VOLUSIA COUNTY ECHO ADVISORY COMMITTEE

**MEETING MINUTES**

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**July 24, 2018**

**MEMBERS** **STAFF**

Damien Richards, Chair Carmen Hall, Community Services Operations Manager

Gerard J. Pendergast, Vice Chair Russ Brown, Assistant County Attorney

Pam Clayton Jill Marcum, ECHO Administrative Coordinator

Larry Donnelly, Jr.

Patricia Northey

Cyndi Ritchey

Regina Santilli

Catherine Storch

**CALL TO ORDER/ROLL CALL**

Chair Damien Richards called the meeting to order at 3:05 pm. Roll was called. Member Larry Donnelly, Jr. was absent.

**APPROVAL OF April 24, 2018 MINUTES**

Patricia Northey made a **MOTION** “*To approve the minutes of the April 24, 2018 meeting*”. Catherine Storch seconded the motion. The motion carried unanimously.

**STAFF REPORT:**

Carmen Hall, Operations Manager gave the Advisory Committee a brief overview of the status of the open grants as reported by the grantees for the third quarter of 2018.

She informed the Committee that based on the quarterly reports the City of New Smyrna Beach has completed the Otter Lake Park project and staff is now waiting on the final reimbursement request to be submitted. She stated that the Enterprise Heritage Center project is nearly complete and related that Mr. Sullivan had spoken to County Council Member Fred Lowry about extending the project for 30 – 60 days.

Ms. Hall stated that the Volusia County Coastal Division has reported that the Hiles Avenue project is 90% complete, explaining that the rain delayed the completion of the project. She reported that the City of Port Orange Riverwalk Park project is complete, monitoring visit has been performed and the retainage has been requested.

Ms. Hall related that a monitoring visit was made to the Marine Discovery Center and that they have made great progress.

Ms. Hall explained that the City of Holly Hill has applied for a FIND grant for the Sunrise Park project. The money should be awarded by September.

Ms. Hall went on to report that the City of New Smyrna Beach reported that the Live Oak Cultural Center is at 50% completion and that they are making progress on the City Annex Restoration project. Volusia County Parks and Recreation Division projects Lemon Bluff and Shell Harbor are still in the design phase.

The Stetson University project is underway, to date the columns and roof trusses have been constructed and the concrete slab floors will be constructed in mid-August. They report 30% completion.

Ms. Hall stated that the Ormond Beach YMCA project is 53% complete. City of Edgewater Whistle Stop Park is at 45% completion and are making fast progress. The Florida Hospital Community Gardens project is scheduled to break ground in August. The City of New Smyrna Beach has chosen the layout for the 27th Avenue Beach Park playground and are working to determine the surfaces and equipment that will be best for the beach environment.

Ms. Hall reported that the City of Oak Hill Mary DeWees Park project is waiting on the playground equipment to be delivered and that they expect delivery in August.

Ms. Hall stated that all 2018 grant agreements have been executed and Notice-to-Proceed letters have been sent out.

**07-11 Dutton House Restoration**

Ms. Hall informed the committee that the Historic DeLand, Inc. have submitted a timeline for Dutton House as requested and that the timeline indicated that construction would begin in August. She went on to say that she has requested an update but hasn’t received it yet.

Reggie Santilli told Ms. Hall that the company involved was no longer interested in the project, she stated that there was another interested party.

Cyndi Ritchey asked if the organization involved is a volunteer group and how long the project has been incomplete. She wanted to know why the project was still on the list of projects. Ms. Hall explained that it was on the list because the project is out of compliance. Ms. Ritchey asked how long a project is able to go on before it is closed and the money returned to ECHO. Ms. Hall stated that was up to the committee.

Ms. Ritchey asked if this is the first time something like this has occurred and how ECHO could get the money back.

Catherine Storch asked how much money had been spent on Dutton House. Ms. Hall didn’t have the numbers with her, but will provide them at the next meeting.

Damien Richards asked if there was a procedure in place to address this type situation. He asked if the problem should go before County Council as a recommendation. Ms. Hall stated that it should be a recommendation from the committee.

Ms. Hall said that there was a restrictive covenant in place which would require them to repay the money if they aren’t in compliance, but said the problem was that the organization doesn’t have the ability to pay back the money.

Mr. Richards stated that he felt that they had two different issues, it’s not whether or not they have the funds, it’s about deeming them out of compliance and that he felt every project should be treated the same regardless of fund availability.

He asked if it was even the Committee’s place to make that decision and that he thought their responsibility was to send a recommendation to Council.

Ms. Hall explained that Historic DeLand, Inc. completed the ECHO portion of the project, that the problem was a lack of public accessibility.

Pat Northey asked if there was any kind of plan on how to get it into compliance. Ms. Hall said that there was one in place but that that it had apparently fallen through.

Ms. Storch asked if staff could invite Dutton House to the next meeting. Ms. Hall agreed. Ms. Storch suggested sending a recommendation to County Council stating that the project was out of compliance and let them and the legal department deal with the situation.

Mr. Richards said that at the next meeting he’d like to know the policy is for non-compliance.

**New Business**

**ECHO Grants-in-Aid Application Guide Changes**

The changes recommended to County Council by the ECHO Advisory Committee had been accepted and approved at the July 10, 2018 meeting.

**2018-2019 Advisory Committee Meeting Schedule**

Two calendars were presented for the committee’s choice. Ms. Hall explained that the reason for two calendars was to allow the committee to decide how much time they wanted between the site visits and the grant panel.

Patricia Northey made a **MOTION** “*To approve the 2018 – 2019 ECHO Calendar reflecting the Grant Panel Review Meeting on Tuesday, February 5, 2019*”. Cyndi Ritchey seconded the motion. The motion carried unanimously.

**ADVISORY BOARD COMMENTS**

Ms. Northey asked if it was appropriate for the committee to weigh in on the dispersal of the funds previously set aside for the boardwalk.

Ms. Hall explained the background of the boardwalk project funding set aside and said that the funding would be discussed at the August 7th Council Workshop.

Russ Brown, Assistant County Attorney apologized for not participating in the discussion regarding Dutton House. He said that the Advisory Committee should make a recommendation to the County Council on Dutton House to find them not in compliance. He explained that there was a liquidated damages provision in the restrictive covenants. He said that if they don’t comply with the Agreement the provision could be invoked.

Mr. Brown said that the process would be to have Historic DeLand, Inc. come to an Advisory Committee meeting and let them provide an update. The Committee would deem them out of compliance and present a resolution to the County Council stating that based on the evidence you found them to be out of compliance with the Agreement and the Restrictive Covenants. The Committee would request that the County Council adopt the resolution and then legal would invoke the liquidated damages provision.

Mr. Brown restated the particulars of the resolution for the boardwalk. He stated that again it would be a recommendation to the council as to what the committee wants to be done with the funds.

Damien Richards said they had determined previously that they could offer their assistance to the county council. That they could let the council know that they were willing to vet the recommendation.

Ms. Ritchey asked if the Committee was only responsible for the portion of funds allocated for the competitive grants and not for the Trails or Boardwalk funds.

Gerard Pendergast explained that all of the funds came from ECHO so technically they were responsible for all of the parts.

Ms. Northey said that the reason they were discussing the boardwalk funds was because there was an upcoming discussion regarding what to do with the boardwalk project and funds. Ms. Northey asked Mr. Brown if the Committee Members were allowed to lobby the council about subjects.

Mr. Brown said the Sunshine Law would always be in effect.

Ms. Northey stated that she meant as an individual not as a member of the Advisory Committee.

Mr. Brown explained that is was acceptable for a member to make a personal statement or that the Committee could also make a collective recommendation.

Patricia Northey made a **MOTION** “*To recommend placing the funds previously allocated to the Boardwalk Program back into the ECHO fund for the competitive grants*”.

Mr. Richards said that he thought the best thing was just to advise the council that the committee was willing to help vet any recommendation.

Ms. Northey withdrew the **MOTION**.

Ms. Northey asked if they could draft letter to county council stating they were willing to review and aid the County Council.

Mr. Richards said that he would draft a letter to the County Council.

Mr. Richards asked why no one from the committee presented the 2018 ECHO Grants to the County Council this year.

Ms. Hall said that it the date of the council meeting was changed and it caused scheduling issues. She was unable to find an available committee member ahead of time.

The meeting was adjourned 3:45 pm.