

**MIDTOWN REDEVELOPMENT  
AREA BOARD MINUTES**

**May 10, 2011**

There was a meeting of the Midtown Redevelopment Area Board held Tuesday, May 10, 2011 at 6:00 p.m. in the City Hall Commission Chambers at 301 South Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

**Board Members**

Ms. Johnnie Ponder (Chair)  
Mr. Hemis Ivey (Vice-Chair)  
Ms. Shirley Benjamin  
Ms. Patricia Heard  
Mr. Ken McGee (excused 8:28)  
Ms. Denise McMillon

**Staff Members Present**

Mr. Paul McKittrick, Deputy City Manager/Development Services Director  
Mr. Reed Berger, Redevelopment Director  
Ms. Carrie Lathan, Assistant City Attorney  
Mr. Percy Williamson, Leisure Services Director  
Ms. Lynn Parfitt, Deputy Leisure Services Director  
Captain Craig Capri, Police Department  
Off. Eddie Lopez, Code Enforcement  
Ms. Cathleen Olson, Recording Secretary

**1. Call to Order**

Ms. Ponder called the meeting to order at 6:03 pm.

**2. Roll Call**

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

**3. Approval of Minutes: April 12, 2011**

Ms. Ponder noted corrections on page one, in that Ms. Carrie Lathan was present at the prior meeting and not Mr. Ben Gross, nor was Mr. Rich Walton present, and corrected the spelling of Mr. Julio Holness' name on page 11.

**Board Action**

Mr. Ivey made a motion to approve the minutes of April 12, 2011 with corrections. Ms. Benjamin seconded the motion and it was approved unanimously (6-0).

**4. Staff Report**

(a) Police Department Report

There was no Police report, due to the Police Department changing to quarterly reports.

Ms. Ponder noted the groundbreaking for the new PAL Center.

Mr. Percy Williamson, Director of Leisure Services, expressed his appreciation for the community support of the farewell reunion for the Cypress Recreation Center, outlining the rich history of the center. He presented a brief summary of the new Midtown Cultural and Educational Center, noting that two grants had been awarded: \$600,000 in 2008 and 2009 from the ECO Board through the County. He stated that the construction project was \$4.5 million and outlined the changes from the original plan presented in 2009 to the plan proposed currently, highlighting the phases of the current plan including the aquatic center; the cultural center, educational center, and gymnasium; and the outdoor activities. He stated that the construction timetable was ten months, with completion in March of 2012, under contract with Ajax Construct. He stated that there would be a full regulation gymnasium, as well as music and dance studios and a culinary arts classroom.

Ms. McMillon asked if there would be space available for weddings or receptions or other social groups.

Mr. Williamson stated that there would be space available, and the kitchen facilities could accommodate culinary facilities.

Ms. Lynn Parfit, Leisure Service Deputy, stated that the gallery and lobby area was over 1,800 square feet, with the dance area to accommodate overflow, and the kitchen/culinary area accommodating both catering services and classrooms. She also highlighted pre-kindergarten classrooms, an arts center, a computer center, and other facilities.

Ms. Heard emphasized the need to take advantage of the great opportunity of the cultural center, and asked about the possibility of naming rooms for contributors to the Midtown community.

Mr. Williamson stated that rooms would be available for sponsorship, with the question of naming rights becoming available approximately halfway through the construction process.

Ms. Heard expressed concern with Bonner Elementary School not being included in the project, emphasizing that the City needed to work with the School Board in preserving the history of Bonner Elementary.

Ms. McMillon asked about the capacity of children who could participate in the after school programs.

Mr. Williamson stated that currently there were between 80 and 110 students from 14 schools enrolled, with 225 signed up for summer camp, but the student capacity at the new facility would be governed by staffing levels.

Ms. McMillon asked about the capacity for the facility's gym.

Mr. Williamson stated that the gym could seat a capacity of 350 people.

Ms. Heard questioned when the south end of Martin Luther King, Junior Boulevard would be considered for a meeting center.

Mr. Williamson stated that the Dickerson Center was at the corner of Orange Avenue and MLK and less than a mile from Fremont Avenue. He also noted his appreciation for the City of Daytona Beach for building multiple community centers in the difficult current economic climate.

Ms. Parfit stated that the Yvonne Scarlett-Golden Center emphasized more theater, arts, and creative writing, with an arts gallery and an environmental learning center.

Ms. McMillon asked how many jobs would be opened by the centers.

Mr. Williamson stated that most staff positions would be filled by existing staff members, but at least three positions would be created at the Yvonne Scarlett-Golden Center.

Ms. Ponder emphasized the need for Ajax Construction to consider employing more African-Americans during construction.

Ms. Parfit stated that the need to employ minorities had been discussed at their last meeting, and the subcontractors had acknowledged the need to take locals into consideration.

Ms. McMillon asked if special events would be affected by the Midtown plans.

Mr. Williamson stated that the Juneteenth Celebration area was entirely intact during construction, and outlined adjusted parking, with 75 additional spaces and overflow into the field.

Ms. Benjamin asked if there were any scholarships available for pool memberships during the summer.

Mr. Williamson stated that all program memberships had a percentage of scholarships, noting that no child would be turned away.

Ms. Benjamin asked about the cost of sponsoring a child.

Ms. Parfit stated that sponsorship letters were being sent out, with 25 child lessons and 20 adult lessons for \$20.

Mr. Williamson noted that the coming Juneteenth Celebration was expected to be at least as big as previous years.

Ms. Ponder stated for the record that the Board welcomed all updates regarding the Cultural Center and invited Mr. Williamson to return.

(b) Code Enforcement

Off. Lopez updated the Board on recently demolished Code cases, including 556 Wallace Street, 639 Division Street, and 208 Jefferson Avenue. He also noted Code Enforcement's efforts to maintain vacant lots on Mary McLeod-Bethune Boulevard and Martin-Luther King, Jr. Boulevard. He stated that he had spoken to the manager and property owner of the tire shop on MLK and El Dorado, and the manager had requested time to remove the vehicles in violation and would be going before the Code Board no later than July.

Ms. Ponder asked for updates regarding the ice machine on Orange Avenue.

Off. Lopez stated that he had spoken to the owner of the property and needed clarification as to the Code regarding ice machines, but had cited the owner for having no permits on the property.

Ms. Benjamin noted ongoing concern with gatherings and potential narcotic sales on the property on the corner of Orange Avenue and Martin Luther King, Junior Boulevard.

Off. Lopez stated that congregation on vacant lots was not a Code issue.

Ms. McMillon stated concern that after Police presence decreased, in a particular area, people tended to begin to commence again.

Ms. Heard asked for Off. Lopez' contact information.

Off. Lopez stated that his phone number was (386) 547-8720.

Mr. Ivey asked for updates regarding the demolition of the green house on Lincoln Street.

Off. Lopez stated that he did not have current information but would get back to the Board.

Ms. McMillon asked for updates as to the status of 836 Orange Avenue.

Off. Lopez stated that there was an open case and a running fine on the property.

(c) Zoning Report

Mr. Paul McKitrick stated he would answer any questions or take any comments from the Board regarding zoning.

Ms. Ponder asked for clarification as to why the grocery store on Orange Avenue was allowed, noting that per the Land Development Code, any property that changed use after three months of vacancy should come back before the Board.

Mr. McKitrick stated that subsequent to the decision regarding the grocery store, City Commission had discussed the site plan approval review authority of all the Redevelopment Boards and confirmed that the Midtown Board would continue to review all changes of use or reestablishments after three months. He stated that Ms. Colleen Miles previously misunderstood the process, but now understood everything that should come before the Board. He acknowledged issues with a variety of zoning districts on Orange Avenue, West International Speedway Boulevard, and Mary McLeod-Bethune Boulevard, and noted that when the Florida A&M Master Plan was complete, the varied zoning districts would be replaced with Redevelopment districts. He stated that per the current Code, Mary McLeod-Bethune Boulevard, ISB, and Orange Avenue all allowed retail sales such as convenience stores and grocery stores. Until zoning districts were changed, the Board needed to amend the list of prohibited uses as an interim solution.

Ms. Ponder stated that the Board had voted to recommend allowing large grocery stores but not smaller mom-and-pop stores.

Mr. Ivey stated that those smaller stores tended to become hang-out spots which resulted in more criminal activity, and the three to four-times price mark-up from a regular large grocery store was hurting the community.

Mr. McKitrick asked if the amendment of prohibited uses should be tied into the FAMU Master Plan or if it should be done sooner.

Mr. Ivey stated that the prohibited uses needed to be amended before the implementation of the FAMU Master Plan, emphasizing the need to raise design standards of Midtown.

Mr. McKitrick stated that his recommendation was to make a motion to amend the prohibited uses to disallow detrimental businesses, noting that nothing could be done administratively without an official vote. He stated that the Midtown Board's recommendation would not go before the other Redevelopment Boards, but would then go before the Planning Board, and if approved, building permits would not be issued for those uses.

Mr. McGee asked if the "shell zoning" was similar to overlay districts.

Mr. McKitrick clarified that the shell zoning would be replaced antiquated straight zoning districts.

Mr. McGee questioned whether prohibiting convenience stores would eventually be problematic in the implementation of the neighborhood "mini-centers" proposed by the FAMU Master Plan.

Mr. McKitrick stated that if the Board voted to prohibit convenience stores, they would not be allowed in the FAMU Master Plan, but the Board could decide to re-amend the LDC to allow convenience stores in the future.

Ms. McMillon expressed her concern regarding the absence of Ms. Miles at the previous meeting, noting that Board members were held accountable for their presence at Board meetings and other functions. She stated her concern that the convenience store functioned as a pharmacy as well, with many local, state, and federal guidelines to be met, and there was also a used clothing store across the street without any visible permits. She also noted problems with a general negative influence associated with the sale of wine and beer from convenience stores, and reiterated the negative impact of price gouging in smaller convenience stores.

Mr. McKitrick stated that Juan Davis was the occupational business license officer and dealt with hundreds of unlicensed businesses, and that if a property had running water, it could open a business. He stated that as per the LDC from the mid-1980s, it was not required that the Redevelopment Board approve all business permits and licenses.

Ms. Ponder emphasized that zoning interpretation was based on subjective interpretation and not objective standards.

Mr. McKitrick stated that the City Commission had acknowledged that only the Midtown Redevelopment Board would have oversight responsibility in the future.

Mr. Ivey asked at what point Clarion would come to the Midtown Board to ensure that input was considered.

Mr. McKitrick stated that when the Clarion contract was originally presented to the CRA for approval, it called for Clarion to make presentations to the three Redevelopment Boards and not the CRA, which the CRA subsequently changed to ensure CRA involvement. He stated that it was not financially feasible to bring Clarion in for special meetings with each Board, at a cost of \$5-10,000 per visit. He stated the budget only allowed for the Clarion team to come in for public meetings after each module was completed. He stated that module one was completed around Thanksgiving 2010. Hopefully they would return within a few weeks to meet regarding module two, and a few months later for module three.

Ms. Ponder asked for clarification as to the zoning of the tire shop on Martin Luther King, Jr. Boulevard.

Mr. McKitrick stated that the zoning was Business/Automotive, but the service needed to be within the building.

Ms. McMillon asked for clarification as to cars on paved services abutting sidewalk.

Mr. McKitrick stated that he would check the zoning and meet with the zoning technician to clarify what sort of automotive service and storage was allowed. He also asked the Board if the problem was fundamentally convenience stores or beer and wine sales by convenience stores.

Mr. Ivey stated that the problem was more far-reaching than the beer and wine sales by convenience stores.

Mr. McKitrick stated that he was willing to attend future meetings if the Board deemed it helpful, emphasizing the importance of the Board's efforts in conjunction with FAMU.

**5. DEV2010-025 LDC TEXT AMENDMENT, Social Service Regulations**

Mr. Jeffries outlined the discussion from the April 27 City Commission workshop regarding the regulation of social services in Redevelopment Areas, and presented a summary of the City Commission discussion on the proposed alternative social service ordinance. He noted that County-wide, 60% of Social Services were in Daytona Beach, with 5% in Midtown, and outlined the list of prohibited uses. He noted the addition of congregate meal facilities and temporary labor halls and

emphasizing the need to prohibit programs that draw homeless individuals into the Redevelopment area.

Ms. Ponder questioned if the Social Service businesses could be moved away from the Redevelopment areas.

Mr. Jeffries stated that many Social Services were allowed in M5 zoning.

Mr. Ivey asked if Midtown could include convenience stores as a prohibited use as South Atlantic proposed.

Mr. Jeffries stated the intent of the current discussion was to list desired prohibited uses for discussion then voted on at the next meeting.

Mr. Ivey emphasized the need to ensure that convenience stores could not be opened under the guise of a grocery store.

Mr. Jeffries clarified the definition of a grocery store as exceeding 5,000 square feet, and providing grocery, deli, and day-to-day goods.

Mr. Ivey asked about the possibility of limited small, storefront churches.

Ms. Lathan stated that churches could not be limited as it would restrict religious freedoms.

Ms. McMillon questioned liquor stores near church property.

Ms. Lathan stated that per alcohol regulations, no sales of alcohol except beer and wine were permitted within 200 feet of a church or a school.

Mr. Jeffries stated that issues with churches would be dealt with within the Clarion rewrite.

Mr. Ivey questioned prohibiting used clothing and/or furniture stores, emphasizing the need to attract quality businesses while acknowledging the need to avoid flea markets.

Mr. Jeffries clarified that flea markets were prohibited in all Redevelopment areas.

Ms. Benjamin asked if there had been more than three specifically prohibited uses recommended by the Midtown Board.

Mr. Jeffries clarified that all Redevelopment Board comments regarding generally prohibited uses across all Redevelopment Areas as well as Midtown-only would be considered.

Ms. Lathan stated that the next step would be to consider Redevelopment comments and submit a new version of the Land Development Code rewrite indicating new additions.

Mr. Jeffries noted that prohibited use recommendations by all Redevelopment Boards would be included under general prohibited uses and not by Redevelopment area.

Mr. Ivey stated that this version of the LDC rewrite seemed to be progressing positively, only needing adjustments.

Ms. Ponder asked if mobile car washes could be included.

Ms. Lathan stated that car washes would be regulated by federal stormwater guidelines.

Ms. Benjamin asked for clarification of the strike-throughs in the memos.

Mr. Jeffries stated that the strike-throughs signified that the language had been deleted from the LDC, clarifying that terms such as Turkish Baths were outdated, while massage parlors were regulated by the state.

Ms. Lathan further clarified that the questionable unlicensed massage parlors would be considered illegal and as such would not be regulated by Code, but could only be regulated by Police.

Ms. Benjamin asked for clarification as to the term “mission”.

Ms. Lathan stated that “mission” was an antiquated term that was now broken down into more specific components.

Ms. Heard asked for clarification as to community residential homes.

Ms. Lathan stated that community residential homes were a specific use regulated by the state.

Mr. Jeffries stated that he would present a revised proposed draft to the Board in June before it went to the Planning Board.

Ms. McMillon asked when Clarion would return.

Mr. Jeffries stated that he was unsure of Clarion’s exact schedule, but that if available he would provide it at the next meeting.

Ms. Heard asked about the possibility of phone conferences in lieu of meetings.

Mr. Jeffries stated that Clarion was relying on Staff information, but emphasized that module two of the Clarion rewrite would be presented to the Board for review.

Ms. Ponder emphasized the need to work with Mr. Charles Bryant in the review process.

**6. Midtown Master Plan Workshop**

Mr. Berger stated that the next FAMU workshop would take place on May 25, noting that requests for architectural information and input had been sent to Professor Hoffman at FAMU.

Ms. Ponder noted that while FAMU was not going to write the LDC amendments, they were willing to assist in drafting.

Mr. Berger stated that FAMU would give bullet-point recommendations for Clarion to incorporate into their detailed Code rewrite with Staff.

Ms. Ponder asked for clarification as to the Staff involved with the rewrite.

Mr. Berger stated that the Planning Board and the City Commission were the entities responsible for the decisions, while Mr. Jeffries working with Mr. Bryant would be writing the language of the Code.

Ms. Ponder emphasized the need for the Master Plan to come back before the Board.

Mr. Berger stated that the Master Plan would come back before the Board for review.

Mr. Ivey stated that the workshops were very beneficial in developing the Master Plan, and recommended considering asking the CRA to extend the contract with FAMU to ensure a strong long-term Land Development Code.

**7. Economic Incentives**

Mr. Berger stated that there were no new updates regarding economic incentives.

Ms. Ponder emphasized the need to look into matching grants.

Mr. Berger stated that he was working with Mr. Bryant to look into matching grant, and researching other cities as models.

**8. Redevelopment Project Updates**

Mr. Berger stated that Mr. Bryant had been working on 208 Jefferson as an ongoing problem, noting severe problems and aggressive Police interference, and acknowledged that the car wash on MLK still needed work.

Ms. McMillon asked if the car wash met state regulations.

Mr. Berger stated that he would confirm that information and follow up with the Board.

**9. Public Comments**

There were no public comments

**10. Board Comments**

Ms. Heard emphasized the need to encourage the contractor for the PAL Center to hire local minority sub-contractors and day-laborers. She also recommended considering funding a brick at the new PAL Center from the Midtown Board.

Ms. Benjamin asked when new Board members would be appointed.

Mr. Berger stated that notice had been put out for new applications, noting issues with eligibility.

Ms. Benjamin asked for an update regarding the flood areas, noting patched streets.

Ms. McMillon asked for clarification as to where to \$70,000 for the Orange Avenue project came from.

Mr. Berger stated that the Orange Avenue Project funds came from the motor fuel tax dollars.

Ms. Heard asked when progress would be seen on the Orange Avenue project.

Mr. Berger stated that there would be a public workshop, in the near future, addressing utilities and flooding issues.

Ms. Ponder stated that the Juneteenth celebration would take place on June 14 and recommended that the June 14 Midtown meeting be adjusted in consideration of Juneteenth.

Ms. Heard recommended moving the June Midtown meeting to allow for Board members to fully participate in Juneteenth.

It was the consensus of the Board to have the June 14<sup>th</sup> meeting at 4:00 p.m.

Ms. McMillon commended the Board members for their efforts in being observant, protective and proactive regarding Midtown, as well as the City Attorney and City Staff.

**11. Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 8:39pm.

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Johnnie Ponder, Chairman

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Cathleen Olson, Board Secretary