

**MIDTOWN REDEVELOPMENT AREA BOARD
MINUTES
Tuesday, September 10, 2013**

A meeting of the Midtown Redevelopment Area Board was held Tuesday, September 10, 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

Mr. Martin Tooley, Chair
Ms. Patricia Heard
Mr. Wilburn Williams
Mr. Kenneth McGee
Dr. Irma Browne Jamison
Ms. Kenya Ford
Mr. Tony Barhoo

Board Members Absent:

Ms. Denise Cato (excused absence)

Staff Members Present

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

1. Call to Order

Mr. Tooley called the meeting to order at 6:01 p.m.

2. Roll Call

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

3. Invocation

Bishop Samuel Butts of Butts Miracle Temple gave the invocation.

4. Pledge of Allegiance to the Flag

Mr. McGee led the Pledge of Allegiance.

Mr. Tooley welcomed Pastor Barhoo as a new member of the board.

5. Approval of Minutes for August 13, 2013 Regular Meeting

Mr. Tooley stated that there is a typo on Page 7. The minutes should read Ms. Leah Reddick, and not Mr. Reddick as presented.

Board Action

Ms. Heard made a motion to approve the minutes of August 13, 2013, with corrections as noted. Mr. Williams seconded the motion and it was approved unanimously (7-0).

Approval of Minutes for August 27, 2013 Special Meeting

Board Action

Dr. Jamison made a motion to approve the minutes of August 27, 2013. Ms. Ford seconded the motion and it was approved unanimously (7-0).

6. Staff Reports

Police Department

Mr. Tooley stated Lt. Young was scheduled to attend the meeting but had not yet arrived.

Mr. Tooley stated a go-by set of directions had been provided to the Board so they will be able to determine the location of sexual offenders in the area. He stated the information was requested by the Board because sexual predators were being directed to the Midtown area.

Mr. McGee asked what Mr. Tooley meant by the statement sexual predators were directed to the Midtown area.

Mr. Tooley stated sexual offenders were unable to find lodging in other parts of the City due to the law.

Mr. Bryant stated at the last meeting staff was directed to provide a map showing the 2500 foot area where sexual offenders were prohibited from living in Midtown. He stated a comment was made at the last meeting that sexual offenders were being directed to Midtown from the beachside. Mr. Bryant stated there were a number of churches in Midtown and if the law was adhered to, there was nowhere a sexual offender could reside in Midtown. He stated the beachside had the same issues as Midtown regarding churches.

Mr. McGee asked what was meant by saying a sexual predator was driven from beachside.

Mr. Tooley stated he meant a sexual predator had nowhere else to go. He stated that according to the reports provided by the Police Department, sexual battery crimes on a child had increased by 400% and total sexual batteries had increased by 140%. Mr. Tooley stated homicides had increased by 100%. He stated that if addresses were entered into the system to locate sexual offenders, you will see there were quite a few in the Midtown area.

Mr. Bryant stated he entered the zip code 32114 and noted there were 146 within a one mile radius of his wife's day care center.

Ms. Heard stated she brought the matter up at the Police Academy last week. She stated she asked about the number of homeless in the wooded area near Nova Road and Bellevue Avenue and was told it was private property. Ms. Heard stated the boundaries of Midtown needed to be looked at because some of the people were not in Midtown, but just walking through the area.

Mr. Williams stated people that lived outside of Midtown conducted business and drove through Midtown and just because someone lived outside Midtown did not preclude them from affecting the Midtown area. He stated the issue was how they address sexual predators, not where they live.

Mr. Tooley stated it was an issue that could not be resolved overnight and the City cannot solve it but it had to be addressed. He stated anyone wanting to invest in the area will look at the crime rates before locating a business there.

Ms. Cathy Washington, 937 Lockhart Street, stated between 6:45 a.m. and 7:15 a.m., an old Volusia County school bus that had been painted blue stopped at the corner of Bellevue Avenue and Martin Luther King Boulevard and let off 30 individuals. She stated there was no place for them to work in the area and wondered why they were in the neighborhood.

Mr. John Nicholson, 413 N. Grandview Avenue, stated the statements indicated that beachside residents were pushing the sexual offenders into Midtown, which was not happening. He stated people were sleeping on the benches and the beach. Mr. Nicholson stated years ago, he discussed the issue with former City Commissioner Charles Cherry. He stated Mr. Cherry was concerned about the number of parks and churches in Midtown not generating any revenue for the community. Mr. Nicholson stated 9 of the 10 City pocket parks were in Midtown and 75% of all the City parks were in Midtown. He stated there was one major church on every City block in Midtown. Mr. Nicholson stated the only area where a sexual predator could live, would be at the south end at Bellevue Avenue and Nova Road which was not in the CRA. He stated the problem was a person living in the area and not reporting.

Dr. Jamison stated the Board previously talked about people breaking into unlocked cars. She stated there are signs in shopping centers in Orlando reminding people to make sure they locked their cars and to not leave items in view. Dr. Jamison stated the signs were a good idea and reminded people to place items in the trunks of their vehicles.

Mr. Barhoo stated the Police report was startling and law enforcement needed to be more visible in order to deter crime. Mr. Barhoo stated that people need to be educated and they need to get the word out about crime and suggested spreading the word through churches.

Mr. McGee stated in previous months, there had been improvement in the crime rate but it seemed there had been an increase. He stated he thought the police were doing a marvelous job.

Mr. Williams stated some of the crime increases were due to the children being out of school.

Mr. Tooley stated perhaps a group of churches or individuals from the private sector could put together some after-school programs since the City did not have the funding to do it.

Mr. Barhoo stated they had to reinvest back into their young folks.

Code Enforcement

Mr. Tooley stated that at 640 Marion Street, which was next door to his home, only half of the lot was mowed.

Mr. Tooley stated Code Enforcement had been very active and a number of items on the list can be resolved quickly.

Ms. Heard stated there were semi trucks parked on the street and the Police drive by without citing them. She stated semis were parked on the wrong side of the street at Bellevue Avenue and School Street. Ms. Heard stated she would like someone to look into it.

Ms. Heard stated at the corner of Martin Luther King Blvd. and Magnolia Avenue, people were parking on the sidewalks and not being cited. She asked that the Police Department be notified of her concerns.

Mr. Tooley asked Ms. Heard's concerns be relayed to Capt. Blanchette. He stated that once some of the items were enforced, it would lessen occurrences.

Mr. Williams stated when Board members saw something they should call Capt. Blanchette so he can address the concern. He stated it was the Board's responsibility to report items to the Police.

Mr. Berger stated the Board members' concerns will be relayed to the Police Department and Code Enforcement by Mr. Bryant.

Mr. Bryant stated he reviewed the minutes of the Board meetings regarding Code Enforcement and Police matters and forwarded them to the proper staff person.

7. Large Scale Comprehensive Plan Amendment, DEV 2013-082, Midtown Future Land Use

Mr. Jeffries stated the request was administrative and necessary for the implementation of the Midtown Master Plan. He stated that on September 19, 2012, the City Commission approved the amendments to the Midtown Redevelopment Plan, which adopted the Midtown Master Plan. Mr. Jeffries stated staff was proceeding to amend the Land Development Code which will implement the zoning necessary to insure the Land Development Code reflected what was in the Midtown Master Plan. He stated the final rewrite of the Land Development Code is being prepared by Clarion. Mr. Jeffries stated that in order to rezone properties to the design standards recommended by the Midtown Master Plan, the Comprehensive Plan amendments must be adopted. He stated State law required the zoning comply with the Comprehensive Plan. Mr. Jeffries stated the Comprehensive Plan must be amended in order to include goals outlined in the Midtown Master Plan. He stated revisions were outlined in the staff report which was included as part of the packet.

Mr. McGee stated the zoning restrictions of the current code determined the specifics for a building and stated the guidelines provided by FAMU had a different way of describing by volume and asked for clarification.

Mr. Jeffries stated FAMU recommended different districts within the plan. He stated FAMU still had setback criteria similar to the existing plan but they were trying to achieve a more urban look. Mr. Jeffries stated the request before the Board primarily dealt with future land use.

Mr. Jeffries stated staff proposed to strike the Office/Residential category and Level 1 Residential and Level 2 Residential were proposed to be amended. He stated other sections to be amended included Commercial – Retail; Commercial Office; Mixed Use; Industrial – Local Service, and Government/Institution – Schools. The section Government/Institution – Churches will be deleted and Parks/Recreation will be amended.

Dr. Jamison asked why churches were eliminated.

Mr. Jeffries stated there will not be a specific Land Use category for churches in Midtown.

Mr. Gross stated typically Land Use classifications were very broad. He stated they could decide a church was consistent with a residential area which a zoning issue, not a Comprehensive Plan issue.

Mr. Jeffries stated he will be coming back to the Board with the specifics on the zoning districts and churches will be in those uses.

Mr. Tooley stated based on what Mr. Jeffries said, government/institution and churches will be stricken from the Comprehensive Plan and asked what those would come under.

Mr. Jeffries stated churches will be a conditional use.

Dr. Jamison stated she was concerned about churches not being in the Comprehensive Plan amendments. She stated every kind of building was specified but churches.

Mr. Berger stated churches will be addressed in the specifics of the zoning and stated the Comprehensive Plan and Future Land Use Map were not the place to address them. He stated churches will be addressed in the Land Development Code.

Mr. Barhoo asked for further clarification on the designation of churches.

Mr. Gross stated the Zoning Code was easier to change than the Comprehensive Plan. He stated if churches were listed in every category in the Comprehensive Plan right now and there were no zoning categories to allow them, they could still only be approved under zoning. Mr. Gross stated when you look at the way the uses were described as “generally,” zoning can be more specific.

Mr. McGee asked what Conditional Use meant.

Mr. Jeffries stated there were zoning districts and specific uses were identified for those districts. He stated a Conditional Use generally had specific criteria above and beyond the permitted use.

Ms. Heard stated it seemed as though they were afraid of something when churches were talked about. She stated she had brought up before churches in commercial buildings and she was told they had to be careful about what they said about churches and religion.

Mr. Jeffries stated there were certain Federal laws protecting churches but the case law said they had to treat churches in the same way they treat any other place of assembly.

Mr. Gross stated they cannot discriminate against churches and they must be treated as any other place of mass assembly.

Dr. Jamison asked when the adoption would be complete.

Mr. Berger stated by the end of the year.

Mr. Jeffries stated included in the packet was the map outlining the proposed Comprehensive Plan amendments. He stated generally the changes were occurring along the major corridors and there were some changes to the school district as it related to Bethune–Cookman University.

Mr. Jeffries stated the next step was to present the material to the Planning Board for their review at their October meeting with review by the City Commission in December.

Mr. Tooley stated Commercial Amusement was listed in the key of the map but there was no listing on the map for that designation.

Mr. Jeffries stated that was a use the City had but not in Midtown.

Mr. Tooley asked if Mixed Use was a designation where movie theaters and businesses of that nature could be located.

Mr. Jeffries stated yes.

Mr. Berger questioned the designation for the area between Whitehall Street and Marion Street.

Mr. Jeffries stated that area was designated as Neighborhood Transition in the Master Plan.

Mr. Berger stated it was the location of the Thurman House and the Board had talked about infilling that area with residential. He stated at one time the Board had talked about putting in an institutional development of some kind and a community garden in that area. Mr. Berger stated the Board expressed concern about introducing additional uses in an older established neighborhood. He stated he wanted to go on record that, at the time of the discussion, the Board raised some concerns.

Mr. Tooley stated he recalled when the area was discussed the Board discussed the assisted living facility in that location would be moved to another area rather than using the Whitehall Street.

Mr. Tooley stated he was concerned about south of Fremont Avenue between Marion Street and Sycamore Street since the map legend for the area was designated Commercial/Transitional.

Mr. Jeffries stated that was a mapping error and it should be Level II Residential.

Mr. Berger stated the Board was very clear that the intent was to preserve the neighborhoods. He stated the Board indicated they wanted to have complete streets and not a lot of dead-end streets and to have areas where houses can be built.

Mr. Berger asked if the Board thought it would be appropriate to leave the area between Cedar Street and South Street, the area from Whitehall Street to Marion Street, which included the Thurman House, to reintroduce single family houses as was originally proposed.

Mr. Tooley stated it currently showed the area as Commercial/Transitional, which meant that 7 to 8 houses could not be rebuilt.

Mr. Berger stated the Board specifically talked about an assisted living facility and decided there was a better place for it.

Mr. McGee asked where the Board determined was a better place for the assisted living facility.

Mr. Berger stated it was intended to be in the medium mixed use area along Eldorado Street and potentially parts of Orange Avenue and along George Engram Boulevard.

Ms. Heard disagreed with the area along Eldorado Street since there was a nightclub in the area. She stated the street was narrow and should be one way street.

Mr. Berger stated they had not come to a conclusion on that item and they will have to check to see where it would be in the Land Development Code rewrite. He stated it would be a zoning issue and location will be considered.

Mr. Jeffries stated the solid orange color on the south end of Martin Luther King Boulevard between Fremont Avenue and Shady Place should be Level 2 Residential.

Dr. Jamison asked if what was noted for Whitehall Street was in error.

Mr. Berger stated no.

Mr. Jeffries stated the only park uses on the map were in the Midtown center at the corner of Nova Road and George Engram Boulevard and Daisy Stocking Park on Mary McLeod-Bethune Boulevard and Joe Harris Park. He stated those were already designated as park uses. Mr. Jeffries stated what was noted on the map was what is listed in the Midtown Master Plan. Mr. Jeffries stated the only concerns were the location near the Thurman House along Whitehall Street and the area between Fremont Avenue and Marion Street. Mr. Jeffries stated the area near Cedar Street should be Level I residential and the area near Fremont Avenue should be Level 2 residential.

Mr. Tooley stated the area from the east side of Division Street to Marion Street between Cedar Street and South Street should be Level I residential and the area from Sycamore Street to Marion Street between Fremont Avenue and Shady Place should be Level 2 Residential.

Board Action

Dr. Jamison made a motion to change the Land Use for the area from the east side of Division Street to Marion Street between Cedar Street and South Street should be Level I residential and the area from Sycamore to Marion between Fremont Avenue and Shady Place should be Level 2 Residential. Ms. Heard seconded the motion and it was approved unanimously (7-0).

Dr. Jamison made a motion to adopt the Large Scale Comprehensive Plan Amendment with the necessary modifications and refer it to the Planning Board for their consideration. Mr. Williams seconded the motion and it was approved unanimously (7-0).

Mr. John Nicholson, 413 N. Grandview Avenue, stated when he moved to the area, the intent was to remove churches, schools, and parks from the beachside since it was believed there was no need for them on the beachside. He stated at that time, it was proposed to redevelop the beach side and to also remove the single family homes. Mr. Nicholson stated two park sites had buildings on them. He stated $\frac{3}{4}$ of Lenox Park was set aside for a parking garage for a proposed Marriott development that fell through. Mr. Nicholson stated staff may not be looking to get rid of churches but anything can happen.

Mr. Tooley introduced Lt. Young from the Police Department.

Lt. Young stated Ord. No. 11-222 stated no sexual offenders or predators may reside within 2,500 feet of schools, day care centers, churches, public parks, or playgrounds. He stated there were 78 sexual offenders the Police Department was currently monitoring on the west side and 66 on beachside. Lt. Young stated that

all sexual offenders and predators are required to register with the State within 24 hours of being released from custody. He stated every officer in the Police Department, regardless of rank, was assigned a predator or offender to monitor and each one was checked every 3 months. Lt. Young stated he will do some follow up to ensure that none live within 2,500 feet of a park. He stated last week an offender was arrested who was living across the street from Seabreeze High School. Lt. Young stated action was taken when they were notified of such situations.

Lt. Young stated he had an investigator working on the computer, at the Police Department, disguised as a teenage girl or boy having conversations with predators.

Lt. Young provided the Board with an instruction guide for the site on the City's web page for locating sexual predators in a specific area.

Mr. Bryant asked that "text a tip" information be provided for the Board's information.

Ms. Ford asked, for clarification, if predators were registered and monitored but offenders were not.

Lt. Young stated the State required the Police Department to check on the predators every 3 months but it was not a State requirement to check on the offenders every 3 months; however, it was a Department requirement to check on the offenders every 3 months.

Ms. Heard asked if someone had an offense in 1970, if it would still be on file.

Lt. Young stated he did not know how far back the records went but once the Jessica Lunford Act was adopted, someone in violation will always be monitored from that date on.

8. Redevelopment Project Updates

Mr. Bryant stated he attended the ICSC conference to promote the City of Daytona Beach. He stated he met with representatives from 30 to 35 businesses and provided them with a copy of the Midtown Redevelopment Plan, an area map, and the PMG study.

Mr. Bryant stated there will be a meeting on September 11 at 4:00 p.m. regarding the Orange Avenue project. He stated he hand delivered letters of invitation to the meeting to all of the businesses along Orange Avenue.

Mr. Bryant stated he was starting the coordination for the Light Up Midtown event. He stated the parade will be on December 7 followed by a health fare from 10:00 a.m. to 2:00 p.m.

Mr. Bryant thanked Mr. Jeffries and Mr. Berger for the work that had been completed on the Clarion rewrite.

9. Public Comments

Ms. Patricia Jones, 507 S. Keech Street, asked Mr. Bryant about the types of businesses he met with at the ISCS meeting and what types of businesses he was trying to bring into Midtown.

Mr. Bryant stated he met with representatives of restaurants, such as Wendy's, McDonald's, and Subway, and all types of grocery stores, including Publix, and representatives from Kinko's.

Mr. Berger stated the types of businesses that were contacted were those that were outlined in the marketing plan. He stated Mr. Bryant did not meet with representatives from any convenience stores or automotive businesses.

Mr. John Nicholson, 413 N. Grandview Avenue, stated he spoke with someone after the City Commission meeting last week who said there had been no new buildings constructed in Midtown and no money was being spent in Midtown. He stated Hope 6 had been built, which was 40 brand new buildings that were not 3 years old.

Mr. Nicholson stated 25 years ago, Charles Cherry asked for \$300,000 for Midtown and stated Midtown was tired of paying taxes for the entire City since the beachside did not pay any taxes. He stated he asked Morgan Gilreath and the City Manager if that was true and both said no. Mr. Nicholson stated he went through 11 years of agenda items and marked those that were specifically for beachside and those that were for Midtown. He stated Midtown had 93% of all of the funds approved by the City Commission and less than 6% of the funds went to beachside. Mr. Nicholson stated there had been over 300 buildings built in Midtown since he moved to the City and only 30 built on the beachside. He stated Midtown had 3 gymnasiums and the beachside did not have any. Mr. Nicholson stated Midtown had 3 swimming pools and the beachside did not have any. He stated beachside did not have what Midtown had.

10. Board Comments

Mr. Barhoo thanked the Board for the opportunity to serve and stated he will take the information learned at this meeting to the Planning Board.

Mr. Williams welcomed Mr. Barhoo and said it was great to see a pastor in this part of the process.

Mr. Williams encouraged the Board to be involved in the community and reminded them they represented the community. He stated the Board members should express the concerns of the community at the Board meetings and not their personal feelings.

Mr. Williams stated the next Neighborhood Watch meeting will be on September 30 at the Dickerson Center at 5:30 p.m.

Dr. Jamison welcomed Mr. Barhoo to the Board.

Ms. Ford welcomed Mr. Barhoo to the Board.

Ms. Ford stated she would like to talk about the assisted living facility in the future because it was a concern to her.

Ms. Heard welcomed Mr. Barhoo to the Board.

Ms. Heard asked what was being done about the canopy at the Johnson's Service Station.

Ms. Heard stated she was concerned about the parking on MLK and Orange Avenue on the east side and asked that the intersection be checked.

Ms. Heard stated there were many blessings in Midtown but stated she did not look at the Hope project as 300 to 400 individual houses. She stated she looked at it as one project. She stated she thought project was constructed through the use of Federal money.

Ms. Heard stated many of the parks were not in Midtown. She stated the pool was not used by the community but by others. The Scarlett Golden building should have been placed in Midtown where she was born and educated. Ms. Heard asked how Midtown could be developed when the little things were not cleaned up.

Mr. Tooley thanked everyone for attending the meeting. He thanked staff for all of their work, especially in the area of the Master Plan.

Mr. Tooley thanked the Board for all their work.

Mr. Tooley stated some things had been neglected in the Midtown area, one of which was high speed internet access and the infrastructure for U-verse was not in place.

Mr. Tooley agreed with Mr. Williams that they were the voice of the community and must do things for the betterment of the community and not for personal agendas.

Mr. Tooley thanked Mr. Barhoo for serving as a Board member.

Mr. Tooley thanked Ms. Washington for attending.

Mr. Tooley noted Commissioner Reed was in attendance earlier in the meeting.

Mr. Tooley thanked Mr. Nicholson for his input.

Mr. Tooley thanked Ms. Jones for her attendance at the meeting and encouraged her to bring others with her to future meetings.

Mr. Bryant stated some of the Board members terms' would expire in December and if they were interested in continuing to serve, they would need to complete the application and provide it to Mr. Bryant.

Ms. Heard reminded the Board to remember September 11.

Mr. Tooley stated Bishop Samuel Butts will be celebrating his 7th anniversary at the Butts Miracle Temple on September 14 at 5:00 p.m. at 636 Hawks Street.

11. Adjournment

Dr. Jamison made a motion to adjourn the meeting. Ms. Heard seconded the motion and it approved unanimously (7-0).

There being no further business to come before the Board, the meeting was adjourned at 8:10 p.m.

Martin Tooley, Chairman

Becky Groom, Secretary