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**MINUTES OF THE  
CITY OF NEW SMYRNA BEACH  
COMMUNITY REDEVELOPMENT AGENCY  
MEETING OF DECEMBER 8, 2010  
CITY COMMISSION CHAMBER, CITY HALL, 210 SAMS AVE.  
NEW SMYRNA BEACH, FLORIDA**

Chair Charles Belote called the CRA meeting to order at 2:00 p.m.

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**Answering to roll call:**

**Charles Belote  
Steve Dennis  
James Kosmas  
Cynthia Lybrand  
Doug Hodson  
Chad Schilsky  
Thomas Williams**

Also present were CRA Director Tony Otte; CRA Project Manager Michelle Martin; CRA Administrative Assistant Claudia Soulie and CRA Attorney Mark Hall.

Mr. Belote recognized former CRA Chair Linda DeBorde in the audience.

**CONSENT AGENDA**

- A. Approval of Minutes – Regular Meeting November 3, 2010
- B. Commercial Property Improvement Grant (PIG) - 725 W. Canal Street (Board of Realtors)
- C. \*Commercial Property Improvement Grant - 224 Flagler Ave (Waffle Planet)
- D. \*Commercial Matching Revitalization Grant (MRG) – 224 Flagler Ave. (Waffle Planet)
- E. \*Commercial Impact Fee Assistance Grant (IFAG) – 224 Flagler Ave. (Waffle Planet)
- F. \*Commercial PIG and Commercial MRG – 112 and 114 Sams Ave. (Waffle Planet)
- G. Commercial Property Improvement Grant – 440 N. Dixie Freeway (Midtown Dogs)
- H. Commercial Matching Revitalization Grant – 440 N. Dixie Freeway (Midtown Dogs)
- I. Commercial Impact Fee Assistance Grant – 440 N. Dixie Freeway (Midtown Dogs)
- J. Commercial Property Improvement Grant – Canal and Faulkner Streets Parking Lot (Bob Wiley)
- K. Proposed Senior Inspector Position

\* **NOTE:** Waffle Planet's first choice is 224 Flagler Ave. Locations on Sams Ave. are alternates.

50 Mr. Belote inquired if Mr. Otte had any comments pertaining to the consent agenda. Mr.  
51 Otte stated he did not.

52

53 Mr. Belote asked for a motion to approve the consent agenda.

54

55 **Mr. Dennis made the motion to approve the consent agenda with all items as**  
56 **presented, seconded by Ms. Lybrand. Motion carried on roll-call vote 7 –0.**

57

58

59 **PUBLIC PARTICIPATION**

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

62 Adele Aletti, Merchants of Flagler President, thanked the CRA for their help with  
63 Flagler’s Christmas carnival event and stated that they are going to open an Ice Skating  
64 rink at the corner of Cooper and Flagler Ave. on December 18, 2010 through January 2,  
65 2011. The cost would be \$8.00 for 2 hours of skating which also includes skate rental.

66

67 **PRESENTATION**

68

69 1. Friends of Canaveral – Plein Air Paint Out Event Report

70

71 Ms. Pat Skrtic, Event Chair stated that their event, which was held from November 8 –  
72 13, 2010, was very successful and she thanked the CRA for their generous contribution  
73 through the Grants and Aids program. Ms. Skrtic continued that they were able to sell 26  
74 paintings and that 50% of those proceeds went to Friends of Canaveral in support of the  
75 Children’s Learning Center. Ms. Skrtic was very grateful for the tremendous amount of  
76 support their event had received from local merchants and restaurants.

77

78 Mr. Belote commended Ms. Skrtic on her efforts.

79

80 2. Proposed Hampton Inn Hotel - Update

81

82 CRA Attorney Mark Hall informed the CRA that he had received a call from Mr. Glenn  
83 Storch’s office, attorney for the Developer, that he had been delayed and asked that this  
84 item be deferred until Mr. Storch arrived.

85

86

87 **OLD BUSINESS**

88 A. Flagler Boardwalk Recommendation to the City Commission

89

90 Mr. Otte stated that the Flagler Boardwalk wooden structure was constructed in 2000  
91 and was now in need of repair and that several problems had been noted with the  
92 structure:

93

94 1. The condition of the structure’s metal roof and the wood members. On the  
95 whole, however, the wood in the structure itself appeared to be in good  
96 condition.

- 97 2. Rusting metal bolts in the structure's overhead beams.  
98 3. Seriously deteriorated and inoperable lighting fixtures in the structure.  
99 4. Nesting Pigeons leaving pigeon excrement on the floor and elsewhere.  
100 5. Perception that design and placement of the structure itself was blocking the  
101 view of the ocean from the parking lot.  
102

103 Mr. Otte continued that the Quentin L. Hampton engineering firm and their sub-  
104 consultant, architect David Dacar, prepared an assessment of the wooden structure  
105 while also preparing an assessment of the seawall. Note: The seawall assessment had  
106 determined that the seawall "cap", just below the railing in the walkway area adjacent  
107 to the wooden structure, needed to be replaced. It was anticipated that work on the  
108 seawall and on the structure would be done as a part of a single project in order to be  
109 completed within one timeframe.  
110

111 Mr. Otte stated that Mr. Dacar made a presentation at a public meeting on November 1,  
112 2010 concerning the wooden structure where he gave three options for addressing the  
113 present concerns.  
114

- 115 1. Repair the structure in its current configuration "Repair As-is Plan".  
116 2. Demolish the structure. "Demolish and Remove"  
117 3. Repair the structure except for these areas: "Modified Repair Plan"  
118 a. Demolish the two "wooden shade structures" near the northernmost end  
119 and the southernmost end of the current structure.  
120 b. Demolish the copula.  
121

122 Mr. Otte continued that staff had created a non-binding referendum ballot for the  
123 purpose of gathering public input on the preferred option. Results of this ballot  
124 indicated that 30% of the voters preferred the "Repair As-is Plan, 43% preferred the  
125 "Modified Repair Plan" and 27% preferred the "Demolish and Remove" option.  
126

127 Mr. Otte asked that the CRA make a decision on either one of the three options (unless  
128 they wanted to introduce another option) and to authorize the project to move to design  
129 phase. Staff will then take that recommendation to the City Commission for ratification.  
130

131 A brief discussion ensued about the pros and cons of the proposed options on the ballot  
132 and their respective cost estimates and a prior proposal done by Schweizer-Waldroff in  
133 2006.  
134

135 Mr. Kosmas felt that the "Demolish and remove" option should have included ideas of  
136 creating shaded public seating areas to give visitors a spot to gather after they left the  
137 beach as had also been recommended by the consultants who created the recent CRA  
138 Master Plan update.  
139

140 Mr. Dennis felt that the current shade structures on the east and west end sides did not  
141 really provide adequate shade and that removing them would provide for a better view  
142 of the ocean (from the parking lot).  
143

144 Mr. Schilsky agreed with Mr. Dennis and felt that it would be in the CRA's best interest  
145 to move forward with the Modified Repair plan. Mr. Schilsky was in favor of the tile  
146 roof for aesthetic purposes.

147 Mr. Williams stated his concerns about the rust and the visibility issues with the current  
148 structure and felt that removing the end structures was a step in the right direction. Mr.  
149 Williams continued that he thought that once the seawall repairs had been made, the  
150 CRA would create one complete scope for the Boardwalk project from the seawall back  
151 to Buenos Aires, which he would be in favor of.

152

153 Ms. Lybrand stated that she definitely would like to have the end structures removed  
154 and that she would like to see samples of the proposed tiles and the respective color  
155 choice.

156

157 Mr. Hodson agreed with his fellow Commissioners.

158

159 **Mr. Dennis made the motion to authorize staff to present to the City Commission**  
160 **for ratification the option of the “Modified Repairs” with the removal of the east**  
161 **and west end shade structures; the use of tiles for the roof and the entering into the**  
162 **design phase; seconded by Mr. Schilsky. Motion carried on roll-call vote 5 –2; with**  
163 **Mr. Williams and Mr. Kosmas casting the dissenting votes.**

164

165 Mr. Kosmas was not in favor of using tiles, but since the vote had passed, he suggested  
166 the use of blue tile to blend in with the ocean.

167

168 **Mr. Kosmas made the motion to review the tile color scheme; seconded by Mr.**  
169 **Schilsky. Motion carried on roll-call vote 7 –0.**

170

171 Chair Belote noted that Mr. Glenn Storch had arrived and that the CRA could now hear  
172 the presentation on the update for the proposed Hampton Inn Hotel.

173

174 Mr. Glenn Storch, Attorney representing HIHO, LLC stated that they were in the process  
175 of working out all remaining issues, which would allow for the construction of the  
176 proposed hotel. Mr. Storch continued that the Developer had been delayed in moving  
177 forward with the project on a few occasions due to issues that were not caused by the  
178 Developer. These delays had created a concern, since HIHO’s current contract on the  
179 property they hold with the City was going to expire on January 26, 2011. Mr. Storch  
180 continued that the Developer anticipated construction to start in the first quarter of 2011  
181 and stated that NSB City Manager Pam Brangaccio had suggested the developer ask the  
182 City Commission for a six (6) months contract extension.

183

184 Mr. Storch mentioned that the laws were recently changed allowing Industrial  
185 Development Bonds to be used for Hotels, so this, along with private financing, was  
186 another avenue the Developer was exploring.

187

188 Mr. Kosmas inquired if extending the contract would also extend the CRA incentives or  
189 if a separate motion had to be made.

190

191 Mr. Hall stated that extending the incentives would be at the discretion of the CRA and  
192 the City Commission and if it was accepted, an addendum would be added to the contract  
193 for the extension. Mr. Storch asked that, if the CRA was going to make a motion to  
194 extend the contract, they also make separate mention of extending the availability of the  
195 incentives for the same time frame.

196 Mr. Dennis recommended including the incentives as well as the actual new expiration  
197 date for the contract in the motion.

198

199 **Mr. Kosmas made the motion to recommend to the City Commission that the**  
200 **contract with HIHO, LLC as well as the CRA-offered incentives be extended with a**  
201 **new expiration date of July 26, 2011; seconded by Mr. Hodson. Motion carried on**  
202 **roll-call vote 7 –0.**

203

204 Mr. Storch thanked the CRA for their time and stated that he would like to present the  
205 CRA with another progress report in a few months.

206

207 **B. Mary Ave Streetscape Phase II – FECR Right-of-Way Improvements**

208

209 Mr. Otte stated that the Mary Ave Streetscape was one of the current CRA capital  
210 projects and that the City Commission approved Resolution No. 21-10 at their April 27,  
211 2010 regular meeting allowing the CRA to apply for a Volusia County Bicycle/Pedestrian  
212 Projects Grant to improve the safety of Florida East Coast Railway At-Grade Crossing by  
213 widening Mary Avenue through the FECR right-of-way and constructing the multi-use  
214 trail across the At-Grade Crossing.

215

216 Ms. Martin continued that the Mary Avenue Phase II Project was ranked as a high  
217 priority, but as a requirement for funding, the City needed a license agreement with the  
218 FECR to construct the multi-use trail in their right-of-way, which was obtained by CRA  
219 staff and fully executed as of December 1, 2010.

220

221 Ms. Martin informed that the City/CRA would be required to cover all of the costs in the  
222 amount of \$281,464.15 to design and construct the improvements within the FECR right-  
223 of-way and that they would be reimbursed at least 85% of the costs by the Volusia TPO.  
224 Ms. Martin stated that the City would only be required to match 15%, but was recently  
225 informed by the County that the local match may be waived altogether as they (the  
226 County) had acquired additional funding for their grants. Mr. Martin recommended that  
227 the CRA authorize staff to prepare a Purchase Order for the Florida East Coast Railway  
228 in the amount of \$281,464.15.

229

230 Mr. Otte commended Ms. Martin for her diligent work in dealing with the FECR and  
231 obtaining the grant as well as the Executed License Agreement.

232

233 A brief discussion ensued about the need to add pedestrian signals at the crossing as well  
234 as upgrading the surrounding signals to be compatible with the new technology; this cost  
235 already being included in the total amount requested and the possibility of upgrading  
236 various other crossings within the CRA district to ensure pedestrian and driver safety.

237

238 **Mr. Dennis made the motion to allow staff to prepare a Purchase Order in the**  
239 **amount of \$281,464.15 for the FECR At-Grade Crossing at Mary Ave; seconded by**  
240 **Ms. Lybrand. Motion carried on roll-call vote 7 –0.**

241

242 **NEW BUSINESS**

243

244 A. Preparation for the Joint Workshop with the City Commission on New Programs:

245

246 Mr. Otte stated that a joint workshop with the City Commission and the CRA has been  
247 scheduled for January 12, 2011 at 3:30 pm, following the regular CRA meeting, in order  
248 to discuss and formulate new CRA programs and citywide incentives to further economic  
249 development.

250

251 Mr. Otte continued that staff had reviewed the following three sources for information on  
252 possible new programs:

253

- 254 • CRA meeting minutes, for comments and suggestions on program elements made  
255 in the past year;
- 256 • Information provided in the CRA Master Plan Update on programs in other  
257 CRAs; and
- 258 • Specific information gathered from other CRAs (program descriptions).

259

260 Mr. Otte summarized that suggestions made during CRA meetings in the past year  
261 concerning new programs included the alleviation of the current parking requirements; all  
262 parties to an incentive grant requested to be equally vested and a more comprehensive  
263 grant package.

264

265 Mr. Otte stated that the Economic Development Advisory Board had recently approved  
266 the incentive of suspending the Police and Fire impact fees citywide for the year 2011 in  
267 addition to any Brownfields; CRA incentives and Enterprise Florida incentives relating to  
268 job creation.

269

270 Mr. Otte continued that staff requested discussion in preparation for the January joint  
271 workshop. Mr. Belote stated that he had asked staff to put together a summary of current  
272 incentives that the CRA offered which was included in the December agenda packet.

273

274 Mr. Williams stated that impact fees mostly applied to new development, meaning raw  
275 land to improved properties, but that within the City of New Smyrna Beach a change of  
276 use from one business to the next could trigger impact fees and he suggested reviewing  
277 the possibility of eliminating this regulation as an incentive for a change of use.

278

279 Mr. Otte stated that he would check into eliminating the impact fees and the possible  
280 ramifications.

281

282 Mr. Kosmas felt that the current parking requirements limited certain types of businesses  
283 from using existing structures and suggested that staff look into eliminating the parking  
284 requirements. Mr. Otte stated that the Planning and Zoning Board had voted to expand  
285 the special parking district on December 6, 2010 and that this topic would go before the  
286 City Commission for ratification.

287

288 Mr. Dennis inquired about waiving the parking lease fees and a brief discussion ensued  
289 about how many CRA parking spaces were currently being leased and the small revenue  
290 derived.

291

292 Mr. Dennis asked for clarification on the Brownfield incentive on job creation and felt  
293 that job retention/ preservation was equally important and should be incentivized.

294

295 Mr. Belote commented on the CRA Rent Incentive program that was presented to the  
296 City Commission and Mr. Otte stated that the City Commission requested staff to revise a  
297 section that pertained to local ownership and Mr. Otte was planning on bringing the  
298 revised program back at the joint workshop in January 2011.

299

300 Mr. Schilsky stated that he had to lease parking spaces in one of the CRA lots in order to  
301 open his restaurant on Flagler Ave and felt that his patron's were probably just parking  
302 wherever there was an open spot in the immediate vicinity of his restaurant. Mr. Schilsky  
303 commented that he was in favor of waiving the parking requirements.

304

305 Mr. Kosmas stated that the CRA leased parking program was intended to assist  
306 businesses to meet the parking requirements based on the City's Land Development  
307 regulations.

308

309 a. Review of CRA Assistance Programs

310

311 No separate discussion on this item, included in preceding item A.

312

313

## 314 REPORTS AND COMMUNICATIONS

315

### 316 Director's Report

317

318 Mr. Otte stated that CRA projects were moving forward and that East Canal Street got  
319 restriped to match the new look of West Canal Street. Mr. Otte also commented favorably  
320 on the Christmas lighting that the Parks & Recreation had installed.

321

322 Mr. Hodson asked Mr. Otte to comment on the applications staff had received for the  
323 recently advertised CRA Marketing Coordinator position. Mr. Otte stated that he had  
324 received several applications and that he was in the process of assembling a review team  
325 including representatives from the Flagler and Canal Street Merchants associations as  
326 well as DeLand Mainstreet. Mr. Otte was anticipating being able to select the finalist  
327 within the next three (3) weeks.

328

329 Mr. Williams stated that he was in favor of creating a Senior Inspector position to assist  
330 the CRA Project Manager as well as keeping this service in-house and questioned if the  
331 suggested hourly rate could be reviewed for possible reduction.

332

333 Mr. Williams referenced an item in the Director's report initiated by Mr. Schilsky  
334 addressing art for pad-mounted electrical transformers and commented on a presentation  
335 made to the CRA about a year ago pertaining to trash receptacle art and felt that these  
336 two projects could be tied together. Mr. Hall stated that the presenter's name of the trash  
337 receptacle art was Brian White and that he would provide the contact information to Mr.  
338 Otte.

339

340 Mr. Schilsky stated that he would get with his contact person to coordinate with the  
341 artists who were interested in volunteering their time and talent. Mr. Schilsky felt that  
342 this would be a great project to tie in to the CRA's current wayfinding system program to  
343 beautify the City.

344  
345 Mr. Otte stated that he had been approached by a group who was interested in sponsoring  
346 fitness station stops in the proposed running/walking path that was called out in the CRA  
347 Master Plan update and that an interest had been expressed in calling the proposed loop  
348 "NSB Fitness Trail".

349  
350 Mr. Kosmas was strongly opposed to only branding the loop "NSB Fitness Trail" as the  
351 intent of naming this loop was to assimilate the businesses in that loop into the Canal  
352 Street and Flagler Ave Shopping districts.

353  
354 A brief discussion ensued about "fighting" against preconceived ideas of what was  
355 considered a loop as this term was used by different cities for various things.

356  
357 Mr. Kosmas inquired about the trucks and trailers that a contractor had parked on the  
358 Dunn Lumber site and which, he felt, were very unsightly. Mr. Otte stated that the  
359 company that demolished the Dunn Lumber buildings had asked if they could stage their  
360 equipment on this site, but staff would contact the company to have them remove their  
361 equipment or at least arrange it in a more orderly fashion.

362  
363 Mr. Kosmas asked for clarification if a fence was still needed to secure the area of the  
364 former Dunn Lumber site. Ms. Martin stated that recent new information allowed staff to  
365 bring in dirt to fill the drop-off from the sidewalk, so that an actual fence was no longer  
366 necessary; however, the silt fence had to remain as it was an environmental requirement.

367  
368 A brief discussion ensued about what can be done to the site until the decontamination by  
369 FDEP. Mr. Otte stated that the consultant hired to design the wayfinding system would  
370 also design landscaping for this area, but any actual work could only be done after FDEP  
371 completed their tasks.

372  
373 Mr. Kosmas suggested contacting the owners of the buildings on either side of the  
374 recently demolished Fox Firestone building to make them aware of the possibility of  
375 CRA grant funding to repaint the exposed sides of their facades. A brief discussion  
376 ensued about what could and needed to be done to address the exposed "hole".

377  
378 Mr. Kosmas stated that the decision to leave up the lights in Christmas Park all year  
379 round should be reconsidered, as he felt the perceived savings of staff time to be invalid,  
380 since staff had to remove the lights to trim the trees. Furthermore, removing them would  
381 help increase the useful life of the lights. Mr. Otte stated he would pass these comments  
382 along to the P&R Director.

383  
384 Ms. Martin stated that, at a previous CRA meeting, staff was directed to look into  
385 beautifying the sidewalk in front of Dunn Lumber and she was given contact information  
386 for Extreme Concrete, but had not heard back from a representative yet. Ms. Martin  
387 continued that she would keep the CRA updated. Mr. Kosmas felt that the recent cleaning

388 made an incredible difference, but a small portion of sage grass was left which should be  
389 removed.

390

391 Ms. Martin informed the CRA that staff was working on putting up lighted Christmas  
392 garland and banners on the new streetlight poles on West Canal Streetscape; that a sign  
393 was going to be installed referencing the streetscape funding partners and that a ribbon  
394 cutting ceremony has been scheduled for December 17, 2010 at 10:00 am. Ms. Martin  
395 suggested budgeting for Christmas decoration for West Canal, Mary Ave. and Orange  
396 Street.

397

398 Ms. Martin updated the CRA on the construction work in progress for:

399

400 • Mary Avenue: Change order forthcoming to replace the existing sidewalk on  
401 Myrtle Ave from Mary Ave north to 428 Myrtle Ave as well as a change order for  
402 relocating some of the power poles and an approximate 500 LF section of existing  
403 water main that was confirmed to be in conflict with the replacement of the  
404 stormwater system. There would also be a change order for installing future use  
405 water services and sewer laterals for a proposed Habitat for Humanity 4-plex. A  
406 gas main was also discovered and staff was in the process of working with the Gas  
407 Company.

408

409 • S. Orange Street: Change order forthcoming to mill and resurface a section of  
410 Lytle Ave as required by the FDOT Utility Permit. There will also be a change  
411 order for relocating one power pole and most of the existing water main that was  
412 confirmed to be in conflict with the replacement of the stormwater systems.

413

414 A brief discussion ensued about the Franchise Agreements that the City has with private  
415 companies that have utilities in the City's Right-of-Way. Ms. Martin was in favor of  
416 reviewing the current Franchise Agreements. Mr. Hall stated that he would contact the  
417 City Attorney.

418

419 Ms. Martin stated that she and the City Building Official inspected the existing stairs of  
420 the Flagler Boardwalk leading to the beach to see if they met the FL Building Code. Staff  
421 was recommended replacing or modifying the stairs while replacing the seawall cap.

422

#### 423 E. Commissioner Report

424

425 Mr. Williams stated that Canal Street striping looked great and that he would like to see  
426 the overall vision for scope of work for the Flagler Ave Boardwalk project to also include  
427 the design of the restrooms.

428

429 Ms. Lybrand stated that her term on the CRA will expire in June of 2011 and informed  
430 her fellow CRA Commissioners that she will turn in her resignation effective December  
431 31, 2010. Ms. Lybrand felt that the CRA had really accomplished a lot and she  
432 appreciated having been there to help.

433

434 Mr. Kosmas commented that Ms. Lybrand made an immeasurable contribution. Mr.  
435 Kosmas inquired about the south and east wall of the building adjacent to the Flagler

436 Dunes parking lot and if it would be painted. A brief discussion ensued about ways to  
437 beautify it and if CRA grants were available.

438

439 Mr. Hodson made a public declaration that he had submitted an application for the CRA  
440 Marketing Coordinator position.

441

442 Mr. Dennis stated that it was great working with Ms. Lybrand.

443

444 Mr. Schilsky stated that he was fortunate to have worked with Ms. Lybrand even for just  
445 a short time and wished her well. Mr. Schilsky continued that the west side of the New  
446 Smyrna Fish House had deteriorated and he would like for staff to approach the property  
447 owner and inform them of the CRA Commercial Property Improvement Grant to remedy  
448 this situation.

449

450 Mr. Belote echoed everyone's comments about having enjoyed working with Ms.  
451 Lybrand and asked her to stay in touch.

452

453

454 **ADJOURNMENT**

455

456 **A motion was made to adjourn; all agreed. Meeting adjourned at 3:45 pm.**