December 13, 2011, at 8:00 a.m. in Conference Room 149B, 301 South Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members

Mr. Robert Abraham
Ms. Sheryl Cook
Mr. Joseph Hopkins
Ms. Stacey Lipton
Ms. Kelly White (arrived at 8:30)

Staff Members Present

Mr. Jason Jeffries, Project Manager
Mr. Robert Jagger, Deputy City Attorney
Ms. Jeanne Tolley, Redevelopment Technician
Ms. Janice Lowry, Recording Secretary

1. Call to Order

Mr. Abraham called the meeting to order at 8:10 a.m.

2. Roll Call

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

3. Approval of Minutes: September 27, 2011 Regular Meeting; October 17, 2011 Special Meeting; October 25, 2011 Regular Meeting; November 8, 2011 Special Meeting; November 22, 2011 Regular Meeting; November 29, 2011 Special Meeting

Mr. Abraham suggested that the minutes of October 17, 2011, be considered last as Ms. White had comments to make.

Ms. Lipton made a motion to approve the minutes of September 27, 2011. Mr. Hopkins seconded the motion and it was approved unanimously (4-0).

Ms. Cook made a motion to approve the minutes of October 25, 2011, as amended. Mr. Hopkins seconded the motion and it was approved unanimously (4-0).

Mr. Jeffries stated the minutes of November 8, 2011, and November 22, 2011, were not ready for approval.

Ms. Lipton made a motion to approve the minutes of November 29, 2011. Ms. Cook seconded the motion and it was approved unanimously (4-0).

Mr. Abraham referred to the minutes of October 17 and read "Mr. Lassiter stated that a contract had been drawn up by Jack White with input from Ms. Maglia and Ms. Kelley." He stated that Mr. Jeffries indicated that it was accurately reported in the minutes but that Mr. Lassiter's statement might not have been accurate.

Mr. Jeffries stated that Page 3 of the minutes of October 17, 2011, indicated that the meeting was held in Room 116 not 149B. He also stated that Mr. Lassiter's name was misspelled. He stated that there was a concern about Page 5, second paragraph, indicating that Mr. Lassiter was making assertions about Jack White's involvement in the Farmers' Market.

Ms. White stated that Mr. Lassiter's statement was not true.

Mr. Jeffries stated that staff could listen to the recording again to be certain as to what was said.

Ms. White stated that Mr. Lassiter's name was misspelled and that the spelling of Ms. Maglio's name was Maglio, not Maglia.

Mr. Abraham asked Mr. Jeffries to check what was said and make sure it was accurately reported in the minutes. He also asked that Ms. White's comments about Mr. Lassiter's statement be placed on the record.

Ms. Cook stated that Page 4, sixth paragraph, said "Mr. Abraham stated that were issues to be addressed" and it should read "Mr. Abraham stated that there were issues to be addressed."

Mr. Hopkins made a motion to approve the minutes of October 17, 2011, as amended subject to comments from Ms. White. Ms. Cook seconded the motion and it was approved unanimously (4-0).

4. Revised 2011/12 DDA Budget

Mr. Jeffries stated that the approved DDA budget was \$147,000 and any increase in total expenditures would have to be approved by the City Commission by

ordinance, which required two readings and would be heard in January. Revenue was projected to be \$24,650.

Mr. Abraham stated that the marketing firm that was selected had been given a budget figure to work with for Downtown marketing separate from Farmers' Market revenue. He asked Mr. Jeffries how that would work.

Mr. Jeffries stated it was up to the DDA but the agreement with the Market Manager required that she was to coordinate the marketing efforts. He stated another option would be to have her work with the marketing firm that was under contract.

Mr. Jeffries stated DDA members would also be approving a budget transfer of \$5,000 from General Activities as startup costs. He stated that the \$5,000 being transferred from General Activities and would fund some of the items until the City Commission approved the budget increase.

Mr. Abraham asked if that money would come back to the DDA.

Mr. Jeffries stated that it was up to the DDA but the issue was not addressed.

Ms. Lipton asked if they were set up to take money back into the organization.

Mr. Abraham stated that they would get it back if it was treated as a loan to the separate funds, but if it was used as seed money it was questionable.

Ms. Lipton stated that when the DBPA asked the DDA for money for the Farmers' Market, the DDA considered doing a loan but were told they could not do it.

Mr. Abraham stated that they were allocating funds rather than contributing to another entity.

Ms. Cook asked if they could approve it with the stipulation that any money that could come back would need to go into the General Fund.

Mr. Jagger stated that the contract with the City required that the Farmers' Market reserve be reinvested into the Market.

Mr. Jeffries stated that it had not really been addressed in the License Agreement with the City.

Mr. Abraham stated that there should be a way to do it and the general revenues were limited. He stated that he would treat it as an advance rather than a loan.

Board Action

Ms. Cook made a motion to approve the 2011/12 budget as amended including a transfer of \$5,000 from the DDA General Activities as an advance to the Farmers' Market. Mr. Hopkins seconded the motion and it was approved unanimously (5-0).

5. **Funding Approval: Farmers' Market Liability Insurance**

Mr. Jeffries stated that after the DDA was selected to operate the Farmers' Market, Brown & Brown provided a proposal for liability insurance and the underwriter would be Scottsdale Insurance Co. He stated that this met the requirements in accordance with the license agreement with the City. He stated there would be a \$500 deductible and the premium cost was \$1,260.85.

Board Action

Ms. Cook made a motion to approve the funding. Ms. Lipton seconded the motion and it was approved unanimously (5-0).

6. **Funding Approval: Farmers' Market Expenses**

Mr. Jeffries suggested allocation of the \$5,000 being transferred to cover initial expenses until the budget was approved by the City Commission. He recommended \$100 for Manager Supplies, \$1,485 for initial marketing, \$1,265 for insurance, \$1,000 for equipment, \$150 for booth merchandise and \$1,000 for City fees.

Mr. Hopkins asked how Ms. Kelley would be compensated.

Mr. Jeffries stated that according to the agreement she would receive forty-five percent of the gross vendor revenue and the first payment would not be made until February based on January's revenues.

Board Action

Ms. Cook made a motion to approve the Farmers' Market expenses. Ms. Lipton seconded the motion and it was approved unanimously (5-0).

7. **Farmers' Market License Agreement with the City of Daytona Beach**

Mr. Jeffries stated that this was a five-year agreement and the fee was \$1,500 per year. He stated that the initial agreement was for more than five years because it was being aligned with the fiscal year. The first payment of \$1,000 for nine months was due January 15. The hours were 7:00 a.m. to 1:00 p.m. with an hour for breakdown time. He stated the Daytona Cubs had concerns about trash pickup

and vendors using the Cubs dumpsters, which Ms. Kelley would regulate. He stated that the focus was on food vendors and seventy percent had to be related to food. He stated that there were marketing requirements but were not exclusive to Ms. Kelley in the event she should leave the position. He stated that funds generated by the Farmers' Market had to be reinvested in the Farmers' Market.

Mr. Abraham stated that the Farmers' Market operation was on City land and because the DDA had been awarded operation of the market, they were responsible to the City for what they said they would do. He stated that the contract might be more stringent than normal between two public bodies. However, the idea was that anyone else would be subject to the same restrictions. He stated that it was important in case the DDA decided to withdraw and if someone else operated it, there would be a history of those requirements.

Ms. Cook stated that anyone with an event in the area should be responsible for their own trash.

Ms. Lipton stated that it was very hard to police dumpsters in a public area and a simple solution would be to put a lock on them.

Ms. Cook stated that the containers in front of the bathrooms needed to be emptied much more frequently during special events.

Mr. Jeffries stated that he would make sure that Ms. Kelley got an inventory of which vendors were in compliance and which were not and report back at the DDA's January meeting. He stated that he and Ms. Kelley would also meet with the Cubs and Cultural Services to make sure it was all coordinated.

Ms. Lipton stated that when Cultural Services held special events the vendors did not know in advance and were not prepared. She stated that there should be a calendar so everyone knew what was happening.

Mr. Jeffries stated that the vendors needed to know what was happening so they could plan on having more produce for larger numbers of people. He stated that communication was needed between Cultural Services and Ms. Kelley about events that were taking place on City Island.

Ms. Lipton stated that one of the Commissioners wanted the Farmers' Market to deal strictly with food and not with any flea market type of situation. She stated that possibly the Farmers' Market was being blamed for things for which they had no responsibility.

Mr. Jeffries stated that non-food items were limited to thirty percent and they had to be homemade.

Mr. Abraham asked Mr. Jeffries to discuss the transition from the current operation to the new operation. He stated that if the agreement was approved on December 21, time was needed to terminate the old operation and begin the new operation.

Mr. Jeffries stated that if the agreement was approved on December 21, a letter would be sent to the DBPA to let them know that their agreement was terminated and to provide them notice.

Mr. Abraham asked about rent and the vendors would already have paid rent to the DBPA for the month of December, so they would not need to pay rent to the DDA until January.

Mr. Jeffries stated that neither the City nor the DDA would collect rent from the vendors until January 1.

Mr. Abraham asked if the DDA could be secure in the knowledge that they would not be responsible for the Farmer's Market until January 1.

Mr. Jeffries stated that the effective date would be January 1.

Board Action

Ms. Lipton made a motion to approve the agreement as amended to change the effective date to January 1, 2012. Ms. Cook seconded the motion and it was approved unanimously (5-0).

Mr. Jagger stated that Ms. White did not have a conflict of interest and could vote at the City Commission meeting.

8. Farmers' Market Manager Contract with Cheryl Kelley

Mr. Jeffries stated that the contract incorporated discussions from the previous meeting. He stated that the initial contract was for nine months and would be switched in accordance with the fiscal year.

Board Action

Ms. Cook made a motion to approve the contract. Ms. Lipton seconded the motion and it was approved unanimously (5-0).

9. Election of Officers for 2012

Ms. Cook made a motion that Mr. Abraham continue as Chairman. Ms. White seconded the motion and it was approved unanimously (5-0).

Mr. Abraham made a motion that Ms. Cook serve as Vice Chair. Mr. Hopkins seconded the motion and it was approved unanimously (5-0).

10. Appointment to Downtown/Balough Road Redevelopment Board

Ms. Cook made a motion to appoint Mr. Abraham to the Board. Ms. Lipton seconded the motion and it was approved unanimously (5-0).

11. Staff Update

Mr. Jeffries stated that the code amendment prohibiting solicitation of food or money in the Downtown area would be heard on second reading at the City Commission meeting on December 21. He stated that it included language strictly prohibiting solicitation in the core shopping area. He stated that the Downtown/Balough Road Board recommended that it be extended to include the entire area, not just sidewalks, and it would be district-wide from the river to Palmetto Avenue so parking lots would be included.

Mr. Jeffries stated that Chief Chitwood wanted merchants to report any solicitation violations so they could be entered into the system.

Ms. Lipton stated that having police officers Downtown during business hours at Christmas had helped.

Ms. Cook stated that the police presence had increased in the back parking lots and they were paying more attention to the retail area.

Mr. Jeffries stated that Chief Chitwood indicated that the merchants could call him if they did not get responses from the officers. He stated that the Chief had provided his cell phone number.

Mr. Jeffries stated that there had been complaints about parking enforcement in the Downtown area. He stated that there was a contract for enforcement on the Beachside and Paul Wetzel, Support Services Director, and the contract manager from LAZ had gone before the Downtown/Balough Road Redevelopment Area Board to determine if there was interest in bringing it over to the Downtown area. Mr. Jeffries stated that there had been discussion on parking meters, on Beach Street. He stated that there had been meters in the Downtown area in the 1970s but they had been removed in order to be competitive with shopping malls.

Ms. Lipton stated she would rather have people with specific issues call the police and rather than having parking meters which would upset customers.

Mr. Jeffries stated that according to Bob Gibbs, parking turnover actually increased sales in the retail areas. He suggested waiting until Mr. Gibbs could explain his concepts at a merchant meeting.

Mr. Jeffries stated that the RFP for signage indicating free parking had been extended until January and there would be many opportunities for input before any action was taken.

Mr. Abraham asked about holiday marketing promotions.

Mr. Jeffries stated that the holiday promotions were being wrapped up but there would be more radio and TV advertising. He stated that the prize for the holiday cards would be awarded in the next two weeks. He stated that 900 to 1,000 e-mails had been received from the discount cards and a more detailed report would be given in January.

Ms. Lipton asked if a special January meeting would be needed in order to start the year on a positive note and let everyone know what was happening.

Mr. Jeffries stated that he would schedule a meeting in January. He suggested having the marketing firm the Board selected on board before holding a meeting with the merchants.

Ms. Cook asked Mr. Jeffries for the status of the grand giveaway.

Mr. Jeffries stated it would be held on December 15 and with the exception of one or two prizes, everything had been received. He stated that the announcement of the winner would be made in one of the newsletters.

Mr. Jeffries suggested holding a special meeting about the selected marketing firm because of the marketing that was needed Downtown for Valentine's Day.

Ms. Lipton asked if there could be a gang page with the News Journal so the date could be placed on their calendar.

Mr. Jeffries stated that he would talk to Ms. Kelley about allocation of monies for marketing for the Farmers' Market. He stated that the coupon in the newspaper could not be tied in with the gang page.

Ms. Lipton said it was necessary to pick a day to place on the schedule.

Mr. Abraham stated that there had been a meeting with Gold & Associates to negotiate a contract and it was now up to them to come back with specifics on what they would do for the budgeted amount.

Mr. Jeffries stated that he had received many event inquiries and he would bring the completed forms to the Board at the regular January meeting.

12. Public Comments

Mr. Al Smith, 154 South Beach Street, expressed his concern over the way the marketing firm was chosen at the last meeting. He stated he found the process unfair in terms of time allotted to each company during the meeting. He stated that they were told to bring a plan, a budget and a timeline and the group that was chosen had not provided that.

Mr. Smith also expressed concern over the branding approach with a limited amount of money and said it did not fit with what the DDA was trying to accomplish. He stated that the Board had chosen a firm from out of town for marketing when the focus had been on buying locally.

Mr. John Nicholson, 413 North Grandview Avenue, stated he was concerned about a proposed assisted-living facility on the car-lot property and said it would present a problem. He stated it would directly affect Downtown marketing should they allow a HUD-type facility versus a facility to house people with disposable income.

Mr. Nicholson suggested that the parking lot across from the Josie Rogers House be retained.

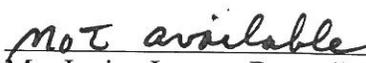
Mr. Nicholson asked that the Board request that the drinking fountain in the restroom area be reinstalled at City Island. He stated that the gates in the restroom area needed repair.

Mr. Nicholson stated that Beachside had signs made for employee parking. He suggested that the first ten parking spaces at the back of each store in the Downtown area remain available for customers and that employees park further back.

13. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 9:45 a.m.


Mr. Robert Abraham, Chairman


Ms. Janice Lowry, Recording Secretary