

**MIDTOWN REDEVELOPMENT AREA BOARD  
MINUTES**

**Tuesday, April 9, 2013**

A meeting of the Midtown Redevelopment Area Board was held Tuesday, April 9, 2013, at 6:00 p.m. in the Commission Chambers, Daytona Beach City Hall, and 301 S. Ridgewood Avenue, Daytona Beach, FL. The following people were present:

**Board Members**

Mr. Martin Tooley  
Ms. Patricia Heard  
Ms. Denise Cato  
Dr. Irma Browne Jamison  
Mr. Kenneth McGee (left at 7:05 p.m.)  
Mr. Hemis Ivey, Chair  
Ms. Shirley Benjamin  
Ms. Kenya Ford  
Ms. Margaret Symonette

**Board Members Absent:**

Mr. Wilburn Williams

**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. Tooley gave the invocation.

**4. Pledge of Allegiance to the Flag**

Ms. Symonette led the Pledge of Allegiance.

Mr. Ivey welcomed the new Board member, Kenya Ford. Ms. Ford stated that she was looking forward to serving on the Board.

**5. Election of Officers**

Mr. Ivey thanked the Board, staff, and City of Daytona Beach for allowing him to serve on the Midtown Board. He stated he would continue to work for the Midtown area.

Mr. Ivey thanked Commissioner Paula Reed, who was in attendance, for allowing him to finish the task of working on the PMG study. He stated he would like to encourage Board members to look at the Master Plan and the PMG study when making decisions.

Mr. Ivey asked that the Board consider Mr. Tooley to serve as Chair for the Midtown Board. He stated Ms. Symonette had done a great job on the Board.

Dr. Jamison stated she did not understand what had happened before in terms of why Mr. Ivey stayed. She stated she did not know Mr. Ivey's term was up and did not know that when the most recent election of officers was held. Dr. Jamison stated she found out information after the fact and asked the election of officers be delayed for one meeting so she could be more aware and the new Board member can be more aware.

Mr. Ivey stated the Board could make a decision to delay the election. He stated the election of officers was on the agenda and he would like to follow the agenda. Mr. Ivey stated Dr. Jamison could make a motion to delay the election of officers, but if it did not pass, the Board would continue with the election.

Mr. Gross stated technically the Board did not have a Chairman but the Vice Chair could serve as the Chair for the meeting. He stated members could vote to delay the election but Mr. Ivey would have to step down from the meeting since his time was up.

**Board Action**

Ms. Heard made a motion to delay election of officers for at least one meeting. Dr. Jamison seconded the motion and the motion failed (2-7), with Ms. Benjamin, Ms. Symonette, Mr. McGee, Ms. Cato, Mr. Ivey, Mr. Tooley, and Ms. Ford casting the negative votes..

Ms. Cato stated that there was a question by Dr. Jamison and her question should be answered. She stated other Board members may not understand why Mr. Ivey's term was extended three months and why the election of officers was held and Mr. Ivey remained in office.

Mr. Gross stated if the motion failed, someone who prevailed could again ask for a motion for the vote to be delayed.

Mr. Gross stated the LDC stated that members have a term limit, but when the Commission approved a resolution appointing a member to the Board, the resolution stated the member served until replaced. He stated the City Commission had not replaced Mr. Ivey whose term had not expired until the last meeting.

Dr. Jamison stated that was conflicting information. She understood that he was allowed to stay until the Board received the PMG report and she thought that was a good thing.

Mr. Gross stated he was just clarifying the legal requirement.

Dr. Jamison stated she believed she was the one who nominated him for Chair but she did not know it was only for a three month period.

Mr. Berger stated this had happened every year with other Boards. He stated ideally Board members should be appointed in January but sometimes there were delays. He stated the City Commission had just made the appointment for a new member on the Board as a replacement. Mr. Berger stated as a courtesy, he had asked the Chair to start the meeting and the transition to the new Chair would be made right after the election.

Dr. Jamison asked if the Board could have requested the Chair remain for another year. She asked if there had been a situation where a member had been allowed to stay for a year, not three months.

Mr. Gross stated the City Commission could not take action formally extending a Board member's position beyond what the Land Development Code allowed. He stated if the City Commission did not act, by virtue of their non-action, the person would remain on the Board. Mr. Gross stated even if the Board had requested the City Commission extend Mr. Ivey's term, they could not.

Mr. Gross stated technically, Mr. Ivey's term ended when the Commission adopted the resolution for the new appointment. He stated that, as a formality, the Board had allowed Mr. Ivey to preside over the meeting. He stated that based on the last vote there was a conflict among Board members. Mr. Gross suggested since Mr. Ivey was not technically on the Board that Ms. Heard take over the meeting.

Ms. Benjamin asked if the Board would continue with the election.

Mr. Gross stated the vote to delay the election was not approved. He suggested Mr. Ivey step down and allow Ms. Heard to take over the meeting.

Ms. Heard stated she understood Mr. Ivey was going to be on the Board but she was trying to clarify if being a Board member and holding a position were two different things. She stated Mr. Ivey could have remained on the Board and back in January they could have had an election and not be going through this.

Mr. Gross agreed.

Mr. Ivey again thanked the Board, staff and City of Daytona Beach and stated he would continue to be involved. He encouraged the Board to continue with the election of officers.

Commissioner Paula Reed presented a plaque to Mr. Ivey for his service on the Midtown Redevelopment Area Board.

Ms. Heard, speaking on behalf of the Board, thanked Mr. Ivey for his time and service on the Board.

#### **Board Action**

Ms. Benjamin nominated Mr. Tooley to serve as Chair. Ms. Symonette seconded the motion and the motion was approved (6-2) with Dr. Jamison and Ms. Heard casting the negative votes.

Mr. Tooley thanked the Board members for electing him as Chair.

Dr. Jamison asked if an election had to be held for Vice Chair.

Mr. Gross stated since there was an election in January according to the Code Ms. Heard would serve as Vice Chair for a term of one year.

#### **6. Approval of Minutes for March 12, 2013**

Ms. Benjamin made a motion to approve the minutes of March 12, 2013, with any necessary corrections. Ms. Ford seconded the motion and it was approved unanimously (8-0).

Dr. Jamison stated on Page 6, in the sixth paragraph, what she was trying to say was she had seen an article about using CRA funds for the blighted area. She stated she was then talking about use of funds by a non-profit. She stated the statement should end with a period after blighted area. She stated the money should go for actual projects and not to supplement private businesses unnecessarily. She stated the last statement in that paragraph was fine.

Mr. Tooley stated on Page 11, second paragraph the third line should say Gould property, not Huger property.

7. **Staff Reports**

**Police Department**

Mr. Tooley asked about the increase in the number of armed robberies and aggravated assaults. He stated the report reflected firearms and domestic violence also increased. Mr. Tooley noted the Police Captain was not in attendance but he would like to know what the Police Department planned to do.

Mr. Berger stated information would be provided to the Board at the next meeting.

**Code Enforcement**

Ms. Cato stated there would not be any local summer programs and feeding programs this summer which she assumed was due to finances. She stated the closest YMCAs were in Port Orange and Ormond Beach so children would be bussed out of the City and some would have no supervised place to go. Ms. Cato stated she was concerned children would be hungry and may take things because they had no money. She stated she would like staff to report at the next meeting why the programs were cut. Ms. Cato stated if it was a Federal feeding program where children can go and pick up a lunch during the summer, it needed to be offered, possibly through the use of volunteers. She stated there would be a high rate of juveniles throughout the City unsupervised and committing crimes.

Ms. Heard asked if Commissioner Reed could address why the program will not be offered in Midtown at the Dickerson Center.

Ms. Cato stated that Sunnyland program had also been closed.

Ms. Heard stated that the Midtown Cultural Center and Ortona Elementary were the only two centers in the area that would be funded. She stated the new Scarlett Golden building that was just constructed will not be used.

Mr. Tooley stated it would be addressed at the next meeting to give Commissioner Reed an opportunity to research the subject prior to addressing it.

Dr. Jamison stated for the summer programs operated by Leisure Services, only two sites will be operational, George Engram and Ortona. She asked if the children from Dickerson would have to go to George Engram.

Ms. Heard stated there will be scholarships offered for the program.

Dr. Jamison stated she was familiar with the Dickerson program since she was there every other day. She stated if necessary a meeting should be called to ask for volunteers in order to keep the Dickerson program since the lunches were

distributed from there. Dr. Jamison asked what the staff at Dickerson will be doing if the lunch program was not offered.

Ms. Heard stated she understood they did not have staff and asked where the money was going. She stated many positions had been cut but salaries were increased on a daily basis almost.

Mr. Tooley stated the item would be addressed at the next meeting and asked Mr. Bryant to provide the information at that time.

Mr. Berger stated he would contact Percy Williamson to obtain the requested information.

8. **Action Item: DEV2013-021, Site Plan/Minor Modification, 885 & 887 West International Speedway Blvd.**

Mr. Bryant stated the request was from Joe Hopkins on behalf of Donald Hawkins to bring the property into compliance with current Land Development Code regulations. He stated the criteria had been met for the site and the property would be used for a motorcycle sales business and an insurance sales office. Staff recommended approval, subject to any outstanding comments being addressed

Mr. Joe Hopkins, 100 Marina Point Drive, Daytona Beach, stated the conceptual plan was presented to the Board in February and since that time the project had gone through staff review. He presented the latest plans for demolition, landscaping, and other site improvements.

Ms. Benjamin asked if the project was on the corner of Adams Street.

Mr. Hopkins stated yes. He stated the insurance sales sign was located on the roof and would be removed.

Ms. Cato asked if that building would come into compliance also.

Mr. Hopkins stated he had spoken to the property owner, Mr. Hawkins, and the sign on the roof would be removed and the building repainted and refurbished. He stated the building to the rear would be refaced.

Ms. Cato asked about the ingress onto Adams Street and if International Speedway Boulevard would be the second entrance.

Mr. Hopkins stated there would be two entrances off of International Speedway Blvd. He stated the site currently had two access points onto Adams Street. He stated there was one adjacent to the insurance building and that driveway was only one lane wide although it was used as a two-way drive. He stated he had talked with the Traffic Engineering Department and had closed that access point

and limited access to ISB. There will be a two-way access from the rear of Adams Street to get to 885 ISB, which was the easterly building.

Ms. Cato asked if the site was in compliance for handicapped.

Mr. Hopkins stated he did not think there was a pavement marking on the ground and the parking was proposed.

Ms. Cato asked if coming out of Adams Street at the traffic signal, there was sufficient room for traffic to proceed to the light without straddling the sidewalk.

Mr. Hopkins stated he thought there was sufficient stacking room and the City's Traffic Engineer agreed. He stated the gate was positioned 20 feet back off the property so a vehicle would not be encumbering the sidewalk when entering or exiting the property.

Ms. Cato asked if the entire surface for both properties would be resurfaced.

Mr. Hopkins stated the condition of the asphalt was good and the overgrown areas will be landscaped but there were no plans to resurface the rear area.

Ms. Cato thought Code would require the entire project comply with appearance standards.

Mr. Hopkins stated a 10 foot landscape buffer had been added on the perimeter and an opaque fence would be installed 10 feet off of the right of way line.

Ms. Cato stated she was concerned about the rocks and she would not drive her car on that surface. She stated if the property was going to come into compliance with appearance standards, the property should be paved as well. Ms. Cato asked about the handicapped parking spaces and stated two were noted on the plans. She asked if the handicapped space would be for both the insurance office and the motorcycle sales office.

Mr. Hopkins stated that yes.

Ms. Cato stated there were 6 parking spaces for 2 businesses, and she was concerned about the handicapped space farthest east to serve both businesses.

Mr. Hopkins stated there was one handicapped space adjacent to the insurance building and one to the east in front of the dealership.

Ms. Benjamin asked if the taxi company would remain.

Mr. Hopkins stated the taxi company was the property to the east and he had no ownership or control on that property.

Mr. McGee stated he was in favor of the proposed project but he would like to discuss the taxi company.

Mr. Hopkins stated he represented the prior property owner before the taxi company. He stated the rules of bringing properties into compliance were not in existence at the level they were today when the property changed hands.

**Board Action**

Ms. Cato made a motion to approve DEV2013-021, Site Plan/Minor Modification, 885 and 887 West International Speedway Blvd. Ms. Heard seconded the motion and the motion was approved unanimously (8-0).

**Public Comments**

There were no public comments.

Mr. Tooley asked why there were no sign-in sheets for the Board.

Mr. Berger stated sign-in sheets were used only at Planning Board and City Commission meetings.

9. **Action Item: DEV2013-029, Johnson's Service Station, 201 South Martin Luther King Blvd.**

Mr. Bryant requested the item be continued to the next meeting. He stated the applicant had been notified and was in agreement with continuing the item until the next meeting.

**Board Action**

Dr. Jamison made a motion to continue DEV2013-029, Johnson's Service Station, 201 South Martin Luther King Blvd., to the May meeting. Mr. McGee seconded the motion and the motion was approved unanimously (8-0).

10. **Action Item: DEV2013-008, Site Plan/Minor Modification, 512/520 West International Speedway Blvd.**

Mr. Bryant stated the request was to utilize the southwest corner of West Street and Charles Street for vehicular storage in the M-1 (Local Service Industry) zoning district. He stated the proposed project met all requirements of the LDC and TRT and staff recommended approval.

Mr. Pete Zahn, 240 S. Palmetto Avenue, stated there was previously a house on the corner of the project that had been removed. He stated there was an existing

fence which would be relocated to the easterly Charles Street right of way and landscaping would be installed along the 10 foot buffer.

Ms. Cato asked if the residents were in agreement.

Mr. Zahn stated they had joined in the application. He stated they had a non-conforming use and stated they were in agreement.

Ms. Cato asked about lighting and noise.

Mr. Zahn stated lighting would be directed into the lot. He stated the southerly portion of the lot would be used for display and the existing building would be used for upholstery work.

Mr. McGee stated if all applications received were as conscientious as that of Mr. Spano, the Board would be blessed.

Ms. Heard stated she had been observing the property since it was originally presented to the Board and she was waiting to see it beautified on ISB.

Mr. Zahn stated there was no landscaping along ISB since it was paved to the edge of the property but there would be landscaping around the corner. He stated he thought the Board would be pleased with the finished project.

### **Public Comments**

There were no public comments.

### **Board Action**

Ms. Symonette made a motion to approve DEV2013-008, Site Plan/Minor Modification, 512/520 West International Speedway Blvd. Ms. Heard seconded the motion and it was approved unanimously (8-0).

Mr. McGee left the meeting.

## **11. Redevelopment Project Updates**

Mr. Bryant stated he and Mr. Berger took Commissioner Reed on a tour of the Midtown area and he presented information provided to Commissioner Reed during the tour.

Mr. Bryant stated sidewalks were being installed on South Street and Cedar Street.

Mr. Bryant asked Board members to contact him with any concerns they may have.

Dr. Jamison asked what the Utilities Department was doing on Martin Luther King Boulevard.

Mr. Bryant stated it was the City crew that cleans pipes and manholes. He stated that PMG presented their report at the last meeting. He asked that any comments regarding their report be sent to him so they can be forwarded to the City Commission. He stated the report would be presented to the Board for approval at their May meeting.

Mr. Berger stated the PMG report would be presented to the CRA in May and the City Commission in June.

Ms. Heard asked if there was a gambling facility at 601 S. MLK.

Mr. Bryant stated it was no longer there.

Ms. Heard asked what Halifax Wrecking Company was doing on Marion Street.

Mr. Bryant stated it was a code issue and it had been presented to the special magistrate.

Mr. Bryant stated 507 Loomis Avenue was a major issue but the property had been secured, the gate locked and he had the key.

Ms. Heard asked about 213 Garden Street.

Mr. Bryant stated it was a police issue where there was fire damage. Mr. Bryant stated that he will take the Building Official to that site to see if we can get permission to demolish the property.

Ms. Benjamin asked about 836 Orange Avenue.

Mr. Bryant stated it was a code issue and a no trespass warrant had been issued for the property.

Ms. Cato stated there were multiple houses listed on the report for Division Street and Fulton Street. She asked if a notice could be placed in the water bills informing people of the paint program since many people could not afford paint.

Ms. Cato stated she had concerns about property that sits empty, then the building was demolished, and someone buys it. She asked who was responsible for property, the property owner or the renter. She stated a lot of houses on Division Street had been empty for years and were slowly decaying.

Mr. Bryant stated he had a list of houses he would forward to the City Commission for approval to be demolished. He stated he would be touring the area with the new Building Official and recommended one company be used to demolish all of the properties in order to get a better rate. Mr. Bryant stated there were about 13 to 15 houses on the list for demolition.

Ms. Ford asked about areas patched on Marion Street and stated she was not in favor of work being done piece meal since it looked unpresentable.

Mr. Bryant stated the area on Marion Street was a quick fix. He received a call about the hole on Marion Street and Public Works patched the area the same the day the complaint was received.

Dr. Jamison asked if there would be any months during the summer when the Board would not be meeting.

Mr. Bryant the Board did not meet last June because the Juneteenth banquet was the same night as the Board meeting but he did not see any conflicts this year.

Mr. Tooley complimented Mr. Bryant on the work done on Marion Street

Mr. Berger stated the wayfinding meeting will be held on April 25 at the Peabody Rose Room from 11:00 a.m. to 7:00 p.m. He stated the City's website had information on the wayfinding project and the LDC rewrite. Mr. Berger stated paper copies of the documents were available for review at the City Clerk's office, City Island Library or the Redevelopment Office.

Mr. Tooley asked what action the County Council took regarding the CRA's.

Mr. Berger stated that the County Council delayed a decision for 60 days so it was scheduled for the first Thursday in June. He stated all of the cities were working to provide information to their City Commissions so a unified message could be presented to the County Council. Mr. Berger stated there had been statements that the CRA discussion would involve existing CRA's such as Midtown.

Ms. Benjamin asked if the Board members would receive a copy of the Midtown budget.

Mr. Berger stated yes. He stated budgets were being prepared and in the past staff had asked Board members to provide input on priorities. He stated the capital budget was set aside for Orange Avenue, with the understanding that it can be used for other projects based on funding received from other revenue sources. He stated staff was trying to determine what it would take to rebuild MLK from ISB to Orange Avenue.

**12. Public Comments**

Commissioner Paula Reed stated she had ridden with Mr. Bryant and Mr. Berger last week through Midtown and some of the buildings were deplorable. She commended the Board for their work. Commissioner Reed welcomed the new Board Member and encouraged her to take a ride through the area.

Mr. Bill Shanks, alternate member of the Midtown Redevelopment Area Board, provided a sketch to each of the Board members outlining proposed parks that could be developed throughout Midtown. Three proposals were for a horseshoe pit, bocce ball court, and a tricycle track. Funding to support the parks could be obtained through sponsorships.

Mr. Shanks suggested allowing the Fire Department to use abandoned buildings for fire training sites as opposed to paying someone to demolish them.

Mr. Tooley recognized past-Commissioner Edith Shelley and Mr. Bethune in attendance at the meeting.

**13. Board Comments**

Ms. Cato thanked Commissioner Reed for her involvement in the community.

Ms. Cato stated she thought the Board members were shocked to find out Mr. Ivey was no longer on the Board. She stated that as a Board, they deserved clarification. She stated the Board members volunteered their time and she repeatedly asked questions, but got no answers. Ms. Cato stated when projects were presented to the Board projects had already been started. She stated when Spano's was presented the first time, it had already been started. Ms. Cato stated she saw many things happening in Midtown then it was presented later on the Board agenda. She stated she would appreciate the Board being advised fairly. She hoped the Orange Avenue project was started at Nova Road to Beach Street. Ms. Cato thanked Mr. Bryant and Mr. Berger for the work they did on behalf of the Board. She stated she looked forward to working with Mr. Tooley and Ms. Heard

Ms. Benjamin congratulated Mr. Tooley on being elected Chair and stated she looked forward to working with him.

Ms. Symonette congratulated Mr. Tooley on being elected Chair. She thanked Mr. Bryant for the work he did for the Board.

Ms. Ford thanked the Board for allowing her to serve. She congratulated Mr. Tooley on being elected Chair and stated she looked forward to working with Mr. Tooley and Ms. Heard. Ms. Ford thanked Mr. Bryant and Mr. Gross for the time

they spent with her helping to prepare her for her first Board meeting. She stated she looked forward to working with everyone.

Dr. Jamison stated she thought everything related to the Board happened at the meetings but she heard throughout the community what was going on. She stated they could not assume they knew something and more transparency may be necessary. She stated she did not want to know everybody's business but wanted to know what affected the Board and her community. Dr. Jamison stated she agreed with Ms. Cato on the Orange Avenue project that it needed to start at Nova Road and go toward Beach Street. She stated there should be Downtown money included in the funding for the project. She also stated the area from ISB to Orange Avenue should be paved. She stated if you were going to do the road on MLK, the project should continue.

Ms. Heard congratulated Mr. Tooley on being elected Chair. She stated she agreed with the comments made regarding ISB to Orange Avenue. She stated she was concerned about posters placed on poles. She stated Code Enforcement should warn violators one time and then fine them. She stated that large posters took away from the appearance of the community.

Ms. Heard stated that the Juneteenth banquet would be held on June 13. She stated BCU conducted a women's conference this past weekend and she talked about Second Avenue. She stated sooner or later, they would be talking about MLK because it was a great street during the day.

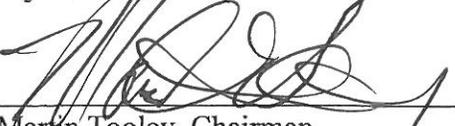
Ms. Heard thanked Mr. Bryant, Mr. Gross, and Mr. Berger for all of their hard work. She thanked the Board for the confidence they had placed in her.

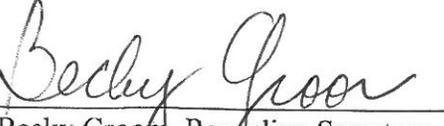
Mr. Tooley thanked everyone for having confidence in him to serve as the Chair. He stated his heart was in Midtown and he lived in the house he was born in. Mr. Tooley thanked Commissioner Reed for her attendance at the meeting. He welcomed Ms. Ford to the Board and thanked staff for all of their hard work and thanked Ms. Groom for her work.

Mr. Tooley encouraged Board members to contact Mr. Bryant or Mr. McLemore with any concerns they may have.

**14. Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 7:52 p.m.

  
Martin Tooley, Chairman

  
Becky Groom, Recording Secretary