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**MINUTES OF THE
COMMUNITY REDEVELOPMENT AGENCY
MEETING OF APRIL 1, 2009
DEBERRY ROOM 3RD FLOOR
200 CANAL STREET
NEW SMYRNA BEACH, FLORIDA**

8 **Chair Linda DeBorde called the CRA meeting to order at 2:00 p.m.**

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Answering to roll call:

**Linda DeBorde, Chair
Steve Dennis, Vice-Chair
James Kosmas
Charles Belote
Douglas Hodson**

18 Also present were Kevin Fall, CRA Director; Noeleen Foster, CRA Coordinator;
19 Michelle Martin, CRA Project Manager; Mark Hall, CRA Attorney; and Claudia Soulie,
20 Administrative Specialist. Commissioner Thomas Williams arrived at 2:10 P.M. and
21 Commissioner Cynthia Lybrand was absent.

22
23 Ms. DeBorde recognized Mark Rakowski, Development Services Director.

24
25 Mr. Fall read, for the record, Form 8B Memorandum of Voting Conflict completed by
26 Commissioner Kosmas at the March 4th, 2009 CRA meeting declaring a conflict of
27 interest with a case on the agenda, as Mr. Kosmas was representing the owner.

28
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32

CONSENT AGENDA

31 Approval of Minutes – March 4th, 2009 CRA Meeting.

33 **Mr. Dennis made the motion to approve the minutes of the March 4th, 2009 CRA**
34 **meeting with the inclusion of Form 8B Memorandum of Voting Conflict, seconded**
35 **by Mr. Hodson. The motion carried on roll call vote 4 – 0.**

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PUBLIC PARTICIPATION

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

43 Hearing none, Ms. DeBorde closed the Public Participation portion of the meeting.

47 **REQUEST TO APPEAR**

48
49 **Proposal for Pilot Grant Program for Myrtle Avenue**

50
51 Mr. Fall introduced Ms. Ruby Clark of 803 Cherry Street, New Smyrna Beach and stated
52 that he had previously met with Ms. Clark pertaining to the west side of Canal Street,
53 specifically Myrtle Avenue. Ms. Clark thanked the CRA commissioners for their time
54 and stated that she facilitated community meetings at the Alonzo “Babe” James Center.
55 At these meetings citizens could share comments and concerns about their neighborhood
56 and Ms. Clark gathered that housing, faulty lots and street conditions were some of those
57 concerns. Ms. Clark continued that she had been in touch with Kevin Fall and they
58 discussed offering the residents on Myrtle, as a pilot grant program, landscape materials
59 that would beautify and improve the condition of the neighborhood drastically.

60
61 Ms. Clark felt that if you changed the environment you could begin to change the attitudes
62 of the people. Ms. Clark stated that she was looking for support to get this program off
63 the ground.

64
65 Ms. DeBorde stated that Ms. Clark’s efforts were commendable and inquired about how
66 Ms. Clark’s actions had been received. Ms. Clark mentioned that the response had been
67 favorable.

68
69 Ms. DeBorde asked if Ms. Clark had volunteers that could perform the work, should the
70 CRA fund some of the materials. Ms. Clark affirmed that.

71
72 Mr. Kosmas inquired if this project would not require matching funds. Mr. Fall stated
73 that this would be joint participation, not a strict grant program and those details would
74 need to be finalized.

75
76 Mr. Kosmas asked if there was a schedule to maintain the new landscaping and Ms. Clark
77 stated that a volunteer schedule would be created for a six months period after installation
78 of the improvements.

79
80 Mr. Dennis inquired if each property would be addressed individually or the project as a
81 whole. Mr. Fall stated that this still needed to be determined.

82
83 Mr. Kosmas urged Ms. Clark to consider landscape choices and irrigation needs, as this
84 could be costly to upkeep.

85
86 **The CRA, by consensus, authorized Mr. Fall to move forward with developing the**
87 **details for this pilot program.**

93 **OLD BUSINESS**

94

95 A. Flagler Avenue Boardwalk Emergency Repairs

96

97 Mr. Fall informed the CRA that City crews had completed the demolition and removal of
98 the concrete pavement decking at the south end of the Flagler Avenue Boardwalk, and
99 were proceeding with backfilling with a shell mix. However, the removal of the decking
100 revealed cavities to the north primarily at the sea wall. The length and size of the cavities
101 (to the north) have not yet been determined.

102

103 Mr. Fall continued that staff recommended a soil cement mix be utilized as an
104 inexpensive method to fill the cavities along the interior of the seawall to the immediate
105 north. The product will last a minimum of two (2) years, and can be fairly easily
106 demolished and removed at a future date.

107

108 Mr. Fall stated that the entire reparation project was being constructed in compliance with
109 State and County oversight and was targeted for completion prior to May 1, 2009.

110

111 Mr. Fall recommended the CRA authorize staff to proceed with the use of a soil cement
112 mix pumped into the cavities under the adjacent section to the north as part of the
113 emergency repairs authorized for the south end of the Flagler Avenue Boardwalk.

114

115 A brief discussion ensued about why the soil cement mix was being suggested versus just
116 using sand and if it would hamper future investigative work.

117

118 Mr. Belote suggested using a contractor from the list of companies from the previous
119 Request for Qualifications (RFQ). Mr. Fall deferred to Mr. Hall, CRA Attorney. Mr. Hall
120 stated that this would be an option as long as there was an agreement with Halcrow that
121 they had rescinded the contract.

122

123 **The CRA, by consensus, authorized Mr. Fall to move forward with the soil cement**
124 **mix.**

125

126 Mr. Fall commended the Public Works employees for their quick and efficient work.

127

128 B. W. Canal Streetscape Project Update

129

130 Mr. Fall updated the CRA on the following items:

131

- 132 • Staff had submitted their comments on the 100% design plans to the Thadcon
133 Design team for their review and modifications. Mr. Fall continued that Thadcon
134 was still in the process of estimating the cost for the relocation of the power
135 facilities.
 - 136 • Required Utility Coordination letters have been executed by Private Utilities.
 - 137 • Remaining easements still needed to be secured.
- 138

139 A brief discussion ensued between staff, CRA Attorney Mr. Hall and the Commissioners
140 about the remaining easements and what staff was doing to secure them.

141

- 142 • Mr. Fall advised that Wilbur Smith will perform the required Construction
143 Engineering and Inspection (CEI) services for the project. The CEI cost would be
144 pro-rated for the project based upon the total value of the work.

145

146

147

NEW BUSINESS

148

A. Joint Drainage Project – 100 North Atlantic Avenue

149

150
151 Mr. Fall stated that the City had negotiated with the property owners of 100 North
152 Atlantic Avenue, 7-Eleven, Inc., towards a remedial project that will provide drainage
153 relief to both private and public properties at the location.

154

155 Mr. Fall continued that the project would enhance the sidewalk improvements
156 constructed last year along North Atlantic Avenue and would provide additional drainage
157 capacity in this flood prone area.

158

159 Mr. Fall recommended the City enter into a Joint Project Agreement with the property
160 owner (7-Eleven, Inc.) for the construction of drainage facilities located at 100 North
161 Atlantic Avenue and suggested CRA matching funds for the project not to exceed
162 \$50,000. The total cost of the project is estimated at \$100,000, which the CRA and the
163 property owner would equally fund. Funding is available in the North Atlantic Avenue
164 Improvements Account in the adopted FY2009 CRA budget.

165

166 Mr. Kosmas suggested drafting a covenant, running with the property, not the property
167 owner, that would stipulate that no modification to the improvements could be made
168 without first obtaining the CRA's consent.

169

170 A brief discussion ensued about the most beneficial location for the exfiltration system,
171 how to avoid it filling up with sand and if this design was a long-term solution.

172

173 Mr. Williams inquired if, instead of installing an exfiltration system for this project, a
174 stormdrain pipe could be tied into the Esther Street exfiltration system.

175

176 Mr. Fall suggested going ahead with this short-term solution to improve the area and
177 have the City Engineer re-evaluate if tying into the Esther Street system would be
178 feasible.

179

180 Mr. Williams asked, since this was private property, could this request set a precedent for
181 other property owners with similar issues to ask for CRA funding. Mr. Fall felt that the
182 CRA could benefit from a more expansive property improvement grant program that
183 addressed more than just esthetics or historic value and where the improvements could
184 benefit the surrounding properties as well as the subject property. Mr. Fall stated that the

185 Redevelopment Plan Update would take infrastructure and site related issues into
186 consideration.

187
188 Mr. Kosmas was concerned about spending \$50,000 on a temporary fix and was in favor
189 of waiting until the Community Redevelopment Plan update was completed and a long-
190 term solution could be found.

191
192 Mr. Belote and Ms. DeBorde cautioned that the City and CRA should take advantage of
193 this property owner's willingness to participate in rectifying this drainage issue.

194
195 Mr. Dennis inquired if the City's Stormwater drainage funds could be used to reduce the
196 requested CRA contribution. Mr. Fall will check into that.

197
198 Mr. Kosmas asked who would maintain the structure and Mr. Fall stated that this was still
199 being negotiated. Mr. Fall continued that he duly noted the Commissioners concerns and
200 a final agreement would be brought before the CRA for approval.

201
202 Mr. Williams felt that more investigation was needed on how much water was coming
203 from off-site and how much was generated on-site and if a simpler, less costly solution
204 could also rectify the issue.

205
206 **The CRA, by consensus, authorized Mr. Fall to move forward with drafting a Joint**
207 **Project Agreement with the property owner (7-Eleven, Inc.) for the construction of**
208 **drainage facilities located at 100 North Atlantic Avenue.**

209
210 **B. Property Improvement Grant – 301 Flagler Avenue**

211
212 Mr. Fall stated that the property improvement grant application for 301 Flagler Avenue
213 that staff had received, qualified for the necessary number of points and staff
214 recommended approval in the amount of \$5,000.

215
216 Mr. Kosmas abstained from voting as he was representing the owner of 301 Flagler Ave.,
217 which created a possible conflict of interest (Form 8B Memorandum of Voting Conflict
218 attached).

219
220 **Mr. Williams made the motion to approve the property improvement grant request**
221 **for 301 Flagler Ave. in the amount of \$5,000, seconded by Mr. Dennis. The motion**
222 **carried on roll call vote 5 – 0. Mr. Kosmas abstained.**

223
224 Mr. Fall clarified that a certain amount of the total improvements was not being
225 considered in the grant request, as the work had already commenced prior to receipt of
226 the application.

227
228 Mr. Belote inquired if the parking lease issue with the owners at 301 Flagler had been
229 addressed. Mr. Fall stated that the parking lease with the McHenry's was in the process
230 of being executed and staff was trying to contact a Flip Flop's representative.

231

232 Mr. Belote asked if it was possible to obtain a building permit without a signed parking
233 lease agreement. Mr. Rakowski, Development Services Director stated that some permits
234 for various tasks had been issued, but a Certificate of Occupancy (CO) would not be
235 issued unless an executed parking lease agreement was on file.

236

237 C. Residential Property Improvement Grant – 206 Rush Street

238

239 Mr. Fall stated that the property improvement grant application for 206 Rush Street that
240 staff had received, qualified for the necessary number of points and staff recommended
241 approval in the amount of \$5,000. Mr. Fall informed the CRA that the applicants were
242 present.

243

244 **Mr. Dennis made the motion to approve the property improvement grant request**
245 **for 206 Rush Street in the amount of \$5,000, seconded by Mr. Hodson. The motion**
246 **carried on roll call vote 6 – 0.**

247

248 **REPORTS AND COMMUNICATIONS**

249

250 A. Director's Report (verbal)

251

252 Mr. Fall touched on the following items:

253

- 254 • Cleaning up of 533 Canal Street – Mr. Fall had met with George Houston, Florida
255 Department of Environmental Protection (FDEP) and was informed that limited
256 clean up could be done to the site, however, a Site Rehabilitation Agreement was
257 needed for work/clean up near the main building as contamination was found
258 under the building. The agreement would need to specify that the CRA either
259 accepts the level of contamination on the site and put a permanent concrete pad
260 over the area or excavate the contaminated area completely and dispose the soil
261 under environmental conditions. Mr. Fall continued that this site could qualify for
262 Brownfield clean up grant funds at no cost to the CRA and recommended the
263 CRA authorize staff to move ahead with completing the necessary application
264 paperwork.

265

266 Mr. Kosmas was extremely concerned that the area under the main building was not
267 included in the previous inspections and that the CRA was not informed of the level of
268 contamination under the building prior to the property purchase and felt that the
269 contamination could leach into the canal.

270

271 Mr. Fall stated that if the CRA were to enter into a Brownfields agreement all liability
272 would be removed from the CRA (being the property owner).

273

274 Ms. DeBorde was in favor of having staff move forward with the application.

275

276 Mr. Rakowski, Development Services Director, had concerns with razing the two (2)
277 buildings. He felt that the metal building to the north served as a beneficial view blocker
278 onto the property and that the main building to the south had historical value and the

279 CRA should seek the input of the Historic Preservation Commission as well as the City
280 Commission.

281

282 Mr. Kosmas inquired if the CRA was obligated to raze the building should they enter into
283 a Brownfield agreement. Ms. Foster affirmed that question and Mr. Fall clarified that the
284 CRA would need to negotiate a Site Rehabilitation agreement with the State.

285

286 Mr. Williams felt that the building could possibly be moved instead of demolished.

287

288 Mr. Dennis asked if age or architecture made a building historically significant. Mr.
289 Rakowski stated that it would be the architectural aspect.

290

291 **Mr. Dennis made the motion to have staff move forward with the application,**
292 **seconded by Mr. Belote. The motion carried on roll call vote 6 – 0.**

293

294 • Mr. Fall stated that a consultant performed Volusia County's CRA report in an
295 effort by Volusia County to bring consistency across their CRA's. The
296 recommendations were reporting standards, new delegation of authority policies,
297 changes to existing delegation policies, recognition and coordination. Also,
298 should a CRA wish to expand, move forward or extend its term, it would have to
299 adhere to the new standards. Mr. Fall continued that Volusia County had
300 disseminated this information to and had scheduled meetings with all the CRA's.
301 The County was also scheduling meetings with the respective City Managers and
302 CRA Chairs and New Smyrna Beach was scheduled for April 9th, 2009 at 4:00
303 pm. Mr. Fall stated that the topics would include Volusia County's report and the
304 NSB CRA's current encumbered and unencumbered funds. Mr. Fall will create a
305 summary of the funds as well as a recap of the meeting and will distribute the
306 information to the CRA Commissioners.

307

308 • Mr. Fall informed that suggestions were made to modify the design of the FEC
309 landscape lease monument to complement the proposed Coquina arches for the
310 West Canal Streetscape. Mr. Fall asked the CRA for their concurrence to proceed
311 with getting cost estimates to modify that design.

312

313 • Mr. Fall stated that he had been in touch with the property owner at 431 Canal
314 Street and felt that the CRA should consider assisting in the effort to beautify this
315 property as any functional improvements to the infrastructure could potentially
316 add connectivity to an existing CRA parking lot and could enhance the whole
317 block. Mr. Fall asked for the CRA's consensus to move forward and work with
318 the property owner and Canal Street representatives to develop a comprehensive
319 plan for the improvements versus going with a regular property improvement
320 grant.

321

322 Ms. DeBorde preferred the ability to move freely and referenced parking lots of
323 businesses in Daytona Beach that were all connected.

324

325 A brief discussion ensued between staff and the CRA Commissioners about a previous
326 study and what properties it entailed.

327

- 328 • Mr. Fall stated that a Citizen Steering Committee meeting would be held on April
329 1, 2009 at 6:00 pm at the Brannon Center on Riverside Dr. This was done as a
330 part of the Community Redevelopment Plan Update. Mr. Fall elaborated that one
331 of the tasks of the Steering Committee would be to take pictures of the CRA
332 district and explain the reasons for taking them. The Committee was to serve as a
333 conduit between staff and the residents.

334

335 B. Commissioners Reports

336

337 Mr. Williams felt that the ideas of an artist overlay district and a professional overlay
338 district should be discussed further as well as designing a new entrance feature for the
339 hospital, so it is easier to find. Mr. Williams would like to see these topics as agenda
340 items in the next few months.

341

342 Mr. Fall duly noted Mr. Williams' suggestions and affirmed that he was able to appear
343 before the hospital board and ask for their input in the CRA's Redevelopment Plan
344 update.

345

346 Ms. DeBorde inquired if the 2008 Annual Report had been completed and filed. Mr. Fall
347 stated that the Commissioners would receive a copy as soon as it had been completed.

348

349 Mr. Belote offered to review the financial portion of the report for accuracy. Mr. Fall
350 acknowledged the offer.

351

352

353 C. Correspondence

354

355 None

356

357

358

ADJOURNMENT

359

360 **Mr. Dennis made the motion to adjourn, all agreed. Meeting adjourned at 3:40 pm.**