

**MIDTOWN REDEVELOPMENT BOARD
MINUTES OF THE
COMMITTEE MEETING
Tuesday, January 5, 2021**

The committee meeting of the Midtown Redevelopment Board was held Tuesday, January 5, 2021, at 3:00 p.m. in the City Commission Chambers, Daytona Beach City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

Board Members Present

Mr. Shawn Collins, Chair
Mr. Pierre Louis

Board Members Absent

Ms. Tangelia Hardy

Staff Members Present

Mr. Reed Berger, Redevelopment Director
Mr. Ben Gross, Deputy City Attorney (left the meeting at 4:30 p.m.)
Mr. Robert Jagger, City Attorney (attended meeting following departure of Mr. Gross)
Ms. Jennifer Lynch, Office Assistant

1. Call to Order

Mr. Collins called the meeting to order at 3:00 p.m.

2. Public Comments by Persons Addressing the Committee

The procedures for persons wishing to address the Committee were included as part of the packet and reviewed by Mr. Gross. Mr. Collins expressed concern about the wording and felt the item is confusing with Item 4, Public Comments. Mr. Gross stated he would express Mr. Collins' concerns to the City Attorney regarding the confusion.

3. Discussion of Strategies for Presentation to the City Commission

Mr. Collins stated he spoke to the City Commission at a meeting in October. Mr. Collins stated at that meeting, he was advised that the City Commission would place an item on the agenda to give Mr. Collins an opportunity to return to the City Commission to further express the vision and concerns of the Midtown Redevelopment Board. Mr. Collins stated

the purpose of the committee meeting today is to finalize the strategy of what will be presented to the City Commission, hopefully in January or February. Mr. Collins stated a date was not identified for his presentation to the City Commission. Mr. Collins stated it may be the CRA, not the City Commission, that he will address.

Mr. Berger stated in the Land Development Code, the City Commission is identified as the body to which the Midtown Redevelopment Board would report.

Mr. Gross stated it would be the City Commission that the Board would address and the City Commission may assign some responsibilities through the CRA. Mr. Gross stated there is no reference in the Land Development Code regarding the CRA overseeing the City's Redevelopment Boards.

Mr. Collins stated he feels he will make a recommendation to the Midtown Redevelopment Board at their meeting next week that he be placed on the CRA agenda, not the City Commission.

Mr. Collins provided an outline of what he plans to present. Mr. Collins stated he will start by introducing himself to the CRA, noting the individuals listed on the City's website are not the current Board members and that listing needs to be updated.

Mr. Collins stated he estimates he will need 20 minutes to address the CRA. Mr. Collins stated he feels Mr. Louis should make a presentation on the historical perspective of the Midtown Redevelopment Board; and then the future plans for the Board will be discussed. Mr. Collins stated he does not know who will make that presentation and it may include other Board members, and that will be determined at the Board meeting on January 12, 2021. Mr. Collins stated he would like to discuss how the Board does business and how it functions.

Mr. Collins stated he made revisions to the proposed agenda for next week's meeting and Mr. Berger advised him he would get back with him on the suggested changes.

Mr. Gross stated if Mr. Collins has questions about who should set the agenda, he should address that with the City Commission and the City Commission could provide direction to the City Manager on that issue.

Mr. Louis stated the Land Development Code outlines the procedures for the Board and asked who would make changes to those procedures, the CRA or the City Commission.

Mr. Gross stated the City Commission would make changes to the procedures. Mr. Gross stated if a procedure the Board would like to put in place is in direct conflict with the Land Development Code, a Code amendment would be necessary. Mr. Gross stated if the Board wants to implement a procedure that staff cannot support, that would also go to the City Commission.

Mr. Louis stated the Land Development Code states the Board will establish procedures; and changes may need to be presented to the City Commission.

Mr. Gross stated Section 2.3.b.1.a states the Board does not need anyone else's approval to adopt rules concerning the Board's proceedings. Mr. Gross stated if the Board wants to expand its powers and duties, that would have to be addressed by the City Commission. Mr. Gross stated the City Manager or staff does not feel a policy change for the Board is necessary, then that would be presented to the City Commission for their direction.

Mr. Collins asked about setting the agenda.

Mr. Gross stated staff generates the agenda and all staff work for the City Manager, and staff must work under the City Manager's direction. Mr. Gross stated if Mr. Berger prepares an agenda, and Mr. Collins wanted to change it, and Mr. Berger's directive from the City Manager was to not make the change, Mr. Berger ultimately works for the City Manager and not the Board.

Mr. Collins stated he thought Mr. Gross had told him the Board could set the agenda.

Mr. Gross stated he did not recall saying that but will review the Land Development Code to determine if that is outlined in the procedures for the Board.

Mr. Collins stated he had previous concerns that meetings were cancelled without consulting with the Chair.

Mr. Gross stated there is no reference to an agenda in Section 2.3 and the question is does the Board have the power to create its own agenda. Mr. Gross stated in Section 2.3.b.1.a reads that the Board has the power to adopt rules governing its procedures, to conduct regular meetings, call special meetings, and create committees. Mr. Gross stated there is an argument that does give the power to create an agenda; but when it comes to printing an agenda, and you have staff not willing to print a specific agenda, the Board's issue at that point is with the City Manager

and the chain of command. Mr. Gross stated if the City Manager does not want to produce a specific agenda, it would be up to the City Commission to provide direction. Mr. Gross stated Section 2.3.k states each Redevelopment Board may adopt rules of procedure.

Mr. Gross stated there is a reference to cancellations of meetings in the Land Development Code, Section 2.3.h.1, which states "cancellation may be made upon a determination". It does not say by the Chair.

Mr. Collins stated part of the proposed bylaws states cancellation may be made by the Chair.

Mr. Gross stated until the City Commission addresses the issue, staff can cancel a meeting.

Mr. Louis stated he applauds the Chair for addressing these issues. Mr. Louis stated when he attended previous meetings prior to serving on the Midtown Board, the Chairs talked about preparing the agenda for the Board meetings. Mr. Louis stated he was then appointed Chair and there are minutes that will reflect that he talked about this exact same issue and he addressed the City Commission about the exact same issue. Mr. Louis stated the new Chair is now talking about the same issue. Mr. Louis stated the procedures should be established so the next Chair is not going through the same process again.

Mr. Collins stated nothing needs to be changed in the by-laws, nothing needs to be changed in the Land Development Code, and nothing needs to be changed in the Florida Statutes. Mr. Collins stated he is talking about one individual's way of doing things compared to how the entire Board would like to have things done. Mr. Collins stated he wanted to list items on the agenda as 7a and 7b and Mr. Berger stated the items should be listed as a and b. Mr. Collins stated Mr. Berger should not be fighting him on such a minor issue and the only issue is that it is a matter of how Mr. Berger has done things in the past.

Mr. Berger stated he is not fighting Mr. Collins and merely was making a suggestion on how things are formatted. Mr. Berger stated the agenda has to go through a final review and approval by the City Manager and then a final agenda will be generated.

Mr. Collins stated there is confusion on "that's the way we've done it" to "that's the only way we're going to do it."

Mr. Gross stated the proposed changes to the by-laws would not be an issue under the Land Development Code.

Mr. Collins stated items he would like to discuss with the CRA include more control over the budget; review of projects; recommendations on CRA agenda items; and regular reports from the CRA Chair on the CRA's agenda.

Mr. Gross stated in reference to the item of more control over the budget, does Mr. Collins mean that he wants the Midtown Board to have input into the Midtown Redevelopment Area's CRA Tax Increment Fund Budget.

Mr. Collins stated he is referencing any money spent in Midtown and referred to the \$300,000 spent on benches in Midtown. Mr. Collins stated those would include funds from the CRA budget as well as any other funds that have been allocated for projects in Midtown, such as gas tax funds. Mr. Collins stated for the Board members to review the budget would not delay the process.

Mr. Gross stated the CRA could delegate authority to the Midtown Redevelopment Board to review the CRA budget; and authority for reviewing capital projects for Midtown that don't include CRA funds would be addressed by the City Commission.

Mr. Louis asked what the amount is that is budgeted for Midtown for this fiscal year.

Mr. Berger stated he did not have the figure with him but the amount for the Debt Service is expended first before any funds are used for projects.

Mr. Louis stated he likes what Mr. Collins has proposed for the CRA presentation. Mr. Louis stated there was a recent article in the Daytona Beach News-Journal about the history of Midtown but he was hoping it would address what will happen in Midtown in 2030 or 2040. Mr. Louis stated he wants the City Commission/CRA to know that the Board is forward-thinking and progressive. Mr. Louis stated he serves on several boards and this is the only board that he has ever served on as the Chair that he has not set the agenda.

Mr. Collins stated the business owners in Midtown should be coming to the Midtown Board to let them know of their successes. Mr. Collins stated during last month's meeting, there was discussion of funding a training program, and the Strategic Plan indicates one of the goals of the plan is to provide training and education opportunities; yet Mr. Berger told him funds could not be used for the item that was being discussed. Mr. Collins stated it is Mr. Berger's job to find ways to do things yet Mr. Berger states things cannot be done. Mr. Collins asked at the last meeting for the status of the GIS files – and he stated he wanted a yes or no answer from Mr. Berger – and the answer was no. Mr. Collins stated he asked about the 3d

module and Mr. Berger said no. Mr. Collins stated there were 4 items he asked about and Mr. Berger said no to each, not because they were illegal or unethical, but merely because he does not want to do them.

Mr. Berger stated his concern about the training dollars was because the attorney that was present was not familiar with CRA's; but since Mr. Berger is, he wanted to make sure the Board knew that spending funds for training is not something that can be done with CRA funds. Mr. Berger stated the city could use other funds for that type of proposal. Mr. Berger stated the Board does not have the authority to allocate the use of funds from the CRA. Mr. Berger stated the board is not in an advisory position concerning policy.

Mr. Collins asked if Mr. Berger is saying the Redevelopment Boards do not have the authority to make recommendations on their budgets.

Mr. Berger stated that is correct.

Mr. Collins asked why the items, such as the GIS mapping, were turned down.

Mr. Berger stated those items require staff time and he cannot independently start spending time on those items.

Mr. Collins stated is Mr. Berger saying City Manager Chisholm micro-manages him to the point that he cannot make a phone call to the GIS Department to create a layer of all of the projects in Midtown.

Mr. Berger stated no; but Mr. Collins needs to understand that if additional resources are going to be used, the request has to be processed through a chain of command. Mr. Berger stated Mr. Collins' requests were sent through the chain of command and the response was no; and he does not have the direction to proceed with the items requested by Mr. Collins.

Mr. Collins asked if when Mr. Berger was talking with Mr. Morris and he said no to Mr. Collins' request, Mr. Berger didn't respond that the items would not take much time.

Mr. Berger stated Mr. Collins is making an assumption that Mr. Morris said no but Mr. Berger stated Mr. Morris would check with the City Manager on such a request.

Mr. Louis stated regarding the item of funding for training, it should not be addressed as funding for training but funding for employment.

Mr. Collins stated he does not see things being done that the Board wants to do without changes being made administratively.

Mr. Collins asked about the hierarchy of documents that regulate Midtown and asked about the Master Plan and the Strategic Plan.

Mr. Berger stated the Redevelopment Plan is the document that must be followed; and within that plan is an addendum which is the Midtown Master Plan. Mr. Berger stated the Strategic Plan is not adopted or placed into any document and is a planning tool. Mr. Berger stated the Strategic Plan is provided to potential investors so they have information on strategies for retail development.

Mr. Collins stated based on what Mr. Berger stated, the Strategic Plan cannot be used to justify the expenditure for training that the Board discussed at last month's meeting. Mr. Collins stated he would like to determine if the Board is prohibited from using those funds for training.

Mr. Gross stated the Redevelopment Plan is not the sole source of constraints or authority to determine the expenditures of Redevelopment funds. Mr. Gross stated the main source of authority is the Florida Statutes. Mr. Gross stated it is necessary for funds to be used to implement the Redevelopment Plan; but a purpose or statement in the Redevelopment Plan may not be sufficient by itself for that implementation.

Mr. Gross left the meeting at that time; and Mr. Robert Jagger, City Attorney, sat in for the remainder of the meeting.

Mr. Berger asked if Mr. Collins would like the draft document he presented for discussion at the City Commission meeting included as part of the packet for next week's Board meeting.

Mr. Collins stated yes.

Mr. Jagger asked Mr. Collins if he had any issues he could address for him.

Mr. Collins stated the Midtown Board has been nothing but a rubber stamp board; and Mr. Collins is concerned about the number of cancellations of meetings of all of the Redevelopment Boards. Mr. Collins stated the reason the meetings are cancelled is because staff has cancelled the meetings. Mr. Collins stated there is confusion on who is running the Board. Mr. Collins stated the members have no input into the Board.

Mr. Jagger stated the proposed agenda presented today should be presented to the Redevelopment Board at its next meeting to get approval by the Board of the items to be presented to the City Commission.

Mr. Collins stated Mr. Berger provided him with a proposed agenda for next week's Board meeting and Mr. Collins suggested a few changes. Mr. Collins stated Mr. Berger had listed items under Item 7 as a and b and Mr. Collins suggested changing them to 7a and 7b.

Mr. Jagger asked if there is a problem with the change Mr. Berger made but noted the item was still listed on the agenda.

Mr. Collins stated yes and asked why that is so important that Mr. Berger had to change it.

Mr. Jagger stated the city has formatting procedures in terms of agendas. Mr. Jagger stated the most important thing is that Mr. Collins made his point at a public meeting. Mr. Jagger stated Mr. Gross has kept him informed as far as what is going on with the Midtown Board and the reason for today's meeting.

Mr. Collins stated Mr. Jagger is missing the point and further stated Mr. Berger told him he would get back with Mr. Collins as to whether the items would be listed as 7a and 7b.

Mr. Collins commended Mr. Gross for the great assistance he provides to the Board.

4. Public Comments

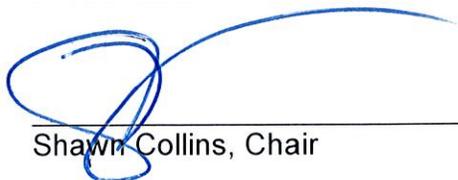
There were no public comments.

5. Board Comments

There were no additional Board comments.

6. Adjournment

There being no further business to come before the Board, the meeting was adjourned.



Shawn Collins, Chair



Becky Groom, Board Secretary