

**MIDTOWN REDEVELOPMENT AREA BOARD
MINUTES
Tuesday, January 8, 2013**

A meeting of the Midtown Redevelopment Area Board was held Tuesday, January 8, 2013, at 6:00 p.m. in the Commission Chambers, Daytona Beach City Hall, 301 S. Ridgewood Avenue, Daytona Beach, FL. The following people were present:

Board Members

Ms. Patricia Heard
Ms. Margaret Symonette
Ms. Denise Cato (arrived at 6:05 p.m.)
Dr. Irma Browne Jamison
Mr. Kenneth McGee
Mr. Wilburn Williams
Mr. Hemis Ivey, Chair
Ms. Shirley Benjamin
Mr. Martin Tooley

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Charles Bryant, Redevelopment Project Manager
Ms. Ben Gross, Assistant City Attorney
Ms. Becky Groom, Recording Secretary

1. Call to Order

Mr. Ivey called the meeting to order at 6:00 p.m.

2. Roll Call

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

3. Invocation

Mr. Ivey gave the invocation.

4. Pledge of Allegiance to the Flag

Ms. Heard led the Pledge of Allegiance.

5. Approval of Minutes for December 11, 2012

Board Action:

Ms. Benjamin made a motion to approve the minutes of December 11, 2012. Mr. Tooley seconded the motion and it was approved unanimously (8-0).

6. Staff Report

Police Department

Mr. Ivey stated that Mr. Bryant has provided the Board with an email from Capt. Lance Blanchette regarding the concerns that were expressed at the last Midtown Board meeting.

Code Enforcement

Ms. Benjamin stated there is a mobile/motor home parked at the corner of Orange Avenue and Martin Luther King. Ms. Benjamin stated that she understood from staff that it could not be parked there.

Mr. Bryant stated that he received a telephone call regarding the motor home parked at Mr. Miles' service station today and he will address that.

Mr. Tooley stated that he had concerns about the Code Enforcement Report. He said areas are included in the report that are not part of Midtown.

Mr. Bryant stated that the report was done by another officer since Mr. Lopez was on vacation and this report was done on his behalf. The individual that submitted the report covers areas outside of Midtown so that is why other areas are included.

Mr. Williams stated that there is a beauty supply store on Orange Avenue that is next to Church's Chicken. Mr. Williams stated that the windows are covered with posters.

Mr. Bryant stated he would look into that item.

Ms. Cato arrived.

Ms. Benjamin stated that she has asked about store-front churches and has been told that she must be careful about dealing with church issues. She asked how activities can be curtailed in the Midtown area. She stated there have been issues in Orlando regarding Code Enforcement and church groups meeting and asked how they could be addressed here.

Mr. Gross stated that he is not certain of the violations. He stated that they cannot be singled out for special treatment; however, Mr. Gross stated that if a residential person cannot litter, neither can a church. Mr. Gross stated that seeking a code violation that makes assembling illegal may appear as targeting them. Mr. Gross

stated that the existing code is pretty neutral as far as churches. Mr. Gross stated that if a church or an assembly has enough parking, it has a right to be there.

Ms. Heard asked if the church must apply for a building permit in order to open or use a building.

Mr. Gross stated that typically, yes, and if a building has been vacant, a church must apply to use the building through a site plan review. Mr. Gross stated that a site plan review does not prohibit the placement of a church if the church is a permitted use in that zoning. He stated that the site plan review determines parking and if setbacks are being met and if repairs need to be made to the building.

Ms. Benjamin stated that the Board cannot dictate to a land owner who rents the building.

Mr. Gross said that is correct. He stated that the code is concerned with the use but not the user.

Mr. Tooley stated that as a minister who opens store front churches, according to the city ordinance, if he has a Certificate of Occupancy, service can be held there.

Ms. Cato stated there is one building that has no paved surface, just grass. She stated there are homeless living behind the building that says one thing and inside it is another. Ms. Cato stated that people who do not want to pull permits, go to the churches and ask to open their businesses there since the City will not bother churches. She said it is not fair to businesses that obtain licenses. She said land owners in Midtown should be held accountable for letting the City know who will be using their buildings.

Mr. Gross stated that the right to operate a church does not give the church the right to do something that is not church related. Mr. Gross stated that the Land Development Code gives some property owners during certain periods to allow itinerant vending and any property owner must comply with the same rules. Mr. Gross stated that perhaps Code Enforcement is not aware of this violation. Mr. Gross stated that a church as a permitted use would not carry with it the right to do itinerant vending.

Ms. Cato stated this is happening every weekend in Midtown. She stated that people are making deals with churches to sell goods every weekend on church property.

Mr. Gross stated a church is permitted to have a bake sale for its members; and if the church wants to subcontract out that service, it is not the business of Code Enforcement if they want to do that. Mr. Gross suggested that a representative of Code Enforcement attend a Midtown meeting to answer questions the Board

members may have. Mr. Gross stated that transient violations are difficult to police. Code Enforcement requires a notice and the violation must be addressed within a specified period of time.

Mr. Gross stated the Zoning Code restricts the use of property. Mr. Gross stated that the City Commission could adopt a list of prohibited uses in a specific area. He stated that the Zoning Code cannot restrict legitimate businesses.

Mr. Williams stated that he thought that that is what was done regarding convenience stores.

Mr. Gross stated that he did not know what the Commission adopted but they could have added convenience stores to the list of prohibited uses. He said if the use is vacant for three months, it cannot be re-opened. If the business remains open, it can stay open for an indefinite period.

Mr. Williams asked if the City has the right to decide if there is a sufficient number of a specific business in a specific area.

Mr. Gross stated that limiting businesses in a specific area because there is a lot of them in a specific area sometimes helps and sometimes it does not. He said he did not think the Commission would put a moratorium on a legal business.

Dr. Jamison stated that the Board has been talking about the churches allowing people to operate a business. She asked if it would be feasible to draft a letter to the churches to let them know that private people cannot operate their businesses on church property and jeopardize their non-profit status.

Mr. Gross stated that the City does not regulate non-profit status. He stated that if the church is violating the code, a violation can be written.

Dr. Jamison stated that she thinks the churches should be notified for their information that this may be a problem.

Dr. Jamison stated that she is concerned about church buildings not have sufficient parking.

Mr. Gross stated that the Board should have Code Enforcement address these concerns.

Dr. Benjamin stated that Code Enforcement has visited 327 S. Martin Luther King Blvd. She said they have no permit and registration is for a church.

Mr. Tooley stated that this address is listed on the Code Enforcement Report as completed so Code Enforcement has visited the site.

Mr. Ivey stated that if Board members feel there are violations, he suggested the Board members contact Code Enforcement. He stated that Capt. Blanchette responded to the Board about the concerns stated at the last meeting.

Mr. Bryant stated that members can also go on line to report Code violations and that way there is a paper trail of the complaint. Code Enforcement must respond to the City Manager's office on the status of the complaint. Mr. Bryant stated that Board members can also contact him regarding code complaints.

Mr. Ivey stated that the study was commissioned by PMG to determine what is wanted in our community. He stated that he feels the study when completed will address a lot of the Board's concerns.

Ms. Heard asked if a workshop could be held with Code Enforcement rather than taking up the Board meeting time.

Mr. Ivey stated that he would prefer that each individual meet with Code Enforcement or Mr. Bryant to address Code Enforcement issues.

Dr. Jamison stated that grass in the street is not a Code Enforcement problem.

Mr. Ivey stated that is a Public Works issue and is being addressed.

Mr. Ivey stated that Board members may also let the City Commission know their concerns.

Dr. Jamison stated a clean up was scheduled and it was canceled and asked when it would be rescheduled.

Mr. Ivey stated that the Health Department has a clean up scheduled for this Saturday in the Turrie T. Small area. He stated that the Health Department has taken the lead on these clean ups since they have received grants for this activity.

Mr. Bryant stated that the Health Department is trying to inspire the community to do clean-ups. Mr. Bryant stated that he does not like clean ups since the wrong people clean up. He said people need to be involved in cleaning their areas. He said if people do not clean their areas, they will continue to trash the area. He said people need to respect their community and demand respect from others.

Dr. Jamison stated that grass is growing in the street and citizens are not responsible for the street. She stated Public Works should be addressing this on Orange Avenue and Martin Luther King.

Mr. Ivey asked Mr. Bryant to follow up on Dr. Jamison's concern. Mr. Ivey stated that he did not feel much would be done on Orange Avenue since that street is scheduled to be repaved.

7. **Election of Officers**

Mr. Ivey stated that an election would be held for a Chair and Vice Chair. He stated that a secretary is not needed since the minutes are recorded and the meetings are videotaped.

Mr. Berger stated that updates will be provided to the Board to correct language regarding the officers of the Board and removal of the word Westside.

Ms. Cato made a motion that all 2012 Board seats be vacated. Mr. Williams seconded the motion.

Mr. Gross stated that most Boards nominate a Chair and then the new Chair continues the meeting.

Ms. Cato withdrew her motion.

Board Action:

Dr. Jamison nominated Mr. Ivey as Chair. Ms. Benjamin seconded the motion and it carried unanimously (9-0).

Mr. Ivey thanked the Board for having confidence in him to lead them for another year.

Ms. Symonette nominated Ms. Heard as Vice Chair.

Ms. Benjamin nominated Mr. Tooley as Vice Chair.

Mr. Williams made a motion to close the nominations. Mr. Tooley seconded the motion and it carried unanimously (9-0).

A roll call vote was taken on the nomination of Ms. Heard as Vice Chair. Ms. Heard was elected Vice Chair (6-3, with Ms. Benjamin, Mr. Tooley, and Mr. Ivey voting no).

Ms. Heard thanked the Board for voting her as Vice Chair. Ms. Heard stated that she would like to be more involved in meetings that are held throughout the community and at City Hall.

8. **Redevelopment Project Updates**

Mr. Bryant provided an update on the programs that were held during the Christmas holiday. He stated that the banners will be removed today. He stated there was a good turn-out for all of the events. He said the events received a lot of news coverage and thanked James Harper of the Daytona Times for his

coverage of the events. He thanked the NAAACP for their assistance in the toy give-away and the schools and bands that participated. He also thanked the Board members for participating and supporting the events.

Mr. Bryant stated there will be a conference on January 31 to work with young men in the community. The conference will be held in Midtown.

Mr. Bryant stated that he is trying to contact businesses so that he can work with them without involving Code Enforcement. He said often times businesses will respond to him and come into compliance without involving Code Enforcement.

Ms. Cato asked if the Christmas tree has been taken down.

Mr. Bryant said he will call them tomorrow.

Mr. Ivey stated that a number of the members worked to create the Light Up Midtown Festival. Mr. Ivey stated that he has been contacted by people who would like to hold gospel festivals at the park in Midtown at least once a quarter. Mr. Ivey stated that the hard work that everyone did is paying off.

9. Public Comments

Dr. Evelyn Bethune, 884 Winchester, spoke and complimented the Board on holding a good meeting and stated it was quite professional. She spoke regarding itinerant vendors. She asked that the Board consider preparing an informational brochure that outlines the requirements for vending. She said many times people do not know the guidelines. She said the information should be provided to churches so they are aware. She said the Permit and Licensing Department is not a welcoming group and nothing has occurred to change it. She stated the City Commission has been made aware of the concerns about the Licensing Department. She said often times information has been given to customers that is not accurate, the wrong inspectors have been scheduled and people have waited all day and the wrong individual arrived or an inspector does not show up since the inspector did not receive the information. She said many times customers enter the Department and are ignored by staff. She said that we want people to be in compliance, but we don't want to be punitive. She said Mr. Bryant's approach is wonderful.

Bill Shanks, 850 Clyde Morris Blvd., spoke regarding churches and Certificates of Occupancy. He said a church must be governed by the number of people who will be in attendance and the square footage available for use. He said ingress/egress must be addressed as well as Fire codes and parking. Mr. Shanks said Code Enforcement should be addressing these concerns on churches as well as all businesses. Mr. Shanks said according to the Code, only one yard sale is permitted per year. He said a business should have a sales tax number and a vendor license.

10. Board Comments

Mr. Williams stated that he attended the workshop on Monday evening and the discussion of getting the public involved. He stated that we are an advisory board. He suggested that each Board member should commit to bringing two people to attend the meetings so they will become involved.

Dr. Jamison stated that she is looking forward to working on the Board during the coming year.

Mr. Tooley stated that there are some staff members who do not know how to deal with the public. He said businesses are being steered away from Midtown by some of the staff. Mr. Tooley commented on the book fair that was held last weekend and noted that events such as those should be highlighted. He said the event was held in the Midtown Cultural Center. Mr. Tooley thanked Mr. Bryant for all of his work. Mr. Tooley thanked the Chair and the Vice Chair for the direction he has provided to the Board. Mr. Tooley thanked Mr. Gross for his assistance to the board and the secretary for her efforts.

Ms. Cato stated that she had some questions that could be answered by staff at next month's meeting. She stated that during the workshop that was held on Monday, Johnnie Ponder made a comment about the \$160,000 that is being taken from the Midtown budget to help fix International Speedway Blvd., which is a county road. She asked that staff provide information to her on that item. She said the Board should be advised when funding is taken from Midtown to address other problems. She asked if the Board could receive a copy of their budget. She said it is embarrassing when people can get lower rates to go outside of our area to hold events when there are facilities, such as the Dickerson Center and Ingram. She said the rates were increased for these facilities but the facilities need repairs. She said the Dickerson Center should be the hub of our community. Ms. Cato commended Mr. Berger, Mr. Bryant, and Mr. Gross for the support they provide the Board. Ms. Cato stated that a historical building is being demolished at Mary McLeod Bethune which is an original main building for the campus.

Mr. McGee stated that it is time for the Board to focus of bringing pieces of the Master Plan together. He stated he looked at the maps that have been provided by PMG. He stated that it would be helpful to have the five sub-retail centers on the map so we could be aware of what needs to go in there.

Ms. Heard thanked Mr. Bryant for his efforts in coordinating the Midtown events during Christmas. She said the Gospel in the Park would be the same as the Jazz in the Park which we used to have. She said students used to use the park but when a group gets together and wants to hold a function, there is a fee and she wanted to know why. She said if the event will be free to the public there should not be a fee to the group. She encouraged the Board to vote next Tuesday for the

District 2 school board seat. Ms. Heard stated that she would like to become more involved in meetings that others have been attending.

Mr. Ivey stated that the Master Plan is working. He said he attended the workshop that was held last night with PMG. He said there was an agenda for the meeting. He said when the discussions vary from the agenda, it draws us off focus and draws the workshop out. He encouraged the Board to stay focused and respect one another. Mr. Ivey said he would speak with Ms. Ponder and stated that he was embarrassed during the meeting.

Dr. Jamison stated that the consultants will be meeting with the students and asked that she be informed of the meeting. She stated that Board members that attend will be there to listen to what the students are saying.

Mr. Ivey stated that if it is public noticed, all Board members can attend.

11. **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:34 p.m.



Hemis Ivey, Jr., Chairman



Becky Groom, Recording Secretary