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**MINUTES OF THE
COMMUNITY REDEVELOPMENT AGENCY
MEETING OF DECEMBER 9, 2009
CITY HALL COMMISSION CHAMBERS,
210 SAMS AVE.
NEW SMYRNA BEACH, FLORIDA**

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Chair Linda DeBorde called the CRA meeting to order at 1:00 p.m.

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Answering to roll call:

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**Linda DeBorde, Chair
James Kosmas
Cynthia Lybrand
Charles Belote
Doug Hodson
Thomas Williams**

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Also present were Kevin Fall, CRA Director; Noeleen Foster, CRA Coordinator; Claudia Soulie, Administrative Specialist and CRA Attorney Mark Hall. Vice-Chair Steve Dennis arrived at 1:05 pm and Michelle Martin, CRA Project Manager was absent.

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Ms. DeBorde stated that Mr. Fall had turned in his resignation as CRA Director. Ms. DeBorde continued that she had enjoyed working with Mr. Fall as he had brought a lot of positive momentum to the CRA and was sorry to see him leave and wished him the best in his future endeavors.

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Mr. Kosmas also provided comments related to Mr. Fall's tenure as CRA Director.

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CONSENT AGENDA

- A. Approval of Minutes – November 4, 2009
B. CRA Meeting Schedule – 2010

Mr. Hodson made the motion to approve the consent agenda items, seconded by Mr. Williams. The motion carried on roll call vote 6 – 0.

Ms. DeBorde recognized Mayor Barringer, Vice-Mayor Plaskett and Interim City Manager Brangaccio and thanked them for attending the CRA meeting.

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.

Ms. Flare Elliot, 421 Canal Street, thanked the Commissioners for their support with the "Christmas on Canal" events and proceeded to inform the CRA about upcoming events on Canal Street.

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Vice Mayor Lynne Plaskett, 825 Brown Street, asked that the CRA Commissioners review the CRA Commercial Impact Fee Assistance Program. Ms. Plaskett felt that some of the program guidelines could be confusing to the applicant and inquired whether all of the selection considerations needed to be complied with in order to be approved through the program.

Chris Aberly, 810 Silk Oak Ct. asked the CRA to turn off or move a loud speaker in front of his business on Canal Street that belonged to a recently restored outdoor sound system playing music all along Canal Street. Mr. Aberly stated that the music selection and the volume were in conflict with the classical music in his store as well as disturbing the idyllic atmosphere he was trying to create in the garden area in front of his store.

Hearing no further requests, Ms. DeBorde closed the public participation portion of the meeting.

OLD BUSINESS

A. CRA Plan Update – Projects/Programs (2011-2015)

Mr. Fall stated that, based upon the results of the November 17, 2009 joint meeting of the Community Redevelopment Agency and the City Commission, staff had prepared a Schedule of Projects/Programs for consideration by the CRA. Mr. Fall continued that, utilizing financial projections prepared by the City’s Finance Department, the prioritized list of projects and programs had been integrated into a proposed multi-year schedule based upon timing of future revenues and current project cost estimates. The proposed programs and funding levels need to be affirmed by the CRA.

Mr. Fall stated that upon approval by the CRA, the Schedule of Projects/Programs (2011 – 2015) would become the foundation for the Implementation Plan that accompanied the Redevelopment Plan Update Final Report. Mr. Fall continued that a draft Final Report was targeted for consideration at the January 13, 2010 CRA regular meeting.

Mr. Dennis stressed the importance of addressing the potential impact of proposed Amendment 4 to the City’s Land Development Regulations (LDR) should it be approved. Mr. Fall stated that, without having any land development regulatory authority, the CRA could offer recommendations to the City Commission regarding the potential impacts of the proposed Amendment.

Ms. Brangaccio suggested the CRA come up with a list of properties/projects that they felt might be impacted by Amendment 4.

Mr. Dennis asked for a consensus of having Mr. Fall draft a letter to the City Commission informing them of the CRA Commissioners’ concerns.

93 Mr. Williams addressed the “critical success factors” that were established at the recent
94 City Commission retreat and expressed concern about using CRA funds to revamp the
95 City’s LDR and other City projects.

96
97 A brief discussion ensued about the purchase of the Esther Street property and the CRA
98 funds used in that purchase (see excerpts below from approved CRA minutes)

99
100 Mr. Dennis inquired as to the provision that the CRA receive reimbursement upon receipt
101 of grant funds.

102
103 *Community Redevelopment Agency Workshop February 6th, 2008 - Mr. Hagood*
104 *continued that the Esther Street Project would be discussed at the next City Commission*
105 *meeting and requested the CRA’s funding of \$395,000 and, once the \$395,000 were*
106 *reimbursed through the legislative appropriate, Mr. Hagood would recommend to the*
107 *City Commission that the \$395,000 be reimbursed to the CRA’s Trust Fund.*

108
109 *Community Redevelopment Agency February 6th, 2008 - Mr. Dennis made the motion to*
110 *approve the \$395,000 for the Esther Street Project contingent upon 1) the CRA be kept*
111 *informed on all activities on this project and 2) the City Commission pays the funds back*
112 *to the CRA trust should the Florida Legislature fund the City’s request for the funds*
113 *through the Community Budget Issue Request or any other funds; seconded by Mr.*
114 *Belote. The motion carried on roll call vote 6 – 0.*

115
116 By consensus, the CRA directed staff to research the return of the CRA funds.

117
118 Mr. Hodson inquired as to the Riverside Park Seawall and Lighting project, upon which
119 Mr. Fall stated that this project is funded in the current CRA FY 09/10 budget.

120
121 Ms. Lybrand asked for clarification on the scope of the Washington Street Infrastructure
122 project and questioned the level of funding associated with the Flagler Parking
123 Improvements. Mr. Fall stated the Washington Street project is anticipated to encompass
124 Myrtle Ave. to Riverside Dr. and that funding for the Flagler Parking Improvements was
125 an estimate and could be adjusted by the CRA in the future.

126
127 Mr. Belote questioned the accuracy of the project estimates to which Mr. Fall stated that
128 the estimates were planning level opinions of cost and would be refined as the individual
129 projects moved from concept to design.

130
131 Mr. Fall stated that no action was required of the CRA at this time and that staff would
132 work with Glatting Jackson to further refine the Schedule of Projects/Programs. The
133 schedule will be part of the Plan Update Report to be presented at the January 13, 2010
134 CRA meeting.

135
136
137 B. CRA Commercial Impact Fee Assistance Program

139 Mr. Fall stated that, through the joint meeting of the City Commission and the
140 Community Redevelopment Agency, the development of a comprehensive CRA
141 Incentive Program was authorized and prioritized. Mr. Fall continued that the formal
142 program criteria and appropriation of funds needed to be presented to the CRA and City
143 Commission in final form at future meetings.

144
145 Mr. Fall continued that, in order to help facilitate small-scale redevelopment within the
146 CRA district, a temporary incentive impact fee assistance program would offer up to
147 \$5,000 per project of CRA funds to pay for City impact fees until a comprehensive CRA
148 Incentive Program could be adopted. Mr. Fall stated that City transportation fees, City
149 law enforcement fees, City public safety fees, and City parks and recreation fees would
150 be eligible for inclusion in this temporary incentive program.

151
152 Mr. Fall recommended the CRA approve the temporary Impact Fee Assistance Program
153 as proposed and recommend approval of a \$25,000 transfer from the reserves and
154 contingencies account to provide funding for the Program.

155
156 A brief discussion ensued about changing the verbiage in the program guidelines from
157 awarding only one (1) grant per property to awarding one (1) grant per business as some
158 properties may have multiple tenants. Further it was discussed to tie the grant to the
159 business license and to require a valid business operation at the subject location instead of
160 a valid business license.

161
162 **Mr. Dennis made the motion to accept the pilot program, including the changes as**
163 **discussed, with a budget of \$25,000 to run to the end of the 2010 Fiscal Year;**
164 **seconded by Mr. Belote. The motion carried on roll call vote 7 – 0.**

165
166 **NEW BUSINESS**

167
168 A. City Resolution No. 42-09- CRA Delegation of Powers

169
170 Mr. Fall stated that the following cities in Volusia County had Community
171 Redevelopment Agencies (CRA): Deland, Ormond Beach, Holly Hill, South Daytona,
172 Port Orange, Daytona Beach Shores, Daytona Beach and New Smyrna Beach. Mr. Fall
173 continued that each CRA was authorized by a specific County Resolution to direct
174 redevelopment activities as defined in Chapter 163, Florida Statutes.

175
176 Mr. Fall continued that on December 10, 2009, the Volusia County Council would
177 consider resolutions that, if adopted, would amend the existing resolutions delegating
178 redevelopment authority to the individual municipalities. Furthermore, they would
179 mandate additional reporting and requirements for County authorization, and establish
180 criteria upon which new or expanding CRA's within Volusia County would be
181 considered and authorized.

182
183 Mr. Fall continued that the City Attorney, in coordination with the legal counsel to the
184 NSB CRA and City staff, had reviewed the proposed County Resolutions and had

185 prepared City Resolution No. 42-09 outlining the City's concerns with the proposed
186 County Resolutions.

187

188 Mr. Fall recommended ratification of City Resolution No. 42-09 related to CRA
189 Delegation of Powers, which was intended to preserve the City's ability to challenge any
190 action by the County to affect substantive powers of the New Smyrna Beach Community
191 Redevelopment Agency, if and when that should occur.

192

193 **Ms. Lybrand made the motion to ratify the City Commission's decision; seconded**
194 **by Mr. Dennis. The motion carried on roll-call vote 7-0.**

195

196

197 B. CRA Commercial Impact Fee Assistance Program Application - 215
198 Washington Street

199

200 Mr. Fall requested that item B be withdrawn until further notice.

201

202 **REPORTS AND COMMUNICATIONS**

203

204 A. Director's Report

205

206 Mr. Fall elaborated on the following subjects:

207

208 Announcements

- 209 • Volusia County Council Meeting in Deland – December 10, 2009 at 2:15pm

210

211 Work Priorities

- 212 • W. Canal Streetscape Project – Coordination with Thadcon LLC towards the
213 development of a change order caused by the finalization of the design plans. The
214 proposed change order will be presented to the CRA at January 13, 2010 meeting.

215

- 216 • Redevelopment Plan Update – Coordination with planning consultant on the final
217 results of joint prioritization and discussion of deliverables, remaining work
218 schedule and final products. A draft Redevelopment Plan report will be presented
219 to the CRA at January 13, 2010 meeting.

220

- 221 • Flagler Avenue Hotel Project – Negotiations continue between the City/CRA and
222 Premiere Development Group regarding the potential sale of the CRA properties
223 on Florida Avenue.

224

- 225 • Flagler Avenue Parking (Coronado Methodist Church) – Continue coordination
226 with Church after CRA presentation to Trustees on November 19 2009. A
227 proposal will be developed and presented to the CRA at January 13, 2010
228 meeting.

229

- 230 • Mary Avenue Streetscape - Coordination with FECR regarding potential design
231 alternatives at the intersection with the railroad crossing to be presented at future
232 CRA meeting.
233
- 234 • Dunn Property – CRA submitted application to FDEP for “clean up” funds and
235 should learn of the award or rejection in January 2010.
236
- 237 • EPA Brownfield Assessment Grant – The CRA received twenty five (25)
238 responses to the Request for Qualifications to perform environmental
239 characterization studies for the CRA. A short list of firms will be presented to the
240 CRA at February 3, 2010 meeting
241

242 B. Commissioner Reports
243

244 Ms. DeBorde stated that she was planning on attending the Volusia County Council
245 Meeting in Deland on December 10, 2009 to speak on behalf of the CRA on item # 28
246 Resolutions – Establishment of community redevelopment area policies. Ms. DeBorde
247 asked her fellow Commissioners to give her a brief synopsis on what they thought the
248 CRA’s function is and why they serve as Commissioners.
249

250 Mr. Kosmas: CRA district needs are unique to the CRA and can enhance the County.
251 However, County investment does not always further the causes of the
252 CRA. He serves on the CRA because he loves NSB and wishes to create
253 opportunities/jobs for people that want to stay in NSB.
254

255 Mr. Dennis: The CRA has a responsibility to better the community and he is delighted
256 to be able to serve his community in this capacity.
257

258 Mr. Belote: Real Estate value comes from CRA actions. He feels that NSB has been
259 good to him and his family and his is paying his dues by serving on the
260 CRA.
261

262 Mr. Hodson: The CRA’s goal is to enhance the district and he feels that has been done
263 effectively. The mission of the CRA is almost completed and he is
264 committed for the good of the community.
265

266 Ms. Lybrand: Has done accounting for 35 years for many of the businesses in the CRA
267 district and volunteers to be on the CRA to help address the economic
268 decline in the Downtown Core area and be a part of the solution.
269

270 Mr. Williams: Is privileged to serve on the CRA. The CRA helps to correct blighted
271 areas and the County needs to realize that CRA improves the tax base.
272

273 In lieu of Mr. Fall’s resignation from his position of CRA Director, Mr. Williams
274 suggested to appoint Noeleen Foster as the Interim CRA Director.
275

276 Ms. DeBorde stated that she had been in touch with the Interim City Manager, Ms.
277 Brangaccio about finding a replacement for Mr. Fall and had also informed Ms.
278 Brangaccio that the CRA needed to be involved in the actual applicant selection process.
279

280 A brief discussion ensued about who the CRA Director answers to and getting a full-time
281 CRA director versus sharing this position with the City.

282
283 **Mr. Dennis made the motion that the CRA needs a full-time director, seconded by**
284 **Mr. Belote. The motion carried on roll-call vote 7-0.**

285
286 Mr. Fall thanked the CRA Commissioners, staff and the community for their positive
287 efforts and support over the past two (2) years.

288
289 C. Correspondence

290
291 None

292 **ADJOURNMENT**

293
294 **A motion was made to adjourn; all agreed. Meeting adjourned at 3:00 pm.**