

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

February 7, 2012

There was a meeting of the Downtown/Balough Road Redevelopment Area Board held Tuesday, February 7, 2012, 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
Mr. Steve Koenig

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Mitt Tidwell, Utilities Director
Mr. Jason Jeffries, Project Manager
Ms. Shannon Ponitz, Utility Engineering Manager
Ms. Robin Cook, Regulatory Compliance Officer
Ms. Carrie Lathan, Assistant City Attorney
Officer Daniel Garcia, Code Enforcement
Ms. Jeanne Tolley, Redevelopment Technician
Ms. Janice Lowry, Recording Secretary

1. Call to Order

Mr. Smith called the meeting to order at 12:10 p.m.

2. Roll Call

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

3. Approval of Minutes: January 10, 2012

4.

Mr. Goodemote made a motion to approve the minutes of January 10, 2012. Ms. Washington seconded the motion and it was approved unanimously (9-0).

5. **Staff Report**

a. **Code Enforcement**

Mr. Garcia stated that Mr. Goodemote had given him pictures of a trailer parked at 603 N. Beach Street. He notified the owner and gave him 24 hours to move the trailer and it had been moved. He presented the Code Enforcement Report a copy of which is hereto attached and made part of the record.

5. **DEV2012-004, CONDITIONAL USE, Scuttlebutts**

Mr. Jeffries stated the property was the former Delphine's Restaurant, located at 114 S. Beach Street. He stated the request before the Board was for approval of alcohol beverage service and a sidewalk café. He stated that the request required Board approval and the City Commission would approve the license agreement. He presented a Power Point presentation indicating the location of the property and the sidewalk café agreement. He stated that the alcohol beverage criteria had recently been revised and the proposed project met all of the criteria. He stated that the conditional use had been through the entire site plan process and the Utilities Department wanted to see a grease trap which had been installed when the building was originally converted to Delphine's and also a back flow was required which the applicant is willing to install. He stated that there was also an issue to install a manhole inspection at the sewer connect between the lateral into the sewer system.

Mr. Smith asked if it had been confirmed there was a grease trap.

Mr. Jeffries stated yes.

Mr. Smith asked if the applicant was willing to install the back flow.

Mr. Jeffries stated yes. He stated the applicant was present to answer questions as was Mitt Tidwell and Shannon Ponitz from Utilities.

Mr. Smith asked what the cost was to do the manhole.

Mr. Jeffries stated \$5,000.

Applicant's Presentation

Ms. Gayle Flanagan, 114 S. Beach Street, owner of Scuttlebutts stated she was excited to be part of Downtown. She stated she was willing to comply with whatever staff required but the manhole was an expense she did not plan on and the least expensive estimate she got was \$5,000. She stated she was concerned because the restaurant was already there and not something new that she had constructed.

Mr. Smith asked if there had been a change in the code since Delphine's was first built.

Mr. Jeffries stated that what had tripped the requirement was that it was a conditional use that required site plan review so it had gone through the entire technical review.

Mr. Smith asked if the conditional use dealt only with the alcohol beverage service.

Mr. Jeffries stated the alcohol beverage service and the sidewalk café. He stated the building had been vacant for more than two years so even if they were not required the conditional use they would still be required to go through the process.

Staff Presentation

Ms. Shannon Ponitz, Utilities Engineering Manager, understood the applicant's concern but when the building was originally converted to a restaurant the Utilities Department did not review it because it did not go through the full site plan review and if they had reviewed it at that time they would have required the manhole. She stated the requirement had been in the code since 1988. She stated the manhole would be placed on the lateral not on the main and was there so they could sample and see where contamination was coming from. She stated that with restaurants having fats and oils there was a lot of trouble with contamination in the system especially on Beach Street because there were a lot of sewer stops. She stated that the Utilities Department felt it was an important issue that was part of the LDC and they did not have the authority to waive the requirement.

Mr. Smith asked what latitude the Board had. He stated that they hoped many more restaurants would open Downtown and if they did there would be a lot of manholes and it would cost a lot of money.

Ms. Ponitz stated that they called it a manhole but it was really a sampling port and did not have to be a 4' manhole. She stated it would have to be 24" in diameter at the opening and 3' deep to get the sampling equipment into it. She stated that it was a requirement that went on every site plan they reviewed.

Mr. Smith stated that the point of the manhole was to be able to see who was doing what.

Ms. Ponitz stated that they were mandated by the EPA under the Clean Water Act and they felt it was important.

Mr. Jeffries stated that the Board was the final administrative authority for reviewing site plans and had to make sure it complied with all aspects of the LDC.

Mr. Smith asked if the Board had latitude to side with someone opening a new business.

Mr. Jeffries stated that looking at the LDC Article 4, Section 8.2 Site Plan review stated that all technical aspects had to be met, however, Article 4, Section 14.2 stated that there was administrative authority for permitting minor modifications but had to insure that technical standards for which the modification was sought and the intent of the LDC was met.

Ms. Washington asked Ms. Flanagan if she had gotten an estimate for the smaller port.

Ms. Flanagan stated no, she only got a price for the manhole.

Mr. Abraham asked what would happen if the Board approved the conditional use without the manhole.

Ms. Lathan stated she was concerned with the characterization as a minor modification if it was supposed to meet the intent of the LDC and the intent was to meet the federal requirement. She stated she did not think it was a minor modification. She asked if there were sanctions from the federal government for not complying.

Mr. Mitt Tidwell, Utilities Director, stated it would be up to the EPA but they could impose fines of up to \$37,500 per day.

Mr. Abraham asked if there was any other way to solve the problem.

Mr. Tidwell stated they were obligated under the Clean Water Act to monitor and control discharge to the sanitary sewer system other than domestic waste and domestic waste was anything that was not a single family house. He stated they required a manhole sampling on every commercial building. He stated that if the applicant wanted to propose something other than the 4' manhole staff would work with her and he thought it would be appropriate to allow something smaller as long as the sampling machine could get in. He stated that the sampling allowed them to see what was being discharged from a particular business.

Mr. Goodemote asked if the sampling port could be inside instead of in the sidewalk.

Mr. Tidwell state he was not opposed to it being inside but he did not know if that would problems with the Health Department.

Mr. Goodemote stated he was trying to come up with an option so they would not have to dig up the bricks.

Mr. Smith asked how often they had tested on Beach Street in the past year.

Ms. Robin Cook, Regulatory Compliance Officer, stated twice.

Mr. Smith asked how often they had tested on Beach Street in the past two years.

Ms. Cook stated three times.

Mr. Harshaw asked if the port had to be located outside if it could be located in a parking space.

Mr. Tidwell stated that the sanitary sewer main was in the sidewalk between the building and the parking space.

Mr. Smith asked if the Board had the latitude to override the requirement.

Ms. Lathan stated she did not think so.

Mr. Abraham stated there had to be a sampling facility but maybe the applicant could come up with another option.

Mr. Berger stated that staff would work with the applicant to come up with something that would be satisfactory to everyone.

Mr. Smith stated that on behalf of the Board they wanted more businesses and would do whatever they could to lessen the costs.

Board Action

Mr. Abraham made a motion to approve the conditional use subject to an acceptable monitoring arrangement, acceptable to the Utilities Department. Mr. Koenig seconded the motion and it was approved unanimously (9-0).

6. DISCUSSION ITEM: Retail Strategy

Mr. Jeffries stated that the contract with Bob Gibbs had been approved and he would be in town March 1st and 2nd. He sent an email to all merchants letting them know that Mr. Gibbs would be in town and he would be sending an update once he had a schedule for those two days. He stated that Thursday morning would start out with a merchant meeting then he would have 10 – 15 individual merchant meetings. On Friday they would end the visit with a happy hour so Mr. Gibbs could report his

findings. He stated he would supply Mr. Gibbs with findings from the DBPA committees. He presented a Power Point presentation of the information, a copy of which is hereto attached and made part of the record.

Mr. Smith stated that Mr. Jeffries needed to add the affect the student population at the News Journal Center had on the Downtown. He stated there had recently been an event at the Center with 1,000 young adults which resulted in a substantial amount of business for the restaurants and merchants on the north end of the street.

Mr. Jeffries stated that Mr. Gibbs would be looking at the student population.

Mr. Smith stated that they needed to be sure to be consistent and to keep in touch with the merchants. He stated that after being involved in events there was angst with starts and stops of projects and no consistency in getting messages.

7. **Redevelopment Project Updates**

Mr. Jeffries stated that the DDA was operating the Farmers' Market and had their first complete month operating it. He stated that they had hired someone to manage the Market and she was working to market it and was making sure the City's restrictions were being met. He stated that the DDA had heard a proposal from CKS Productions for an aggressive plan for events in the Downtown. The initial event was for a sand sculpture in the Park. He stated that the DDA had approved a Valentine Day promotion and ads were on the air for the Wine N' Chocolate /Walk to be held on Saturday, February 11th from 1:00 – 6:00. Art of the Automobile would be put on again by Al Brewer and would be two days. Cinematique would be having movies in the Park on the first Friday of each month from March – October.

Mr. Smith stated that he was concerned about that event in the south block and needed to be sure the two blocks to the north were involved.

Mr. Jeffries stated there was an effort to get other merchants involved. He stated that the DDA had approved Shamrock Jam for March 17th. He stated that positive information had been received about the holiday promotions and a report would be forwarded to Board members. He stated that Board appointments would be going before the City Commission on February 15th. He stated that a contract had been signed with a dog park expert to review the potential for a dog park in Downtown.

Mr. Berger stated that Susyn Stecchi, considered to be a dog park expert, would be in town March 5th and 6th. He stated she had been involved in the development of the first dog park in Florida and she agreed to come to Daytona Beach for workshops and input from interested parties. He stated there had already been an effort to look at Manatee Island as a temporary solution to bring more activity to the center of the

island. He stated that he wanted to look at other options and the Board would be kept updated and have the opportunity to give their input.

8. Public Comments

Big John, 120 State Avenue, Holly Hill, stated that the first dog park in Holly Hill was opened on Alabama Avenue a long time ago and they are very popular. He stated the dog parks are very little maintenance and would bring a lot of people Downtown.

Mr. John Nicholson, 413 N. Grandview Avenue, stated that the City already had a dog park so they needed to look at it to see how to do one.

Mr. Smith asked where the dog park was.

Mr. Nicholson stated it was in Holly Hill and was a joint effort between Daytona Beach, Holly Hill, and Ormond Beach. He stated that George Burden had come before the City Commission as chairman of the Racing and Rec Board to urge the City to apply for funds. He had said there was money available for capital projects. He suggested funds could be used to relocate the children's play equipment and get grants from ECHO or Racing and Rec to build a children's area on City Island.

9. Board Comments

Mr. Goodemote asked the status of the car dealership demolition.

Mr. Berger stated that there were environmental people working on the property. He stated that they had all needed City permits to do the demolition so as soon as the environmental issues were taken care of they would do the demolition.

Mr. Harshaw asked if the dog park expert would be looking at only Manatee Island as a proposed location.

Mr. Berger stated she would look at existing facilities then give a needs assessment.

Mr. Harshaw stated there was no big open field on Manatee Island for dogs to run.

Mr. Berger stated there were many different kinds of dog parks.

Mr. Weidman stated he thought a dog park was just a fenced in area.

Mr. Berger stated that the issue was if they were going to build a fence where to build it.

Mr. Harshaw stated it seemed like it should be an easy thing to do. He stated that the Florida Eco Net was working with the City on the south blocks of Downtown about garbage cans. Ciana Maglia asked for Mr. Harshaw's help to make the entire Downtown green. He stated there would be one central trash location, one central recycling location and eventually a compost location that could be used in the Park. He asked if the City would be interested in looking at the idea.

Mr. Smith stated that the mission of the board was they were trying to keep restaurants open and composting would be another layer someone would have to go through and there could be unintended consequences.

Mr. Harshaw stated that the idea was that everyone recycled and everyone paid for it so if they went to one central location it would cut the cost.

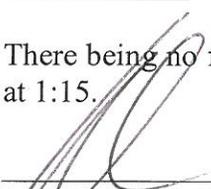
Mr. Smith stated that the County had a law that said all businesses must recycle.

Mr. Berger stated he would pass the information on to the Solid Waste Manager. He stated that in the south block the initiative was to move the dumpsters in order to improve a parking lot.

Mr. Smith stated that he was recently on Manatee Island planning for an April Oyster Fest and it was not in good shape. He stated that a lot of money had been spent to improve the Island and it needed to be maintained but when he visited there was a lot of dead grass and weeds.

10. **Adjournment**

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



Mr. Al Smith, Chairman

not available to sign

Ms. Janice Lowry, Recording Secretary