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**MINUTES OF THE
CITY OF NEW SMYRNA BEACH
COMMUNITY REDEVELOPMENT AGENCY
MEETING OF MARCH 3, 2011
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
Doug Hodson
James Kosmas
Chad Schilsky
Thomas Williams
James Peterson**

Also present were CRA Director Tony Otte; CRA Project Manager Michelle Martin; CRA Administrative Specialist Claudia Soulie. CRA Attorney Mark Hall had notified staff that he would be delayed due to a hearing he had in Daytona Beach and arrived at 2:29 pm.

1. CONSENT AGENDA

- A. Approval of Minutes – Regular CRA Meeting February 2, 2011
Special CRA Workshop February 21, 2011
- B. Commercial Property Improvement Grant Applications for 301 Flagler Ave
Unit 3 – Clancy’s Cantina Addition
- C. Commercial Property Improvement Grant Applications for 504 Flagler Ave –
Shoppes of Seaside Station
- D. Commercial Property Improvement Grant Time Extensions for Heath Natural
Foods at 600 E. Third Ave and Midtown Dogs at 440 N. Dixie Freeway
- E. Commercial Matching Revitalization Grant for 424 Canal Street – Thai
Mango, LLC
- F. Residential Property Improvement Grant 407 Lytle Ave. – Lytle Townhomes
Association
- G. West Canal Streetscape and Drainage Improvements Project Supplemental
Agreement # 4 and Resolution No 13-11

Staff asked that Item E. be removed from the consent agenda for further discussion.

Mr. Dennis made the motion to approve the consent agenda with all items, except item E. as presented, seconded by Mr. Hodson. Motion carried on roll-call vote 7 –0.

50 Item 3. E.

51

52 Mr. Otte stated that the Commercial Matching Revitalization grant assists applicants to
53 meet all applicable City and County codes when opening or expanding their business.
54 Staff had included an under-the-sink refrigerator as an eligible item in Thai Mango's
55 application, as it was required by the Health Department. A brief discussion ensued that
56 the CRA did not intend this grant to fund fixtures or equipment which were removable
57 from the premises, but rather items that remained with the building.

58

59 Mr. Peterson felt that the guidelines did not differentiate between removable versus
60 permanent items and, per the current guidelines, fixtures should be eligible. Mr. Otte
61 stated that staff was in the process of streamlining the guidelines and would clarify the
62 CRA's intent of only assisting with permanent code related items. Mr. Otte continued
63 that staff was also recommending to change the current wording from "one grant per
64 structure" to "one grant per business".

65

66 Mr. Kosmas informed the applicant that the CRA had recently approved a business
67 incentive program which has a maximum CRA participation of \$50,000 and wanted the
68 applicant to be aware that by applying for the Commercial Matching Revitalization Grant
69 he would not be eligible to apply for the higher dollar grant. (NOTE: This new grant
70 program has not been approved by the City Commission.)

71

72 **Mr. Hodson made the motion to approve the Thai Mango application with the**
73 **exception of the under-the-counter refrigerator; seconded by Mr. Dennis. Motion**
74 **carried on roll-call vote 6 –1 with Mr. Peterson casting the dissenting vote.**

75

76 Mr. Kosmas suggested having the CRA attorney investigate if the CRA was allowed to
77 fund personal property per the enabling legislation.

78

79

80 **2. PUBLIC PARTICIPATION**

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

83 Mr. Clancy, Clancy's Cantina, thanked the CRA for the opportunity to present his grant
84 application and for the CRA's approval.

85 Hearing no further requests, Mr. Belote closed the Public Participation portion of the
86 meeting.

87

88 **3. PRESENTATION:**

89 None

90

91 **4. OLD BUSINESS**

92 1. Contract for CRA Senior Inspector

93

94 Mr. Otte stated that at the present time the CRA has many capital projects in process
95 and that this level of activity required the services of an additional inspector to aid the

96 CRA Project Manager. Mr. Otte continued that staff advertised for this contract position
97 and from that pool of applications, CRA and City staff interviewed four persons. Mr.
98 Otte stated that the proposed contract calls for the Contractor to be paid \$22 per hour,
99 and to provide his own transportation. Mr. Otte stated that staff was recommending the
100 CRA approve the proposed contract for Construction Inspection Services with Steve
101 Parnell.

102
103 A brief discussion ensued that in the contract needed wording to reflecting that this
104 would be a contract position and not an employee of the City and the need to follow all
105 IRS rules. The CRA agreed that this was not clearly determinable. Mr. Otte noted this
106 request.

107
108 Mr. Williams asked that the CRA be introduced to the inspector once he is hired.

109
110 CRA Attorney Mark Hall arrived at 2:29 pm.

111
112 **Mr. Dennis made the motion to approve the contract with the Senior Inspector**
113 **contingent the review by the City Manager, Finance Director and City Attorney,**
114 **seconded by Mr. Kosmas. Motion carried on roll-call vote 7 –0.**

115
116 2. Contract for CRA Marketing Coordinator

117
118 Mr. Otte informed the CRA that the CRA budget contains funds for promotional
119 activities, and there has been a request for assistance in the promotion and operation of
120 events that are held on Canal Street. There is also a need for marketing the vacant
121 commercial spaces within the CRA and the recruitment of businesses that fit the business
122 model presented in the CRA Master Plan Update.

123
124 Mr. Otte continued that in order to carry out these tasks, CRA staff advertised on several
125 websites the opportunity to contract with the CRA to provide these services. From the
126 responses received, CRA and City Staff as well as a representative from the Flagler Ave
127 and Canal Street Merchants Associations interviewed four candidates and it was the
128 consensus of the group that CRA staff should proceed to negotiate a contract with Holly
129 Smith.

130
131 Mr. Otte stated that the draft Independent Contract Agreement calls for the development
132 of the marketing plan as the first task, and then the implementation of the plan, event
133 assistance, and business recruitment to follow. The contract amount is \$60,000 and
134 includes no City employment benefits. The contract contains a 60 day termination notice
135 as the Contractor could potentially be terminated before the plan is done and time would
136 be needed to complete the plan. Staff is requesting that the CRA recommend to the City
137 Commission that the Contract for CRA Marketing Services with Ms. Holly Smith be
138 approved

139
140 Mr. Dennis asked who this person would report to and stated that offering an independent
141 contractor access to office space and supplies could be questionable.

142

143 Mr. Kosmas inquired if the Marketing Coordinator shouldn't be hired as a fulltime
144 employee. Mr. Resheidat, Asst. City Manager gave a summary of the pros and cons of a
145 fulltime employee versus a contract employee.

146

147 A brief discussion ensued about tying this position's scope of work to assist with existing
148 events on Canal Street and Flagler Ave; marketing of the CRA to the public and being a
149 media liaison.

150

151 Further discussion ensued that the contract needed to be restructured to include:

152

- 153 • Who this person answer to
- 154 • Define scope of work
- 155 • Documentation of Hours
- 156 • What constitutes a Conflict of interest
- 157 • #7 payment schedule

158

159 **Mr. Dennis made the motion to approve the independent contractor agreement**
160 **contingent the review and revision of the definition of the scope of work; hours,**
161 **definition of conflict of interest and # 7 payments by CRA staff and respective**
162 **attorneys; seconded by Mr. Kosmas for discussion purposes.**

163

164 Mr. Kosmas inquired if the CRA would have another opportunity to review the final
165 agreement before it would be presented to the City Commission. He cautioned that the
166 CRA Commissioners might be foregoing their responsibility by allowing staff to
167 formulate policies.

168

169 Mr. Williams suggested that staff and the attorneys restructure the draft agreement based
170 on the Commissioners' comments and bring it back at the next CRA meeting. Mr. Dennis
171 rescinded his previous motion; Mr. Kosmas withdrew his second and the CRA arrived at
172 the consensus to bring a revised draft contract back at the next CRA meeting.

173

174 3. Dunn Lumber Clean-up

175

176 Mr. Otte stated that the City had received a \$50,000 grant from the Florida Department of
177 Environmental Protection for the clean-up of the Dunn property and that the City's
178 environmental engineer for the project had recently stated that this amount would
179 probably only be adequate to clean the property to the level to allow commercial uses on
180 the property, and not residential uses.

181

182 Mr. Otte continued that the CRA could:

183

- 184 1. Continue with the grant, clean the property to the commercial level, and accept deed
185 restrictions on the property to limit its use to commercial activity.
- 186
- 187 2. Do the above and apply for another grant to further clean the property.
- 188
- 189 3. Do the above and provide funding for further engineering to identify other options for
190 allowing residential uses on the site, such as paving the majority of the site;

191

192 4. Order additional sampling on the property and move ahead at this time with cleaning
193 the property to the level required for residential activity, with funding above the
194 \$50,000 level to come from the CRA.

195 Mr. Otte informed the CRA that the environmental engineer was in the process of
196 preparing the “site specific quality assurance plan” and had to identify which option the
197 CRA and the City Commission would accept in moving forward with the project. Mr.
198 Otte stated that CRA staff recommended Option 1.

199

200 Mr. Kosmas questioned the need for deed restrictions limiting the property’s use and
201 suggested phrasing it differently to allow for residential use if someone was willing to
202 clean it further. A brief discussion ensued about the pros and cons of this type of deed
203 restriction and this being a DEP requirement in order to receive funding.

204

205 **Mr. Peterson made the motion to accept staff’s recommendation and to approve**
206 **Option 1 subject to Mr. Kosmas’ wording on the deed restrictions being approved**
207 **by the DEP; seconded by Mr. Williams. Motion carried on roll-call vote 7 –0.**

208

209 4. CRA Master Plan - Business Incentive Program

210

211 Mr. Otte reiterated that on January 12, 2011 the CRA and City Commission held a
212 special joint meeting and discussed the formulation of a business development incentives
213 program, which the CRA further discussed at their regular February 2, 2011 meeting and
214 a special workshop meeting on February 21, 2011. Mr. Otte continued that Mr. Dennis,
215 who had volunteered his time, made the recommended changes and that the program was
216 now ready for approval.

217

218 A brief discussion ensued about including verbiage that an applicant may have to re-pay
219 the grant if improvements were not kept in their approved state for a period of three
220 years; redefining the listings under “Use” in the residential matrix to include Single-
221 family, Multi-family, Square footage and Mixed use. Mr. Dennis duly noted these
222 suggestions.

223

224 Mr. Kosmas commended Mr. Dennis, Mr. Hall and Mr. Otte for their work on this
225 program.

226

227 Mr. Peterson asked for clarification that each project could receive maximum CRA
228 funding of \$50,000 with a total program budget of \$200,000, which was confirmed.

229

230 **Mr. Williams made the motion to approve the draft program with the changes on**
231 **the residential matrix for City Commission ratification; seconded by Mr. Kosmas.**
232 **Motion carried on roll-call vote 7 –0.**

233

234 5. Architectural RFQ Firm Short list recommendation

235

236 Mr. Otte stated that CRA staff anticipates a number of projects in which architectural
237 services will be needed and in order to obtain the services of an architect the CRA has
238 been following the procedures in the Consultant’s Competitive Negotiation Act (CCNA).
239 Those requirements include publishing a Request for Qualifications (RFQ); individual

240 review and evaluation of submittals and a public meeting ranking the submittals to
241 determine which firms to invite for presentations.

242

243 Mr. Otte continued that CRA and City staff invited six firms to make presentations and
244 selected Burke, Hogue, and Mills (Lake Mary); Bender/Pendergast (New Smyrna
245 Beach/Key West) and Schweizer Waldroff (New Smyrna Beach) as the shortlist and that
246 CRA staff recommended negotiating a contract with the top firm.

247

248 A brief discussion ensued about further CCNA requirements pertaining to selecting
249 several firms on a rotating basis and that this was only allowed if there was such wording
250 in the RFQ as well as the preference of selecting a local firm.

251

252 Mr. Jerry Mills, principal Burke, Hogue and Mills, was present and asked to address the
253 CRA. Mr. Mills stated that he understood the importance of “keeping things local” and
254 informed the CRA that his firm had done several projects for local entities and that he
255 personally spent a lot of time in New Smyrna Beach.

256

257 Mr. Peterson asked if the local preference was considered in the final selection of the
258 shortlist. Mr. Resheidat elaborated on how the rankings were derived.

259

260 Mr. Williams clarified that the ranking panel was originally only going to chose four (4)
261 firms to make presentations, but due a three-way tie for second place, they allowed the
262 number and ranked firms to make presentations as well. Mr. Williams also stated that
263 he had not conferred with the CRA attorney, but that he would abstain from voting on
264 this item, as he partnered with an Architect that had submitted a proposal. Ms. Soulie
265 provided Mr. Williams with a FORM 8B Memorandum of Voting Conflict.

266

267 **Mr. Dennis made the motion to approve the shortlist and to recommend it to the**
268 **City Commission for ratification; seconded by Mr. Kosmas. Motion carried on roll-**
269 **call vote 6 –1 with Mr. Peterson casting the dissenting vote. Mr. Williams abstained.**

270

271 6. Name “The Loop”

272

273 Mr. Otte stated that at the February 2, 2011 regular meeting the CRA recommended
274 approval of the Wayfinding system as presented by Bellomo Herbert with several
275 changes and that this recommendation would be considered by the City Commission at
276 their March 29, 2011 meeting.

277

278 Mr. Otte continued that the CRA Master Plan Update also includes a recommendation
279 for branding “the Loop”, the streets and sidewalks that link Canal St, Flagler Ave, and
280 Ave via Riverside Dr, the North Causeway, Flagler Ave, South Atlantic, Ave, the
281 South Causeway, and Live Oak Street and that staff wished to include a name for “the
282 Loop” as a part of the Wayfinding package to be considered by the City Commission on
283 March 29, 2011. The name for the Loop would appear on the Wayfinding signs and be
284 marketed as a feature for visitors on websites including the city and health/walking
285 related websites. It is anticipated that this will alert visitors that New Smyrna Beach is a
286 walkable and bicycle-friendly city, with pedestrian connections to restaurants and
287 shopping.

288

289 Mr. Otte stated that Bellomo Herbert suggested the name “NSB Florida Waterfront
290 Loop” and that staff concurred.

291

292 Mr. Schilsky commended the efforts of the Wayfinding consultant and was in favor of
293 incorporating the word “Fitness” in the loop.

294

295 Mr. Kosmas felt that the purpose of this loop was to make people aware that
296 shopping/dining was available all along the loop. He hoped that this would not be a
297 rushed decision and to involve the CRA Marketing Coordinator in that decision as well.

298

299 Ms. Soulie addressed the CRA Chair and informed him that copies of emails addressing
300 name suggestions for the loop were available for review.

301

302 Mr. Williams stated that the CRA Master Plan update addressed the loop as creating
303 connectivity and he would like to see Community involvement.

304

305 Mr. Otte asked for direction from the CRA on how to present the “Name the Loop”
306 portion of the wayfinding project to the City Commission.

307

308 Mr. Belote felt that name proposal by the consultant was appealing as it mentioned
309 waterfront. Mr. Dennis agreed that waterfront and family were the most important draws
310 for visitors.

311

312 Mr. Hodson stated that the CRA hired a professional consultant and agreed with their
313 recommendation of the name.

314

315 **Mr. Hodson made the motion to approve the name for the loop as presented by the**
316 **Wayfinding Consultant; seconded by Mr. Dennis. Motion carried on roll-call vote 4**
317 **– 3 with Commissioners Williams, Kosmas and Schilsky casting the dissenting votes.**

318

319 7. Mary Ave. Streetscape Project - Change Order No. 2

320

321 Mr. Otte thanked Mr. Resheidat for his assistance with this project. Mr. Otte stated that
322 there have been a number of utility pipe conflicts that have been encountered on the Mary
323 Ave streetscape project and that one source of pipe conflicts involves the replacement of
324 the stormwater line. The engineered plans for the project call for the existing pipe to be
325 removed and the new pipe and new structures to be put in its place. However, the
326 proximity of utility pipes to this line had required a re-thinking of the plan to replace the
327 line and it was decided that installing the new stormwater line in another location would
328 be the best option. This calls for the modification of the stormwater structures and the
329 filling of the existing stormwater line with concrete in order to abandon it in place.

330

331 This subject was discussed during of the most recent progress meeting with the contractor
332 (Masci Corporation). A final cost has not yet been determined but it is anticipated to be
333 on the order of \$85,000.

334

335 Mr. Peterson asked who had reviewed the change order and arrived that the proposed cost
336 and if they had underground experience. Mr. Otte stated that Mr. Resheidat, CRA staff as

337 well as the Design Engineer had reviewed the change order and that they were able to
338 actually reduce the cost.

339

340 **Mr. Hodson made the motion to approve the Mary Ave Streetscape Change order**
341 **No 2 in the order of \$85,000; seconded by Mr. Kosmas. Motion carried on roll-call**
342 **vote 7 –0.**

343

344

345 **5. NEW BUSINESS**

346 None

347

348 **REPORTS AND COMMUNICATIONS**

349 A. Director's Report

350

351 Mr. Otte stated the Flagler Dunes Parking lot was now complete and available for
352 parking.

353

354 Mr. Otte continued that Ms. Brangaccio had supplied him with an agenda for a City
355 Commission Planning session to be held on March 9, 2011 from 12:00 – 5:00 pm where
356 Neighborhood strategies were being discussed. Another item would be a brainstorming
357 session for a New Smyrna Beach Future-US 1/Mainland CRA that was proposed to be
358 comprised of 5 City Commissioners, 1-2 resident or businesses within the CRA
359 boundaries as well as Ex-officio County Council members.

360

361 Mr. Otte stated that a business owner located on Flagler Ave had contacted the City to
362 inform them that the handicap parking space belonging to his business is being used by
363 beach goers and he was asking the City's assistance with this issue. Mr. Otte continued
364 that one immediate solution could be to have Public Works crews create two (2) handicap
365 spaces at the northwest corner of the Flagler Boardwalk parking lot.

366

367 Mr. Resheidat confirmed that the northwest corner of this property would be the best
368 location, as it was outside of the potential work zone, once the Flagler Boardwalk project
369 commenced. Mr. Resheidat felt that this may not necessarily solve the business owner's
370 problem completely, but it would ease it and that other spaces could be added once the
371 Flagler parking lot design was underway.

372

373 Mr. Kosmas would like to see the Flagler Boardwalk parking lot as a CRA agenda item
374 in order to delineate the parking spaces. Mr. Resheidat stated that this was going to be
375 addressed under the scope of work for the Flagler Ave Boardwalk Restroom and Parking
376 lot

377

378 **Mr. Dennis made the motion to authorize up to \$3,000 for the construction and**
379 **paving of two (2) handicap parking spaces on the northwest corner of the Flagler**
380 **Boardwalk parking lot; seconded by Mr. Kosmas. Motion carried on roll-call vote 6**
381 **–1 with Mr. Belote casting the dissenting vote.**

382

383 Mr. Otte informed the CRA that the Florida Redevelopment Association was asking for
384 entries for redevelopment projects and staff would like the CRA to think about possible
385 projects for submittal. Staff will bring this item back at the next CRA meeting.

386
387 CRA Attorney's Report

388
389 Mr. Hall stated that he had nothing to report at this time, but was available for any
390 questions the Commissioners may have.

391
392 Commissioner Report

393
394 Hearing no comments, Mr. Belote entertained a motion to adjourn.

395
396 **ADJOURNMENT**

397
398 **A motion was made to adjourn; all agreed. Meeting adjourned at 4:34 pm.**