



## The CITY OF DAYTONA BEACH Beachside Redevelopment Board Agenda

City Hall  
Commission Chambers  
Regular Meeting

301 South Ridgewood Avenue  
Wednesday, November 13, 2019  
6:00 PM

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by this Board at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

	For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020		Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.
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1. Call to Order
2. Roll Call
3. Approval of Minutes: October 9, 2019 meeting
4. Discussion:
  - a. Review of Bylaws and Meeting Procedures
  - b. Land Development Code – Boardwalk
5. Redevelopment Projects Update
6. Public Comments
7. Board Comments
8. Adjournment

## BEACHSIDE REDEVELOPMENT BOARD MINUTES Wednesday, October 9, 2019

The regular meeting of the Beachside Redevelopment Board was held Wednesday, October 9, 2019, at 6:00 p.m. in the Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach, Florida. The following people were present:

### Board Members Present

Mr. Dino P. Paspalakis, Chair  
Mr. Mike Denis, Vice Chair

Ms. Jennifer Nazak  
Mr. James Newman (Planning Board appointee)  
Ms. Amy Pyle  
Ms. Marcia Tuggle

Board Members Absent

Mr. Gilbert Myara  
Mr. Dino M. Paspalakis

Staff Members Present

Mr. Reed Berger, Redevelopment Director  
Ms. Kira Honse, Assistant City Attorney  
Ms. Becky Groom, Board Secretary  
Call to Order

1. Dino P. Paspalakis, Chair, called the meeting to order at 6:00 p.m.
2. Roll Call
3. Roll was taken with attendance as noted above.
4. Approval of Minutes – June 12, 2019

A motion was made by Ms. Pyle, seconded by Ms. Nazak, to approve the minutes of the June 12, 2019, Beachside Redevelopment Board meeting, as presented. The motion carried (5-0).

5. Wall Graphic – 451 S. Atlantic Avenue

Staff Presentation:

Mr. Berger presented the staff report which was included as part of the packet. Mr. Berger stated the murals are proposed to be placed on the south wall and the west wall which faces A1A. Mr. Berger stated the logo that is shown on the proposed mural will not be included for approval at this time and will be presented later as part of the entire sign approval for the project. Mr. Berger stated the side mural is reflective of a postcard and includes the language “World’s Most Famous Beach.”

Applicant Presentation:

Jessica Gow, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant, Crabby’s Oceanside. Ms. Gow provided renderings of the proposed murals that did not include the Crabby’s logo.

Jason Zelnak, the Managing Partner of Crabby’s Oceanside, 451 S. Atlantic Avenue, the applicant, stated the artist will be Matt McAlister who has done other murals throughout the state but has not done any in Daytona Beach.

Ms. Pyle stated she likes the mural and likes that it includes the “World’s Most Famous Beach” which she would like to see promoted more. Ms. Pyle asked if the mural will be painted or a printed appliqué.

Mr. Zelnak stated the murals will be painted on the building and will then be sealed.

Mr. Newman stated the wording which is proposed, “World’s Most Famous Beach,” is prohibited by the Land Development Code since murals are not to have any written messages or logos included. Mr. Newman asked how this could be approved.

Mr. Paspalakis stated he interprets the Code to mean written messages are not to be included if they pertain to the business. Mr. Paspalakis stated he sees what is proposed as an image of a sign that is historical in nature.

Ms. Honse stated the Code does say no written message but that the ultimate approval lies with the Board.

Mr. Berger stated what is proposed is a generic image from a post card with an image of the World’s Most Famous Beach superimposed.

Ms. Pyle stated Mr. Newman makes an excellent point and perhaps a change needs to be made to the Land Development Code to reflect that a written message cannot include advertising for the business.

Ms. Gow stated this was discussed with City staff and there is information in the Land Development Code regarding advertising messages; and what is proposed is not advertising a product or business.

Mr. Newman stated on a previous request for murals an applicant was required to remove written messages that were proposed as part of the mural.

Mr. Denis stated he likes what is proposed and is in support of this request. Mr. Denis stated he feels the Land Development Code is too restrictive on signage.

Ms. Nazak stated she feels the proposed mural is a depiction of a picture and she does not have a problem with what is planned. Ms. Nazak stated she feels the Land Development Code should be broadened to include wording in signage.

Ms. Tuggle stated she did not see what is proposed as a written message. Ms. Tuggle stated she likes what is proposed and feels many times barriers are placed in front of people. Ms. Tuggle stated she does not have a problem in approving the request.

Mr. Berger stated staff is working on proposed changes to the Land Development Code in areas related to advertising and images and he will make sure the Board’s comments are included as part of the discussion.

#### 6. Public Comments:

John Nicholson, 413 N. Grandview, Daytona Beach, Florida, stated he likes the proposed murals which depict historical Daytona Beach.

Robert Stolpmann, 2305 Valdavia Street, St. Augustine, Florida, stated he feels there are too many stipulations and barriers on approvals for murals.

#### Board Action:

A motion was made by Ms. Pyle, seconded by Ms. Nazak, to approve the proposed wall graphics for Crabby's Oceanside, 451 S. Atlantic Avenue, noting that the wording does not represent advertising for the business that is making the application and depicts historical signage in Daytona Beach, in accordance with the staff report as presented. The motion carried (5-0).

#### 5. Redevelopment Projects Update

Mr. Berger stated three sites on E. International Speedway Blvd. are being reviewed for Brownfield grants.

Mr. Paspalakis asked if the grant funds would be used to clean up the ground.

Mr. Berger stated the grants would be used to determine if there is contamination.

Mr. Berger discussed parking as part of the E-Zone Master Plan related to Parking Fees and read the requirements for new development in the EZone; however, the document has not been implemented.

Mr. Paspalakis stated he agrees with the requirements and feels those funds could be used for providing parking in the future.

Ms. Pyle asked if there have been any discussions on opening the Volusia County lot for parking on Main Street.

Mr. Berger stated he is not aware of any progress.

Ms. Pyle stated the Beachside Neighborhood Watch was not approached to make an assessment of the Brownfield area; and as a result, city staff has been invited to the next Beachside Neighborhood Watch meeting to discuss the area.

Ms. Nazak stated she has been using a website [www.strongtowns.org](http://www.strongtowns.org) which provides good information on redevelopment, density, and parking.

Mr. Denis stated the Volusia County Redevelopment Board talked about parking and asked why the City and Volusia County have not addressed the parking on Main Street.

Mr. Paspalakis asked if there have been any repairs made to the hole in the seawall along Harvey.

Mr. Berger stated there is a board over the hole which has been painted but the wall has not been repaired.

Mr. Berger stated the Avista project is on hold and the Russian project has been proceeding very slowly.

#### 7. Public Comments

Robert Stolpman, 2305 Valdavia Street, St. Augustine, Florida spoke regarding Brownfield properties. Mr. Stolpman stated he has developed properties in Daytona Beach and wants the town to grow and has ideas for development but feels staff sometimes stifles people's interest in pursuing development in the City. Mr. Stolpman stated he feels the Board meetings should be exciting but the Board sometimes is too detailed in their reviews.

John Nicholson, 413 N. Grandview, Daytona Beach, Florida spoke regarding parking studies, the Russian project, and CRA funds. Mr. Nicholson stated the light fixtures need repaired on A1A as well as other maintenance issues in the area.

Ms. Pyle stated the Redevelopment staff should be surveying the beachside area to see that maintenance concerns are addressed.

Kristin Goodrich, 816 Main Street, Daytona Beach, Florida spoke regarding parking, murals, the need for painting the planters on Main Street and placing rope lights along the first block of Main Street to draw people to the area.

Anne Ruby, 137 Park Avenue, Daytona Beach, Florida expressed concern that the Beachside Neighborhood Watch was not included in the discussions regarding the Brownfield properties along E. International Speedway Blvd. Ms. Ruby stated there are three lots on Ocean Avenue that are in horrible condition, some of which are owned by the City. Ms. Ruby stated the Redevelopment Standards are not being enforced and Code Enforcement is not aware of the Redevelopment Standards.

Mr. Berger stated he makes Public Works and Code Enforcement staff aware of problems in the beachside area.

## 8. Board Comments

Mr. Newman stated the Board should make notes of items in their meeting minutes which they would like brought to the attention of the City Commission.

Mr. Paspalakis stated he feels the Board was clear in their comments regarding the Land Development Code and the need to amend the Code regarding wording being placed in murals.

Ms. Pyle spoke regarding the Harvey seawall and stated city staff is hired to make sure the standards are met. Ms. Pyle stated the property across the street from her is for sale, which is the one Avista was supposed to use for off-site construction parking so that should be an indication of the status of the Avista project.

Ms. Pyle stated assessments are now being placed on property tax bills for demolitions; and Ms. Pyle stated a similar assessment could be placed on a tax bill for repairs. Ms. Pyle suggested hiring a contractor to repair the seawall on Harvey and then assess the property tax bill.

Ms. Pyle provided a hand-out to the Board regarding suggestions for temporary parking in the Redevelopment areas. Ms. Pyle stated she would like to discuss the items at a future Board meeting.

Ms. Nazak stated she likes Ms. Pyle's suggestions regarding parking. Ms. Nazak stated the seawall on Harvey needs fixed. Ms. Nazak stated we should be nurturing a climate of support for

small businesses. Ms. Nazak stated she is now a licensed landscaper through the City of Daytona Beach.

Mr. Denis expressed concern that the Board did not meet in July, August, and September. Mr. Denis suggested having a meeting to discuss topics that are concerns of the Board, regardless of whether there are matters for Board action.

Ms. Pyle asked that a meeting be held in November.

Mr. Paspalakis stated he is not available for a meeting on the second Wednesday in November.

Mr. Denis stated the Volusia County Council will be voting on October 15, 2019, to revoke the vacation that was approved for Avista.

Mr. Denis discussed the requirement to construct a boardwalk along oceanfront properties when they are developed in Daytona Beach.

Mr. Paspalakis stated he feels that requirement should be removed.

Mr. Berger stated the requirement for the boardwalk is a taking and that needs to be addressed. Mr. Berger stated the requirement is voluntary, not mandatory, and could be done through a Planned Development Agreement.

Mr. Denis stated he accompanied city staff on the Code Enforcement walk and noticed an area of Grandview where grass is growing through the street. Mr. Denis stated he feels the city should be responsible for removing the grass that is growing in the street.

Ms. Honse stated Public Works is responsible for the city streets.

Ms. Tuggle stated she feels this Board has tried to come out strongly on issues of concern but she does not feel there is follow up. Ms. Tuggle stated there are businesses on Main Street that are struggling due to the lack of parking. Ms. Tuggle asked if there is a grant available to help a business that must paint over graffiti. Ms. Tuggle stated she feels city staff should be more willing to assist investors and should be more flexible.

Ms. Paspalakis stated items such as graffiti and property damage are parts of the risk of being a business owner.

Mr. Paspalakis stated the Board does not have rules in place to limit public speaking and personal attacks on staff.

Ms. Honse stated the Board could adopt rules to limit the length of time for public comments.

Mr. Denis stated rules for Board procedures is a topic that could be discussed at the next meeting.

Mr. Berger stated he will bring the script that is read at the beginning of each City Commission meeting for the Board's consideration.

Mr. Paspalakis stated a successful Summer Concert Series was held during the summer at the Bandshell and looks forward to next year's concerns.

9. Board Action:

A motion was made by Mr. Denis, seconded by Ms. Nazak, that Board members provide topics to Mr. Berger that they would like to discuss at the next Board meeting. The motion carried (5-0).

10. Adjournment

There being no further business, the meeting was adjourned.

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Dino M. Paspalakis, Chair Becky Groom, Board Secretary



# The CITY OF DAYTONA BEACH

## REDEVELOPMENT DIVISION

POST OFFICE BOX 2451  
DAYTONA BEACH, FLORIDA 32115-2451  
PHONE (386) 671-8180  
Fax (386) 671-8187

### MEMORANDUM

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DATE: 11/6/2019  
TO: Beachside Redevelopment Board  
FROM: Reed Berger, Redevelopment Board  
SUBJECT: Discussion of procedures and conduct during public meetings

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During last month's meeting the Board requested staff provide some suggestions that could clarify how to manage unruly behavior during the meeting.

In general the Chair has discretion to run the meeting in a manner that allows for orderly conduct of the meeting. However it may not be clear how to balance due process and First Amendment rights of the public addressing the Board and an individual who disrupts the meeting or personally attacks members of the Board or staff. For that reason the Board is encouraged to discuss how to address incidents that may detract from, or interfere with, the civil conduct of Board meetings.

Attached are the Board's By-laws and the script that is read at the beginning of every City Commission meeting.

## BYLAWS

DAYTONA BEACH  
BEACHSIDE  
REDEVELOPMENT BOARD

### ARTICLE I. OBJECTIVES AND PURPOSES

SECTION 1. The purpose and duties of the Daytona Beach Beachside Redevelopment Board shall be those set forth in the City's Land Development Code (LDC)

### ARTICLE II. MEMBERSHIP

SECTION 1. The Board shall consist of those members duly appointed in accordance with Article 2 of the LDC.

SECTION 2. In order for the Beachside Redevelopment Board to carry out its duties and responsibilities to the best of its ability, it is necessary for all members to attend all meetings.



It shall be the duty of staff to notify or contact any member with three absences from regular meetings, during any 12-month period for the purpose of determining the cause. The Board shall consider requesting the resignation of any such member. If, after consideration, the Board deems it necessary, may request that the member resign, or that the City Commission remove the member.

## ARTICLE III. OFFICERS AND THEIR DUTIES

SECTION 1. The officers of the Beachside Redevelopment Board shall be:

A Chair, who shall preside at all meetings and shall have such special duties as may be further prescribed in the bylaws, and who shall have the authority to preside at any adjourned meeting, or at any called or special meeting.

A Vice-Chair, who shall in the absence of the Chair, or his inability or refusal to act, preside at all regular meetings, adjourned meetings, and special meetings of the Board, and shall have all powers in such case as the Chair.

SECTION 2. The Chair shall be elected for a term of one year and serve a maximum of two consecutive one-year terms. The Vice-Chair shall be elected for a term of one year and may be elected to successive terms without limitation. The Board, shall, from its number, fill any vacancy in the offices of the Chair and Vice-Chair.

SECTION 3. In the event of the absence of the Chair and Vice-Chair the Board shall vote to determine who shall serve as acting Chair for the meeting.

## ARTICLE IV. MEETINGS, QUORUM AND VOTING

SECTION 1. The Board shall adopt a schedule establishing the date, time, and location of regular meetings. Staff may call special meetings of the Board as needed.

SECTION 2. Each member of the Board shall be notified of the place, date, and time of each meeting by at least twenty-four (24) hours written notice served personally or left at his usual place of residence, or by telephone.

SECTION 3. Notice in advance of the Board meetings shall be given to the City Clerk for dissemination to the news media. All meetings of the Board shall be open to the public, and a public record shall be kept of the Board's resolutions, proceedings, and actions.

Bylaws - Beachside Redevelopment Board

2 effective March 1, 2015

SECTION 4. A quorum shall consist of a majority of the members. Approval of all resolutions and actions shall require a simple majority.

## ARTICLE V. ORDER OF BUSINESS

SECTION 1. At regular or special meetings of the Board, the general order of business shall be as follows:

(1) Call to Order by the Chairperson, Vice-Chair, or temporarily elected Chair. (2) Roll Call (3) Determination of a quorum (4) Approval of minutes (5) Agenda items (6) Old Business (7) New Business (8) Redevelopment Staff Report (9) Public Comments (10) Board Comments (11) Adjournment

SECTION 2. Citizens shall be invited to speak before the Board on the matters with which they are concerned. If, in the opinion of the Chair, time limitations are necessary for any reason, the Chair may place time limits for each speaker appearing before the Board and may limit the amount of rebuttal granted to the parties concerned.

SECTION 3. The members of the press shall not take part in the business of the meeting but may request clarification on matters or actions taken.

SECTION 4. In order to provide an opportunity for the discussion of problems and business before the Board prior to the making of a motion, it shall be the duty of the Chair to state the matter of business to the Board and to provide a period of discussion of the facts relevant to the problem prior to entertaining a motion relative to the items of business. However, after a motion is made and seconded, the Chair may ask for additional discussion if deemed necessary. Any member may move the previous question, if additional discussion becomes repetitive and/or irrelevant to the original motion before the Board. Upon the motion on the previous question receiving a two-thirds affirmative vote of those present, discussion will end and the vote on the original motion will proceed forthwith.

## ARTICLE VI. MINUTES

SECTION 1. The minutes of a meeting of the Board shall be promptly recorded and such records shall be open to public inspection after approval by the Board.

## ARTICLE VII. VOTING PROCEDURE

SECTION 1. Voting on all matters of business before the Board shall be made by roll call unless the Chair deems said matter of business to be sufficiently non-controversial. Any member may request a roll call vote. Staff shall record the vote of each member of a roll call vote and each member shall vote when his or her name is called.

## ARTICLE VIII. CORRESPONDENCE AND COMMUNICATIONS

SECTION 1. Official communication of the Redevelopment Board to the City Commission of the City of Daytona Beach shall be in writing.

Bylaws - Beachside Redevelopment Board

## ARTICLE IX. AMENDMENTS AND LEGAL STATUS

SECTION 1. Amendments to these bylaws shall be first presented to the Board for recommendation; and for discussion at one regular Board meeting, and voted upon at the next such regular meeting. All proposed amendments shall be in writing and shall be approved by the affirmative simple majority vote of the Board.

SECTION 2. Should any provision of these bylaws be declared by a Court of competent jurisdiction to be unconstitutional or invalid for any reason whatsoever, the same shall not affect the validity of the Bylaws as a whole or any part thereof other than the part judicially determined to be invalid.

### DISORDERLY CONDUCT IN THE PUBLIC MEETING OF THE CITY

COMMISSION Article 2, Section 62-38 of the City Code of Ordinances reads as follows:

“It shall be unlawful for any person to behave in a riotous or disorderly manner in any public meeting of the City Commission or any committee, agency, or board thereof, or to cause any unnecessary disturbances therein by force, shouting, or any other action calculated to disrupt such meeting, or to refuse to obey any ruling of the presiding officer or such meeting relative to the orderly process thereof.”

Please be courteous and respectful of the views of others. Personal attacks on the City Commission, City Staff, or member of the public are not allowed. Please silence cell phones and other wireless devices during the meeting.

All conversation must take place either at the lectern or on the dais so that everyone can hear the business being discussed tonight.



# The CITY OF DAYTONA BEACH

## REDEVELOPMENT DIVISION

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PHONE (386) 671-8180  
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### MEMORANDUM

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DATE:	11/5/2019
TO:	Beachside Redevelopment Board
FROM:	Reed Berger, Redevelopment Board
SUBJECT:	Boardwalk requirements for Mixed-Use Development in the RDB-1 District

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At last month's meeting the Board requested staff provide information related to the extension of the Boardwalk requirements in the Land Development Code (LDC) for Mixed-Use Development in the RDB-1 District for its review and discussion.

Section 4.7.C.5.a.viii of the LDC states "The development shall construct a 20-foot-wide boardwalk along ocean frontage to City specifications and convey the boardwalk to the City upon completion of connecting boardwalk segments on adjoining properties."

To put this provision into context it helps to see the section of this Modified Use Standard applicable to the Boardwalk and the purpose of the RDB-1 zoning district as follows:

"The following standards apply to development within the Redevelopment Beachside - Hotel Mixed Use (RDB-1) district in addition to the generally-applicable use-specific standards in Article 5: Use Standards.

a. Mixed-Use Development.

- i. Mixed-use development shall be limited to business support service uses, eating and drinking establishments, offices, retail sales and service uses, and recreation/entertainment uses providing one or more high-quality passive or interactive entertainment experiences (e.g., water park, amusement ride, miniature golf, museum, multiscreen cinema, cinema technology, music theater).
- ii. The development shall provide space for high quality retail and service establishments that contribute to the creation of evening activity centers accessible to pedestrians.
- iii. The development may include one business establishment devoted principally to games of skill, which shall be designed to provide for the passage of light and air.
- iv. Minimum lot size shall be 32,000 square feet north of Main Street and 15,000 square feet south of Main Street.

- v. Minimum lot depth shall be 150 feet.
- vi. Structures facing commercially-oriented streets or open spaces shall have a mix of tenants or be designed to generate uses providing a range of activities and services for day and evening hours.
- vii. The development shall include a large plaza on at least one quadrant of the site, which at a minimum includes a triangle with sides at least 25 feet long at each corner of the site.
- viii. The development shall construct a 20-foot-wide boardwalk along ocean frontage to City specifications and convey the boardwalk to the City upon completion of connecting boardwalk segments on adjoining properties.”
- ix. “The purpose of the Redevelopment Beachside - Hotel Mixed Use (RDB-1) district is to: promote development of a high quality tourist entertainment area that will strengthen the employment and tax base and remove blighting influences; encourage assembly of lots for large scale redevelopment projects; create strong functional relationships between public uses, such as the Ocean Center and Boardwalk Park, and redevelopment projects; encourage development of plazas and pedestrian activities; encourage a mixture of uses that facilitate high quality shopping and pedestrian activities and increased use of public facilities; and encourage high quality architecture, materials, and landscaping by flexible design standards, regulatory incentives, and expeditious review of high quality redevelopment projects.”

It is also important to note that the Redevelopment Element of the City’s Comprehensive Plan also references extension of the Boardwalk as follows:

“Policy 1.1.7 - Maintain the regulatory incentive to expand the length of the boardwalk in the Main Street Redevelopment Area in conjunction with new developments and as opportunities arise.”

This reference in the LDC to extend the Boardwalk could be viewed as a taking but in practice the policy is to encourage rather than demand extension of the Boardwalk where the opportunity arises when new development is proposed along the oceanfront. Modifying or removing the references to the Boardwalk in both the LDC and Comprehensive Plan could be initiated by staff.