TOWN CENTER CRA MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
AUGUST 11, 2016

THE MEETING of the TOWN CENTER CRA was called to order by Chairman Allen Green at 5:26 p.m.

Roll Call:	Present:	Member Ben Talluto Member Bob Ford Member Scott Stiltner Member Donald Burnette Member Drew Bastian Chairman Allen Green
	Also Present:	Jake Johansson, City Manager Margaret T. Roberts, City Attorney Robin Fenwick, City Clerk

The meeting was opened as the Port Orange City Council with the following remarks from Wayne Clark, Community Development Director, and Margaret Roberts, City Attorney.

Wayne Clark, Community Development Director, provided a detailed overview of the objective of the meeting with the Town Center CRA and Council.

Ms. Roberts provided advice regarding the procedure for this meeting. The agenda items considered, recommended, and approved shall not be final until all agenda items have been approved by the City Council at the time of second meeting of the ordinances, which is currently scheduled for September 13, 2016. She recommended Council open all items at the same time so that full discussion can be held.

Motion to open all items for discussion was made by Member Burnette, and Seconded by Member Bastian. Motion carried unanimously by roll call vote.

ACTION ITEMS

2. Ordinance No. 2016-14 - relating to the 2016 Amendment to the Port Orange Town Center (POTC) Redevelopment Plan, Case No. 16-15000001

Ms. Roberts read Ordinance No. 2016-14.

ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY. FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING THE COMMUNITY

REDEVELOPMENT AREA PLAN FOR PORT ORANGE TOWN CENTER; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to recommend approval subject to the City Council's approval and to include changes as discussed was made by Member Bastian, and Seconded by Member Burnette. Motion carried unanimously by roll call vote.

3. <u>Ordinance No. 2016-15</u> – Riverwalk Amended and Restated Master Development Agreement and Conceptual Development Plan, Case No. 16-40000003

Ms. Roberts read Ordinance No. 2016-15.

<u>ORDINANCE NO. 2016-15</u>

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY. FLORIDA, APPROVING THE AMENDMENT AND RESTATEMENT OF THE RIVERWALK MARINA AND RIVERBOAT MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR APPROXIMATELY 11.9 ACRES LOCATED WITHIN THE PLANNED COMMUNITY-PORT ORANGE RIVERWALK (PC-R) DISTRICT; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Motion to recommend approval subject to changes as discussed and approval of the City Council was made by Member Bastian, and Seconded by Member Burnette. Motion carried unanimously by roll call vote.

CRA Members agreed to the request for 50% split of the estimated Phase I development review fees under the Chapter 20 incentives, as well as the tree mitigation incentive of approximately $44,000; however, impact fees will not be waived. Construction must happen as agreed and stated in the agreements for the incentives to be realized.

4. Exchange Agreement for the Cardwell Funeral Home Property
   a. Escrow Agreement
   b. Proposed funeral home Deed for Escrow
   c. Temporary construction easement for demolition
   d. Bond in the amount of average annual lease revenues

5. Economic Incentive Agreement
6. License Agreement for temporary off-site sign located at the intersection of Ridgewood Avenue and Dunlawton Avenue, 3999 Ridgewood Avenue
7. Discussion and direction for the Subdivision Replat and Plans - Riverwalk at Port Orange, Case No. 16-50000001
8. Blanket easement covering proposed subdivision Lots 1-6 and 9 with legal description by metes and bounds

Staff answered specific questions from the CRA Board regarding the project. Concerns were made regarding public vs. private parking, height limitations, etc.

Jake Johansson, City Manager, provided details of the debt at this site.

Brendon Galbreath, business owner and citizen, supports the project but is concerned with advertising to a competitor.

Buddy LaCour, Developer, is committed to this project and asked for the CRA's support so they can move forward.

Parker Mynchenberg, Mynchenberg & Associates Engineering, discussed the history of the site and what is being proposed by the developer.

Jeff Brock, Attorney for Developer, discussed the modifications to the MDA document being requested by them. See attached document provided by the Developer.

Member Ford asked the City Attorney to discuss the issue with the "Point" being left open for public access as long as possible each day while taking the Developer's concerns into consideration. Mr. LaCour suggested the "normal business hours" in the easement language by 10am through restaurant closure of 9pm seven days a week. CRA members agreed.

Mr. Brock discussed modifications to the Economic Incentive Agreement being requested. Ms. Roberts concurred with the request. CRA members agreed to include the public improvements as listed on their handout. Mr. Brock asked for an extension in the timing of the first tower. They would like to shift the project two years. The first tower would be built by 2022. CRA members agreed to the extensions as long as the park is done as originally agreed (3 years).

Mr. Brock asked that events and festivals be limited to two per month within the park. CRA Members agreed. The City can request an exception.

Motion to allow the City Manager and City Attorney to finalize all documents relating to the Exchange Agreement and approve the Exchange Agreement to include proposed changes was made by Member Bastian, and Seconded by

Member Burnette. Motion carried unanimously by roll call vote.

Motion to approve the Economic Incentive Agreement as it relates to the disbursement of the TIF sharing with proposed changes & subject to City Council approval was made by Member Bastian, and Seconded by Member Burnette. Motion carried unanimously by roll call vote.

Motion to authorize the License Agreement for the off-site sign subject to a revision for a 90-day termination right in favor of the City and subject to approval by City Council was made by Member Bastian, and Seconded by Member Burnette. Motion carried unanimously by roll call vote.

Motion to recommend approval of the subdivision plat and plans was made by Member Bastian, and Seconded by Member Burnette. Motion carried unanimously by roll call vote.

Motion to approve the blanket easement subject to changes as discussed at this meeting and City Council approval was made by Member Bastian, and Seconded by Member Burnette. Motion carried unanimously by roll call vote.

Adjourned: 7:09 p.m.

Allen Green

Chairman Allen Green

Modifications to proposed Master Developer Agreement

- Timing for completion of Phase I including Public Trail and Park (PTP) and horizontal site improvements

  PTP and Horizontal Improvements: Start construction 2 years from MDA approval and complete in 12 months (i.e. 3 years from MDA approval).

  Restaurant and balance of Phase I: Completed in maximum of 4 years from MDA approval.

- Blanket Easement for public access: Too broad, needs to just be walkways.

Replacement Language:

Owner Developer shall construct a walkway around the perimeter of the point restaurant as shown on the conceptual development plan. Access to the walkway shall be granted to the general public during normal business hours. Owner Developer reserves all rights to manage the property and business there in as the they see fit to maintain a safe and secure environment for the operation of the restaurant , other affiliated businesses and their patrons. Owner Developer may redirect pedestrian traffic as warranted during special events (i.e. weddings, festivals and paid events).

- 5% TCEA Fees

Developer requests a waiver of the 5% TCEA as part of the Master Development Agreement

Modifications to proposed Economic Incentive Agreement ("EIA")

Public Improvements and Public Benefits

The improvements which constitute Pubic Improvements and Public Benefits under the Development Plan include but are not limited to the following:

- Utility Improvements: The land and construction costs for a 12 inch potable water line, 6 inch reuse line, 6 inch sanitary force main, potable water improvements, fire hydrants, valves, fire department connections, gravity sewer services, lighting/electrical services. Underground utilities along U.S. 1 and Halifax Avenue.

- Multi-Use Park Improvements (in excess of $250,000) for imported fill, six inch compact base, six inch concrete base, concrete pavers, lighting, electrical service, park benches, trash cans, landscape and irrigation.

- Paving: the land and construction costs for US 1 FDOT turn lane(s); Ocean Avenue improvements; sub-base, base, asphalt for parking lots.

- Drainage: the land and construction costs for drainage improvements, inlets, curbing headwall, mitered end sections and piping

- Soft Costs: All design costs, governmental fees, studies, reports, recording costs, associated with constructing an Public Improvement.

- Site: Any cost for acquisition or construction under the Development Plan which constitutes a public improvement or public benefits under the CRA Plan or Florida Statutes Chapter 163.

 Provided by Developer