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3 **MINUTES OF THE**  
4 **COMMUNITY REDEVELOPMENT AGENCY**  
5 **MEETING OF AUGUST 5, 2009**  
6 **DEBERRY ROOM 3<sup>RD</sup> FLOOR**  
7 **200 CANAL STREET**  
8 **NEW SMYRNA BEACH, FLORIDA**

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

10  
11 **Answering to roll call:**

12  
13 **Linda DeBorde, Chair**  
14 **James Kosmas**  
15 **Douglas Hodson**  
16 **Cynthia Lybrand**  
17 **Charles Belote**

18  
19  
20 Also present were Kevin Fall, CRA Director; Michelle Martin, CRA Project Manager;  
21 Noeleen Foster, CRA Coordinator; Claudia Soulie, Administrative Specialist and CRA  
22 Attorney Mark Hall. Commissioner Thomas Williams arrived at 2:03 pm. Vice-Chair  
23 Steve Dennis was absent.

24  
25 Ms. DeBorde asked everybody to stand and to observe a moment of silence in memory of  
26 past CRA Commissioner Marvin Shields.

27  
28 Ms. DeBorde introduced and welcomed Pam Brangaccio, the new Interim City Manager.

29  
30 **2. CONSENT AGENDA**

- 31  
32 A. Approval of Revision to Minutes of May 13, 2009 CRA Meeting  
33 B. Approval of Minutes – June 3, 2009 CRA Meeting

34  
35 **Mr. Belote made the motion to approve above referenced minutes, seconded by Mr.**  
36 **Hodson. The motion carried on roll call vote 6 – 0.**

37  
38 **3. PUBLIC PARTICIPATION**

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

41  
42 Hearing none, Ms. DeBorde closed the public participation portion of the meeting.

43  
44 **4. OLD BUSINESS**

- 45  
46 A. West Canal Streetscape 100% Design Plans

48 Mr. Fall presented the CRA with information pertaining to the West Canal Streetscape  
49 hardscape/landscape plan. Mr. Fall continued that staff had met with the Design team and  
50 were targeting August 18, 2009 for the pre-construction meeting followed by the  
51 construction notice to proceed. Mr. Fall summarized the key components including utility  
52 easements, existing utilities, drainage, landscape/hardscape, parking, schedule and  
53 funding.

54  
55 Mr. Kosmas inquired about the water and sewer services and felt that there could be  
56 potential issues during construction. Mr. Fall deferred to the contractor.

57  
58 Mr. Williams asked for clarification on who would be responsible to cover possible  
59 upgrades/repairs to the water and sewer services during construction. Mr. Fall stated that  
60 typically the Utilities Commission (UC) would pick up repairs that were supported  
61 through their revenue stream.

62  
63 Ms. Lybrand inquired, should the UC determine that they were not going to do any  
64 upgrades/repairs during the construction phase of West Canal but then would have to tear  
65 up the new sidewalk a few years later, who would be responsible for those costs. Ms.  
66 Lybrand was concerned and asked if staff had spoken with the UC about this.

67  
68 Michelle Martin informed the CRA that the project was fully designed to have water and  
69 sewer replaced, however the UC had stated that they would not perform any upgrades  
70 while the road was under construction. Ms. Martin stated that staff was told by the UC  
71 that they did not have the funds.

72  
73 Mr. Fall stated that he had been granted permission to appear before the UC Commission  
74 at their regular August meeting to discuss the CRA projects and that he would be able to  
75 get more specific answers.

76  
77 A brief discussion ensued among the CRA Commissioners about the up-front inclusion of  
78 water and sewer/stormwater costs in the project budgets a few years back.

79  
80 Mr. Williams inquired about loaning the UC the funds to make possible updates during  
81 the construction phase.

82  
83 Miguel Rodriguez with the UC's Engineering Department asked to address the CRA. Mr.  
84 Rodriguez stated that the location for the electric facilities for this project was unusual, as  
85 they were normally installed on easements in the front of properties. He continued that  
86 due to limited right-of-way (ROW) a decision was made to located their facilities in the  
87 rear and vacate the front of the ROW for the public utilities and City streetlights. In  
88 regards to upgrading the water and sewer facilities, Mr. Rodriguez continued that the UC  
89 felt the current facilities were able to service their customer base and did not need to be  
90 upgraded at this time. However, should there be degraded facilities those would be  
91 replaced at the UC's expense. Mr. Rodriguez continued that the UC was willing to work  
92 with the City and the CRA regarding upgrading and securing funds for that, however at  
93 this time the UC was not planning on performing any facility upgrades. Mr. Rodriguez  
94 stated that if any future development should occur it would be in the Developer's

95 agreement with the UC that the Developer would pay for any utility upgrades that needed  
96 to be performed. Mr. Rodriguez stated that the UC's biggest responsibility was to its  
97 ratepayers and using funds to upgrade West Canal would take away funds from other  
98 areas that needed immediate repair.

99  
100 Mr. Kosmas would like to get an idea of the capacity of the services and the possible cost  
101 to increase that capacity. Mr. Rodriguez stated that he would look into that and forward  
102 the information to Mr. Fall.

103  
104 Mr. Fall commented on the hardscape and stated that the planter boxes would have skate  
105 stoppers installed to prevent damage caused by skaters. Mr. Fall asked for a volunteer  
106 from the CRA Commission to go over the numerous available samples and pick one. Ms.  
107 Lybrand stated she would be willing to assist.

108  
109 A brief discussion ensued about a possible clean-up event between the CRA  
110 Commissioners and the public to improve the condition of the overgrown CRA public  
111 parking lot at the corner of Julia Street and Lewis Street.

112  
113 Mr. Fall informed the CRA about some logistics pertaining to the West Canal Streetscape  
114 mandated timelines, flow of construction and estimated completion time.

115  
116 Ms. Lybrand inquired about the liner for the canal. Mr. Fall asked a representative from  
117 ThadCon to address this question. Thad Seizemore with ThadCon stated that the design  
118 of the canal liner was challenging, but ThadCon was able to overcome the issues.

119  
120 Mr. Fall stated that staff should receive an estimate soon for the aggregate as well as the  
121 individual service connections going from overhead to underground.

122  
123 **Mr. Hodson made the motion to approve 100% plans for the West Canal**  
124 **Streetscape, seconded by Mr. Belote. The motion carried on roll call vote 6 – 0.**

125  
126 Mr. Williams inquired if the CRA Commissioners had minor modifications to these plans  
127 could they present them to staff even after approving the plans as submitted today. Mr.  
128 Fall concurred.

129  
130 Mr. Kosmas asked to have the topic of placement of picnic benches in the parks revisited.  
131 Ms. DeBorde was in favor and suggested having this topic brought back at a subsequent  
132 meeting.

133  
134 Mr. Kosmas also commented on bike racks he saw in Key West that were of a unique  
135 design and felt something like this could add character. Mr. Fall stated that staff was  
136 currently reviewing proposals they had received from Request for Proposal (RFP).

137  
138 Mr. Belote asked if East Canal could be refreshed as far as restriping, streetsweeping or  
139 pressure washing when the West Canal project was nearing completion in order to give a  
140 sense of continuity.

141

142 Ms. DeBorde stated that she noticed spots on the concrete on beachside where someone  
143 may have been experimenting with pressure washing the concrete in a few areas and  
144 inquired if Mr. Fall knew who was doing that. Mr. Fall will investigate. Mr. Williams  
145 suggested that this could also mean that the sidewalk had been ground down to make it  
146 level.

147

148 Ms. DeBorde mentioned that she had ran into Brian White, the young man that had  
149 appeared before the CRA about “trash can art” for Flagler Ave. and she wanted to be sure  
150 that this topic would be kept on the forefront.

151

152

153 **5. NEW BUSINESS**

154

155 **A. CRA Parking Lease – 411 Flagler Avenue**

156

157 Mr. Fall stated that Chuck Carter, owner of property located at 411 Flagler Avenue  
158 (former site of Nichols Surf Shop), leases a portion of the property to Paul Gren who  
159 owns the “Flagler Avenue Coffee House”. Mr. Fall continued that the business tax  
160 license application process revealed that four (4) parking spaces had been previously  
161 leased from a neighboring landowner and were no longer under contract.

162

163 Mr. Fall mentioned that, in accordance with the City’s current land development  
164 regulations, the property owner had requested leasing four (4) parking spaces from the  
165 Jessamine Parking Lot owned by the CRA.

166

167 Mr. Fall recommended the CRA approve a CRA Lease Parking Agreement with Chuck  
168 Carter, Owner, in order to enable the continuation of a coffee house operation at 411  
169 Flagler Avenue.

170

171 Ms. DeBorde read from a motion made at a previous CRA meeting that stated taking out  
172 the location on page 1 of the parking lease and to change it to non-exclusive parking  
173 spaces in any CRA/City owned parking lot meeting LDR requirements. Mr. Fall stated  
174 that this new verbiage had not been incorporated into this lease agreement and he would  
175 get with the CRA Attorney to make changes.

176

177 **Mr. Williams made the motion to accept the lease agreement contingent upon the**  
178 **re-write of the paragraphs as discussed during the meeting, seconded by Mr.**  
179 **Hodson. The motion carried on roll call vote 6 – 0.**

180

181 Mr. Kosmas inquired if the use of the business changed, would that change the need for  
182 parking and if this lease was tied to the present use?

183

184 A brief discussion ensued between the CRA and the CRA Attorney about parking lease  
185 draft being tied to the business license tax receipt (fka. Occupational license), the renewal  
186 date for the lease, prorating and if this would be a twelve or thirteen months lease.

187

188

189 B. Request for Qualifications – Environmental Assessment and Characterization  
190 Services

191  
192 Mr. Foster stated that staff had submitted a Brownfield Assessment Grant – “Work Plan”  
193 to Lauren Milligan, Environmental Manager, Florida State Clearinghouse, FDEP. Ms.  
194 Foster continued that Ms. Milligan had reviewed the City’s application for EPA  
195 Brownfields Assessment funding and had given approval to initiate the RFQ process.

196  
197 Ms Foster stated that, after reviewing many examples provided at the EPA Brownfield  
198 conference, staff was recommending using the City of Cocoa, Florida – Request for  
199 Qualifications (RFQ) as a template to issue the NSB CRA – RFQ as it was clearly written  
200 and complied with all EPA State and Federal standards

201  
202 Ms. Foster recommended the CRA authorize staff to issue a RFQ to retain qualified  
203 environmental contractor firms to provide environmental site assessment and  
204 characterization activities and related services on a continuing contract basis for the CRA  
205 under its Brownfields Redevelopment Program.

206  
207 Mr. Fall commended Ms. Foster for all the work and effort she had put into this topic.

208  
209 Mr. Kosmas inquired if the City’s parameter for the Brownfields had been established.  
210 Ms. Foster stated that the City Commission, at their August 11, 2009 meeting, would hear  
211 this item and staff was asking to have the CRA district declared a Brownfields area.

212  
213 Mr. Fall stated that once the consultants have been chosen, staff would ask the CRA and  
214 the City Commission to prioritize the areas for potential Brownfield sites.

215  
216 Mr. Kosmas asked if the whole municipality could be designated as a Brownfields site.  
217 Mr. Fall stated that from a perspective of available funds this would be a possibility, but  
218 it could raise some political issues.

219  
220 Ms. DeBorde thanked Ms. Foster and Mr. Fall for their diligent efforts.

221  
222 **Mr. Williams made the motion to approve the RFQ, seconded by Mr. Hodson. The**  
223 **motion carried on roll call vote 6 – 0.**

224  
225 Mr. Kosmas asked to receive a copy of the final RFQ to be sent to him. Mr. Fall noted  
226 that request.

227  
228 **6. REPORTS AND COMMUNICATIONS**

229  
230 A. Director’s Report (verbal)

231  
232 Mr. Fall commented on the following topics:

233

- 234 • Joint meeting between the CRA and the City Commission on 8/5/09 at 6:00 pm in  
235 the DeBerry Room. The focus will be on the CRA Community Redevelopment  
236 Plan Update.  
237
- 238 • Two (2) appraisals for the Florida Ave properties had been received and an  
239 appraisal review might be necessary due to the large gap in the appraisal results.  
240 Mr. Fall asked to meet individually with each Commissioner within the next few  
241 days to review the appraisals and address any comments and/ or concerns that the  
242 Commissioners may have. Mr. Williams stated that he was in favor of having an  
243 appraisal review performed as soon as possible. Mr. Kosmas suggested going  
244 back to the two appraisal firms to have them review their own appraisals and  
245 make possible adjustments. Ms. DeBorde stated that the CRA might want to look  
246 to the CRA and City Attorneys to give the legal counsel on the appropriate  
247 measures. Ms. Lybrand suggested Mr. Williams assist staff, Mr. Williams  
248 accepted.  
249

250 **Ms. Lybrand made the motion to authorize staff to solicit an appraisal review and**  
251 **for Mr. Williams to aid staff, seconded by Mr. Hodson. The motion carried on roll**  
252 **call vote 6 – 0.**  
253

- 254 • Mr. Fall suggested the CRA authorize him to draft a RFQ to retain the services of  
255 several review firms on a continuing basis.  
256
- 257 • The Volusia County meeting pertaining to new policies that may affect its CRA's  
258 has been scheduled for August 20, 2009 at a time TBD. Mr. Fall will update the  
259 Commissioners.  
260
- 261 • A Pre-proposal meeting in regards to the 533 Canal Street Request for Proposal  
262 (RFP) is scheduled for August 6, 2009 where interested parties can ask questions  
263 about the RFP and the property.  
264
- 265 • Staff was reviewing proposals received for a recent Bike Rack RFP and a RFP for  
266 the Canal Street Sound system would be forthcoming shortly.  
267

268 Mr. Fall concluded his Director's report.  
269

270 **B. Commissioners Reports**  
271

272 Mr. Williams thanked staff for doing such a great job and for keeping him informed. Mr.  
273 Williams also inquired about the CRA's policy in paying for pertinent non-members to  
274 attend certain seminars.  
275

276 Ms. Lybrand was very happy that projects were moving forward and she was looking  
277 forward to all parties working together.  
278

279 Mr. Kosmas inquired about a possible street sweeping schedule. Mr. Fall stated that he  
280 was in the process to assemble all pertinent personnel.

281 Ms. DeBorde asked Mr. Fall to contact Liz Yancey, Parks and Recreation Director about  
282 sprinklers around the Shuffleboard Gazebo and along Pine Street that have gone “wild”.  
283 Mr. Fall noted the request.

284  
285 Ms. DeBorde once again welcomed Pam Brangaccio, interim City Manager and stated  
286 that she was looking forward to working with her on many projects to come.

287

288

289 C. Correspondence

290 None

291

292 **ADJOURNMENT**

293

294 **Mr. Hodson made the motion to adjourn, all agreed. Meeting adjourned at 3:35**  
295 **pm.**