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**MINUTES OF THE  
COMMUNITY REDEVELOPMENT AGENCY  
MEETING OF MARCH 3, 2010  
CITY HALL COMMISSION CHAMBERS,  
210 SAMS AVE.  
NEW SMYRNA BEACH, FLORIDA**

8 Vice-Chair Steve Dennis called the CRA meeting to order at 2:00 p.m.

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**Answering to roll call:**

**Steve Dennis  
Cynthia Lybrand  
Doug Hodson  
Charles Belote  
Thomas Williams**

18 Also present were Tony Otte, Interim CRA Director; Noeleen Foster, CRA Program  
19 Manager; Claudia Soulie, Administrative Specialist and Mark Hall, CRA Attorney. CRA  
20 Chair Linda DeBorde, Commissioner James Kosmas and CRA Project Manager Michelle  
21 Martin were absent.

22  
23 Mr. Dennis reminded the CRA Commissioners to speak directly into the microphones  
24 and asked everyone to silence their cell phones.

25  
26  
27

**CONSENT AGENDA**

28  
29

A. Approval of Minutes – February 3, 2010

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**Mr. Hodson made the motion to approve the February 3, 2010 minutes as written,  
seconded by Mr. Belote. The motion carried on a roll call vote 5 – 0.**

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39

**PUBLIC PARTICIPATION**

In accordance with the City Commission Resolution #11-89, a three-minute limitation will be  
imposed unless otherwise granted by the CRA Commissioners

40 Flare Elliott, 421 Canal Street thanked the CRA for their support of the FEC/Amtrak  
41 project and named other various agencies that had also submitted letters of support.

42  
43 Ms. Elliott continued that they had received a positive response in regards to the Images  
44 Festival for the Arts having extended its boundaries along Canal Street. She wanted to  
45 make the CRA aware that the event committee had also received resistance from some  
46 businesses on Canal Street and those boundaries may be retracted at the next Images  
47 event. Ms. Elliott stated that it was proposed to have meetings to address this issue and

48 that a volunteer group was only able to achieve so much. Ms. Elliot felt it would be  
49 helpful to be able to call on the CRA for their assistance. Mr. Dennis stated that the CRA  
50 would be glad to assist.

51  
52 Hearing no further requests, Mr. Dennis closed the public participation portion of the  
53 meeting.

54  
55  
56 **OLD BUSINESS**

57 A. Arts District Industry Overlay – Update

58  
59 Ms. Gail Henrikson, Chief Planner stated that she had incorporated all the comments/  
60 suggestions that she had received from the CRA Commissioners at their February 3, 2010  
61 meeting as well as the comments/suggestions from the Planning & Zoning Board and the  
62 Historic Preservation Commission into draft regulations and potential district maps. Ms.  
63 Henrikson continued that overall, the members of all three (3) boards were receptive to  
64 the general idea of creating an Arts District and it was the consensus that a proposed  
65 district should be walkable and compact. Ms. Henrikson stated that the highly successful  
66 Village of the Arts in Bradenton was used as an example.

67  
68 Ms. Henrikson asked the CRA for input on creating more than one district, where should  
69 the boundaries be, what kind of businesses would be allowed to open in this district,  
70 signage, parking and hours of operation.

71  
72 Mr. Belote felt that Coffee shops and bakeries might be a little too intensive for a  
73 residential setting.

74  
75 Mr. Williams felt that the area of Washington Street, Rush Street and Orange Ave. would  
76 be conducive to an overlay district, as this area may already be zoned for mixed use.  
77 Also, Mr. Williams commented on a vacant lot behind Images Today and felt that this  
78 could be turned into a parking lot which would further increase the walkability of the  
79 area.

80  
81 Ms. Lybrand felt that there was adequate parking available in the area of Magnolia Street,  
82 Dowing and Rush Street which could minimize the impact of an overlay district. Ms.  
83 Lybrand stressed the need for signage.

84  
85 Ms. Foster made the suggestion to have both sides of the street included in the overlay  
86 district as this had been an issue with the CRA district boundaries.

87  
88 Mr. Hodson stated that he would like to consider more than one overlay district once all  
89 the regulations have been implemented.

90  
91 Ms. Henrikson thanked the CRA for their continued suggestions.

92  
93  
94

95 B. Review of FDOT Draft Conceptual Plan – US1/Canal Street intersection

96  
97 Mr. Otte stated that FDOT staff in Deland had met with City and CRA staff on several  
98 occasions to discuss a conceptual plan for improvements at the intersection of US 1 and  
99 Canal Street. Improvements at this intersection were part of an overall FDOT effort to  
100 increase capacity on US 1 and Canal Street. Mr. Otte continued that at this point, FDOT  
101 staff was preparing to go forward with getting bids from engineering firms to design the  
102 intersection improvements. CRA staff requested that FDOT make a presentation on the  
103 conceptual plan before the design process began.

104  
105 Mr. Amir Asgarinik, District Transportation Systems Manager, John Fowler and  
106 Christopher Cairns, all with the Florida Department of Transportation were present to  
107 speak on the proposed improvements for the intersection of US1 and Canal Street, which  
108 would add extra turning lanes to US 1 thus enlarging the intersection. The representatives  
109 continued that the draft conceptual plan addressed drainage issues and also called for  
110 several on-street parking spaces to be eliminated. Mr. Asgarinik stated that FDOT had  
111 secured funding for the design and gave a timeline by when design was going to begin,  
112 but funds for construction had not been addressed.

113  
114 Mr. Otte inquired about Oak trees that may have to be removed during construction to  
115 accommodate FDOT's draft concept and asked if they could be replaced with Palm trees  
116 that matched the landscaping further east on Canal Street as part of a project. Mr. Fowler  
117 felt that this could be arranged through a joint participation agreement with the City and  
118 FDOT. Mr. Asgarinik stated that FDOT would indicate this request in their scope of work  
119 and when the time came they would forward the funding request application to the City,  
120 however, the application needed to be approved in order for FDOT to incur these costs.

121  
122 A brief discussion ensued about the need for possible easements from the FEC, the  
123 purpose of the proposed dual turn lanes and interconnecting the traffic signals to the north  
124 and south of US1 and Canal Street to avoid potential grid lock.

125  
126 Mr. Williams felt that this draft conceptual plan would definitely satisfy FDOT's goal of  
127 moving traffic smoother and faster through this intersection, but he cautioned that this  
128 was not in line with the CRA's goal of improving the walkable connectivity between east  
129 and west Canal Street. Mr. Williams asked that FDOT work with CRA/City staff to  
130 come up with the best compromise that would satisfy everyone's purpose.

131  
132 Mr. Dennis inquired about the possibility of a pedestrian walkover to connect east and  
133 west Canal Street. Ms. Lybrand mentioned that school children were also crossing US1 at  
134 that intersection.

135  
136 Mr. Chad Lingenfelter, Chief Planner, commented that pedestrians, bicycles and cars  
137 were using this intersection and that City staff will be working with FDOT to make  
138 accommodations for all modes of transportation. Mr. Lingenfelter thanked the FDOT  
139 representatives for seeking input that early in the design stage. The CRA agreed and also  
140 thanked FDOT for being available to make this presentation and listening to all the  
141 suggestions.

142 Mr. Williams commented on current stormwater improvements for Orange Ave. and  
143 suggested researching how this may affect proposed stormwater improvements for US1  
144 and Canal Street. Also, Mr. Williams asked to have the two (2) Votran bus stops taken  
145 into consideration. Mr. Fowler noted the suggestions and stated that he had tried to  
146 contact Votran for the current criteria for evaluating bus stops to determine the need for a  
147 “bus pull-off” versus stopping in the driving lane.

148  
149 Ms. Foster commented on the fact that this draft conceptual plan required a large portion  
150 of the CRA owned Dunn Lumber property for implementation and cautioned that this  
151 may limit its redevelopment options.

152  
153 Ms. Flare Elliott asked if a copy of the FDOT draft conceptual plan could be made  
154 available at City Hall for public review and if a special section of the City’s website  
155 could be dedicated to this project. Also, Ms. Elliott stated that she was under the  
156 impression that a motion was made at the last CRA meeting to include Pete Sechler with  
157 AECOM in the negotiations. Mr. Otte stated that Mr. Sechler had submitted documents  
158 pertaining to this project and that they were included in this agenda package. Mr. Otte  
159 continued that another scope of work was necessary should Mr. Sechler be asked to do  
160 additional work on this topic. A brief discussion ensued that the motion that was passed  
161 to include Pete Sechler pertained to negotiations for the proposed Hotel on Flagler. Staff  
162 will check into Ms. Elliott’s request. Ms. Elliott felt that the public should be made more  
163 aware of the FDOT project.

164  
165 Mr. Asgarinik stated that he would supply staff with an updated draft conceptual plan for  
166 posting on the website.

167  
168 Mr. Otte commended the FDOT on their willingness to communicate with City and CRA  
169 staff.

170  
171 Mr. Dennis inquired if staff needed any action from the CRA on this agenda item. Mr.  
172 Otte stated that this was only an informational item to receive the CRA’s input.

173  
174 Mr. Otte asked Mr. Lingenfelter to comment on the possibilities of obtaining stimulus  
175 money for “shovel ready” projects. Mr. Lingenfelter stated that staff was working  
176 diligently on securing stimulus funding for a few City projects and commented on the  
177 ones within the CRA district and on how staff was planning to obtain these grants.

178  
179 Mr. Dennis recognized City Commissioners Riker, Hathaway and Grasty, Volusia  
180 Councilman Hayman, Volusia County Economic Development Director Phil Ehlinger  
181 and Mayor Barringer.

182  
183 C. CRA Commercial Impact Fee Assistance Program – Proposed Amendment

184  
185 Ms. Foster stated that the CRA adopted a Commercial Impact Fee Assistance Program in  
186 December 2009 in order to encourage revitalization and enhancement of commercial  
187 buildings and mixed-use opportunities by stimulating investment in the CRA District.

188

189 Ms. Foster continued that upon further review of the guidelines staff recommended the  
190 CRA consider adopting these program modifications.

191

- 192 1. Tighten up the application time frame to within 30 days of submitting a permit  
193 application or business tax receipt application.
- 194 2. Occasionally permits are not picked up. In order to avoid paying impact fees for  
195 permits or business licenses that are never paid for, funds should be eligible for  
196 disbursement only when the permit or business license is paid minus the impact  
197 fees.
- 198 3. Allow payment directly to the City Building Department or a reimbursement upon  
199 submittal of proof of payment of non-impact fees.
- 200 4. Allow for minor application irregularities if the CRA considers it to be in the  
201 program's best interest to do so.

202

203 **Mr. Hodson made the motion to approve the proposed amendment to the**  
204 **Commercial Impact Fee Assistance Program as noted, seconded by Mr. Williams.**  
205 **Motion carried on roll-call vote 5-0.**

206

207

208 D. W. Canal Streetscape and Drainage Improvements Project – Change Order #2  
209 (Items 2C, 2D, 2F, 2P-MY, and 2P-L)

210

211 Mr. Otte stated that CRA/City staff had met with the Utilities Commission (UC),  
212 Thadcon and the Design Engineer to review the chain of events that resulted in changes  
213 to the original scope of work and how to divide the financial responsibilities of change  
214 order #2 among these groups. Mr. Otte continued that the City had authorized Thadcon to  
215 implement the requested changes, which were completed at the end of 2009; however,  
216 the contractor had not yet received reimbursement. Mr. Otte stated that the discussions  
217 were still ongoing and that this Change order #2 request had been placed on the City  
218 Commission Agenda for their March , 2010 meeting, but felt that the Thadcon needed to  
219 be reimbursed immediately.

220

221 Mr. Otte continued that he had received a letter from the UC agreeing to pay \$87,835.41  
222 pertaining to conflict structures yet declining assistance with the other requests for  
223 financial assistance discussed during previous meetings.

224

225 **Mr. Hodson made the motion to approve Change Order #2, seconded by Mr. Belote.**  
226 **Motion carried on roll-call vote 5-0.**

227

228 Once the project will be completed Mr. Williams would like to see a comparison between  
229 the original budget figures for the West Canal Streetscape improvements versus the final  
230 costs. Mr. Otte compared this streetscape project to remodeling an older house versus  
231 building a new one, since you never knew what you might find behind the next wall.

232 Ms. Lybrand inquired about the budget figure for the streetlight poles (item # 2Q) not  
233 being included in change order #2 that was before the CRA today. Mr. Otte stated that the  
234 streetlight pole figure of \$79,907.99 was included in change order #2 that was before the

235 CRA at their January 13, 2010 meeting. Mr. Otte stated that he would have Ms. Martin  
236 clarify this, as she was not able to be present at today's meeting.

237  
238 A discussion ensued about which entity made the decision that the electrical services  
239 needed to be moved to the back lot lines and undergrounded. Mr. Otte stated that this was  
240 still being resolved. Mr. Dennis stated that he remembered this being a UC requirement.  
241 Ms. Lybrand felt that this needed to be sorted out before work on the rear undergrounding  
242 on the north side of Canal Street would begin.

243  
244 Mayor Barringer stated that he had spoken with Thadcon and agreed that it was  
245 imperative that they receive reimbursement for the work they did. Mayor Barringer  
246 continued that he was told that Thadcon had information to substantiate that the UC gave  
247 the directive for undergrounding of overhead utilities.

248  
249 Mr. Resheidat, Assistant City Manager/Public Works Director, felt it was important to  
250 meet with the project Electrical Engineer Paul Estes for further verification and to  
251 reimburse the contractor in the interim.

252  
253

254 **NEW BUSINESS**

255

256 A. Impact Fee Assistance Program Application – 113 S. Orange Ave

257  
258 Ms. Foster stated that the CRA had received an application from 113 S. Orange Street for  
259 Impact Fee assistance in the amount of \$3,762.41. The CRA approved a Property  
260 Improvement Grant for this property at their February 2010 meeting in the amount of  
261 \$2,847.50. Ms. Foster continued that staff recommended approval of this application and  
262 that the CRA authorize reimbursement upon satisfaction of program criteria.

263  
264 **Mr. Hodson made the motion to approve the Impact Fee Assistance Application for**  
265 **113 S. Orange in the amount of \$3,762.41, seconded by Ms. Lybrand. Motion**  
266 **carried on roll-call vote 5-0.**

267  
268

269 B. New Smyrna Beach UCF Business Incubation Program

270  
271 Ms. Foster stated that on the surface, business incubators were a deceptively simple  
272 concept and that they were put together to help an entrepreneur start a successful business  
273 without the worry of setting up an office, hiring staff, getting a phone and internet, or  
274 even buying furniture. Ms. Foster continued that the incubator offered an intensive  
275 counseling service, series of seminars and access to an expert advisory board of  
276 experienced business people.

277  
278 Ms. Foster recommended that the CRA authorize staff to explore a CRA / UCF Business  
279 Incubation Program partnership for New Smyrna Beach with incubator location(s) to be  
280 determined.

281 **Mr. Hodson made the motion to authorize staff to move forward in exploring a**  
282 **CRA/UCF Business Incubation Program partnership, seconded by Mr. Williams.**  
283 **Motion carried on roll-call vote 5-0.**

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## REPORTS AND COMMUNICATIONS

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### A. Director's Report

289

290 Mr. Otte stated that the CRA capital budget was part of the Community Redevelopment  
291 Plan update and that he had discovered the need for additional funds for the West Canal  
292 Streetscape budget. Mr. Otte continued that Finance staff had also tasked City/CRA staff  
293 to provide information on each respective budget by March 15, 2010 for inclusion in the  
294 FY 2010/11 City budget. Mr. Otte suggested holding a special CRA meeting before  
295 March to address these items and finalize the budget. The CRA agreed on March 11,  
296 2010 at 2:00 pm.

297

298 Mr. Otte reported on the proposed Amendment 4 and stated that, should it get approved,  
299 it would only affect projects that were presented after its inception and Mr. Otte  
300 anticipated a rush of projects looking to be approved prior to November 2010.

301

302 Mr. Otte continued that the CRA had inquired about the City reimbursing the CRA for  
303 funds contributed to the Esther Street property. Mr. Otte stated that per the Finance  
304 Director the City did not receive the anticipated grant funding, thus no reimbursement  
305 would be made to the CRA.

306

307 Mr. Otte deferred his final topic on County Resolutions regarding CRA's to Mark Hall to  
308 address during this CRA Attorney Report.

309

310

### B. CRA Attorney Report

311

312  
313 Mr. Hall thanked Volusia Councilman Hayman and Volusia County Economic  
314 Director Ehlinger for attending and continued that the Volusia County Council had  
315 recently adopted Resolution Nos. 2010-18, 2010-19 and 2010-20. Mr. Hall commented  
316 on some reporting requirements included in these resolutions and stated that the CRA  
317 was already complying with those requirements. Mr. Hall continued that copies of the  
318 adopted resolutions would be forwarded to the CRA. Mr. Hall elaborated that Volusia  
319 County now required to be notified of any changes in the CRA's budget as well as being  
320 recognized in print and electronic media as a contributor for CRA projects.

321

322 Councilman Hayman stated that it was discovered that most of the Communities did not  
323 realize that Volusia County contributed millions of tax dollars yearly to various CRA's to  
324 fund improvements in their respective Communities. Mr. Hayman continued that it was  
325 decided to recognize all the contributing agencies as was done for federal projects. Mr.  
326 Hayman also stated that Volusia County was not interested in approving or disapproving

327 CRA budgets and budget changes, but rather they wanted to be assured that their  
328 contributions were being used for the Capital projects those funds were being directed  
329 towards. Mr. Hayman continued that Volusia County would now specify what percentage  
330 of their contribution needed to go to which new CRA project. Mr. Hayman stated that the  
331 Public having access to budget information on each CRA's website was a great tool.

332

333 A brief discussion ensued about extending the life of the CRA past its sunset of 2015.

334

335 Mr. Hayman commented on an earlier discussion pertaining to Change order #2 for West  
336 Canal Streetscape in regards to a disagreement between the City and the UC of who  
337 authorized a certain type of work and stated that it was imperative to have a unified  
338 system and planning process. Mr. Hayman felt that businesses wanted to come to New  
339 Smyrna Beach, but were concerned about "getting it passed" the UC.

340

341 In closing Mr. Hayman stated that one of the entry points for the CRA's and Volusia  
342 County to start partnering could be through Economic Development.

343

344 Mr. Hall commented that the CRA had authorized him at their February 3, 2010  
345 meeting to sent formal notice to the Southeast Volusia Hospital District's Attorney  
346 demanding payment of their required 2009 contributions to the CRA District. Mr. Hall  
347 continued that no payment had been received as of yet and in order to move forward, the  
348 City had to initiate conflict resolution procedures. Mr. Hall stated that he and the City  
349 Attorney had put together a draft resolution to be considered by the City Commission on  
350 their March 9, 2010 meeting to attempt to resolve this matter before going to Court. Mr.  
351 Hall asked that the CRA assent that this draft resolution be forwarded to the City  
352 Commission for adoption.

353

354 **Mr. Hodson made the motion to assent that this draft resolution be forwarded to the**  
355 **City Commission for adoption, seconded by Mr. Belote. Motion carried on roll-call**  
356 **vote 5-0.**

357

358 Mr. Williams inquired if there was consideration of reducing the amount of the SEVHD's  
359 contribution. Mr. Hall stated that the Florida Governmental Resolution Act provided for  
360 the necessary steps to proceed and said that the SEVHD was duty-bound to pay and the  
361 CRA was duty-bound to require payment.

362

363 Mayor Barringer stated that the CRA may need to be prepared to have to adjust their  
364 budget to not include the contributions from the SEVHD and felt that this was a serious  
365 matter.

366

367 Ms. Lybrand would like to see an amicable working relationship between the City and  
368 the Hospital District and she commented on benefits that the City was already offering  
369 the Hospital. Mr. Hall stated that SEVHD may be the only district that was actually in a  
370 CRA District.

371

372 Mr. Belote felt that there was public misconception about the SEVHD's Tax Increment  
373 Financing (TIF) contributions because they were in the CRA District.

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C. Commissioner Report

Mr. Dennis suggested that each CRA Commissioner correspond with Mr. Otte about their thought of how the CRA properties on Florida Ave should be conveyed to the Developer of the proposed Hotel on Flagler Ave. Mr. Dennis continued that the PUD and Rezoning agreements had been passed by the City Commission with a 180 day timeline and Mr. Dennis suggested having Mr. Otte and Mr. Hall negotiate the key issues on behalf of the CRA.

Mr. Williams inquired if the Developer had stated what they would offer. Mr. Hall commented that meetings had been held with the Developer and their attorney about property values and he felt that a suitable price offer could be presented to the CRA at their regular CRA meeting. Mr. Hall continued that parking arrangements were still being discussed.

Mr. Belote asked to have the methodology listed by which the final price was derived. Mr. Dennis reiterated that all questions and comments pertaining to the Flagler Hotel needed to be directed to Mr. Hall or Mr. Otte.

D. Correspondence

1. Images – A festival of the Arts
2. Amtrak Passenger Service Letters of Support

Mr. Dennis commented on the correspondence including in the agenda package.

Mr. Otte stated that he had received a list from AECOM (fka Glatting Jackson) listing the cities where all of their program recommendations were currently in operation and he would have that available upon request.

Mr. Dennis recognized Ann Brady from the Atlantic Center from the Arts.

**ADJOURNMENT**

**A motion was made to adjourn; all agreed. Meeting adjourned at 3:52 pm.**