

New Smyrna Beach Urban Blight Project

**with Ms. Donna Gray-Banks
and
The Associates of Kimley-Horn**

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Introduction

Problem Statement

To determine whether or not blight is present in the US 1 Corridor of New Smyrna Beach, Florida, and what types of improvements business owners feel that they need in order to maintain their business sustainably if they choose to keep their business open, and if a community redevelopment area (CRA) would be beneficial in fulfilling the business owners' needs by providing grants for improvements among other assistance. The proposed redevelopment district extends along U.S. 1 from the municipal airport to the Edgewater city limits, along with portions of the Historic Westside community, the Canal Street Historic District and stretch to State Road 44 to include the old Kmart site. The city's current CRA, which was created in 1985, runs through an established boundary that includes the Canal Street, Flagler Avenue and Third Avenue business districts as well as a portion of the Historic Westside.

Hypothesis:

Most businesses in the US1 corridor of New Smyrna Beach, Florida will report aesthetic and structural improvements as their top needs which could be fulfilled by implementing a CRA.

Research:

Before the city can help meet the needs of the local businesses, they must distinguish what those necessities are. First and foremost, it is vital for there to be a clear and concise definition as to what constitutes blight. According to the Florida State Statute 163.340, a blighted is "an area in which there are a substantial number of deteriorated, or deteriorating structures, in

which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the determined factors of blight are present” (“The Florida Senate”). These factors include:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

Furthermore a “blighted area” can also be categorized as any area in which a least one of the previously mentioned paragraphs (a) through (n) are present and all taxing authorities are subject by either inter-local agreement or agreements with the agency or by resolution, that the area is blighted. Such agreement or resolution shall only determine that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, “blighted area” means an area as defined in this subsection (“The Florida Senate”).

Redevelopment in general can be defined as undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan (“The Florida Senate”).

Furthermore, a “Community redevelopment area” means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking

facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment.

For community redevelopment agencies created after July 1, 2006, a community redevelopment area may not consist of more than 80 percent of a municipality. From understanding the concepts of “blight” and a “community redevelopment area” the remaining step is the execution of action. This step in community redevelopment can be defined as a “Community redevelopment plan” (Conn). This is ultimately a plan, as it exists from time to time, for a community redevelopment area. Once this plan is initiated it is possible for the city and parties involved in the redevelopment area to step in and discuss the issues and problems at hand. It also provides the ability to start brainstorming a solution.

According to articles from the Daytona News Journal and data gathered observationally, it can be seen that blight is in fact present by a number of indicators. These can include, but are not limited to, level of property value, police activity in the area, and code enforcement violations.

Improvement grants will be available to property owners as a means of sprucing up their property if the CRA is passed. Note that the things a CRA is aimed at fixing will secure many financial situations by increasing business. By putting money into businesses and making them look better, more customers will be attracted to the area. This will increase profit for the businesses, and the city, which will in turn secure the financial situations of many business owners.

The residential situation is just as important as the businesses. Many people are currently living in motels along the US1 corridor because it is the only housing they can afford. If the

CRA is passed, the city can opt to include a housing assistance relocation program as part of the CRA which would help residents who are struggling to find adequate, affordable housing.

However, it must be kept in consideration that eminent domain is not permitted in the state of Florida according to SS 73.014. The statute clearly states “Notwithstanding any other provision of law, including any charter provision, ordinance, statute, or special law, the state, any political subdivision, or any other entity to which the power of eminent domain is delegated may not exercise the power of eminent domain to take private property for the purpose of abating or eliminating a public nuisance” (“The Florida Senate”). So for instance, taking over the property where a business once was to build affordable housing may not be permissible depending on whether or not the property is considered “a public nuisance”.

The looming voids created by losing two auto dealerships across from the airport already have city officials talking about possible replacements, including multi-family housing. New Smyrna Beach officials have recently pushed for more housing closer to downtown areas. While these were anchor businesses, they are providing more space for expansion by relocating. In reference to implementation of such housing, Brangaccio reported to the Daytona News Journal "I could see — depending on obviously the (Federal Aviation Administration—because proximity to airport) restrictions — where the car dealerships are, high-rise multi-family, for example"(Conn). The community needs to have that discussion. It's directly across from the (Ponce de Leon Inlet). It's beautiful”(Conn).

The CRA could also allow for the improvement of motels and hotels along the corridor. This is primarily due to the support of a revamp, not demolition, of the area. This is reinforced by Donna Gray-Banks the Community Resource Coordinator. “We're looking at that very, very seriously — about not putting people out of where they are, but building up what they already

have” (Conn). While smaller improvement grants would likely make up the majority of applications in a new CRA, there would be the potential for big-ticket redevelopment grants, mainly at buildings now occupied by two auto dealerships.

The presence and effects of blight are slowly but surely affecting the business along the corridor and if action is not taken by the city they will slowly begin to lose the revenue of the businesses currently in the area.

Three major businesses in the US1 corridor are already scheduled to move by the summer of 2015: ABC Liquor, Mullinax Ford Mercury and New Smyrna Chevrolet. The effects of blight aren't only being noticed by the businesses, but are also being noticed by the city. Although the US1 corridor only accounts for 8% of New Smyrna Beach city limits, it accounts for about 40% of code enforcement violations in the city ("New Smyrna Beach (city), Florida").

Jack Holcomb, who owns New Smyrna Beach Chevrolet, said he plans to keep his other dealership, New Smyrna Chrysler Jeep Dodge on U.S. 1, and still wants to see reinvestment in the corridor. "I just don't want a big 50,000-square-foot vacant building sitting on this property, because I know it's not good for the city," he said. "You're going to have a lot of mom-and-pop properties that are going to want to stay mom and pop," Brangaccio said (Conn). "They will have the ability to either do new awnings or new paving or new landscaping. You're not just going in there with a heavy hand in terms of code enforcement. You'll be able to offer improvement grants” (Conn).

Through partnership with Donna Gray-Banks and Kimely-Horn & Associates we have been able to conduct a needs based assessment. The blight study can be used to establish that blight is present and what kinds of things business owners need to improve their businesses. In regards to the work the private firm Kimley- Horn is doing, Mayor Adam Barringer said he

didn't want to see the blight study "sit on a shelf somewhere" if the city doesn't get approval for a new CRA and asked what else the city would get out of the analysis (Conn). Brangaccio said the study Kimley- Horn is doing could be used to recommend zoning and land use changes, and identify other needed upgrades and long-term capital improvement projects (Conn).

Common questions asked by business owners and residents were as follows and were vital to both educating the population as well as aiding in the research process. Predominantly the first concern was what can redevelopment do for my community? The answer provided for this was redevelopment can help your community implement a revitalization effort for your downtown, neighborhood or industrial areas. Redevelopment helps communities attract new jobs and business, reduce crime, build and improve roads, utilities and public facilities, stimulate development of downtown improvement programs, stimulate private investment and help rehabilitate homes and businesses, and create more affordable housing.

If the community does qualify for a CRA there was question as to how much of the area would be included? An explanation of the stages of community redevelopment was ultimately disclosed. First, the local governing body adopts a "survey area" that is evaluated to see how much of an area qualifies for redevelopment. Next, the planning commission defines the "project area" where redevelopment activities would be focused. Finally, the redevelopment agency and the local governing body must hold several public hearings about the project to formally adopt the project area ("The City of Compton"). A project area has already been identified in New Smyrna Beach.

Aside from the effects of redevelopment on local businesses, it will also effect the surrounding community. The benefits of redevelopment are abundant. Success stories range from physical transformations of dilapidated buildings to community empowerment. Redevelopment

is a powerful tool that empowers communities through the creation of new jobs and housing opportunities, economic development, crime reduction, development or improvement of public facilities, landscaping of neighborhood streets with trees or shrubs, new cultural, shopping, and recreational opportunities, and much more. Most importantly, it will restore community pride and ultimately increase overall city revenues to provide greater public safety and services.

There may be concerns regarding redevelopment agencies increasing taxes to pay for the project, however the redevelopment agency does not have power to set tax rates or levy property taxes. When a redevelopment agency implements a redevelopment plan, the improvements result in an increase in property values within the project area. Individual property owners will not pay increased taxes unless there is a change in ownership, rehabilitation, or new construction to their property. The increase in tax revenue is known as “tax increment” (“The City of Compton”).

Research Design:

The research methodology that will be most conducive to our community project is a combination of descriptive and exploratory analysis. It is ultimately a need based assessment that will be addressing and determining the gaps between current conditions and the needs of the small businesses along the US 1 Corridor. These needs will be derived from the desires of the businesses to improve their current performance and correct the deficiencies of the blighted area.

Research Instruments:

Survey

The research instrument implemented was a survey. The survey was administered verbally to each of the business owners, managers or employees along the US 1 Corridor either

in person or over the telephone; answers were noted accordingly. Upon completion of the survey, business owners were asked if they would like to be contacted further.

Questionnaire

1. How long have you been at the current address?
2. What type of business and how many employees do you have?
3. Do you see your business at this location in the next 5 years? If yes why. If no why not.
4. What are the challenges of being in this location (besides the economy).

Please give us your top 3 challenges:

- a.
- b.
- c.

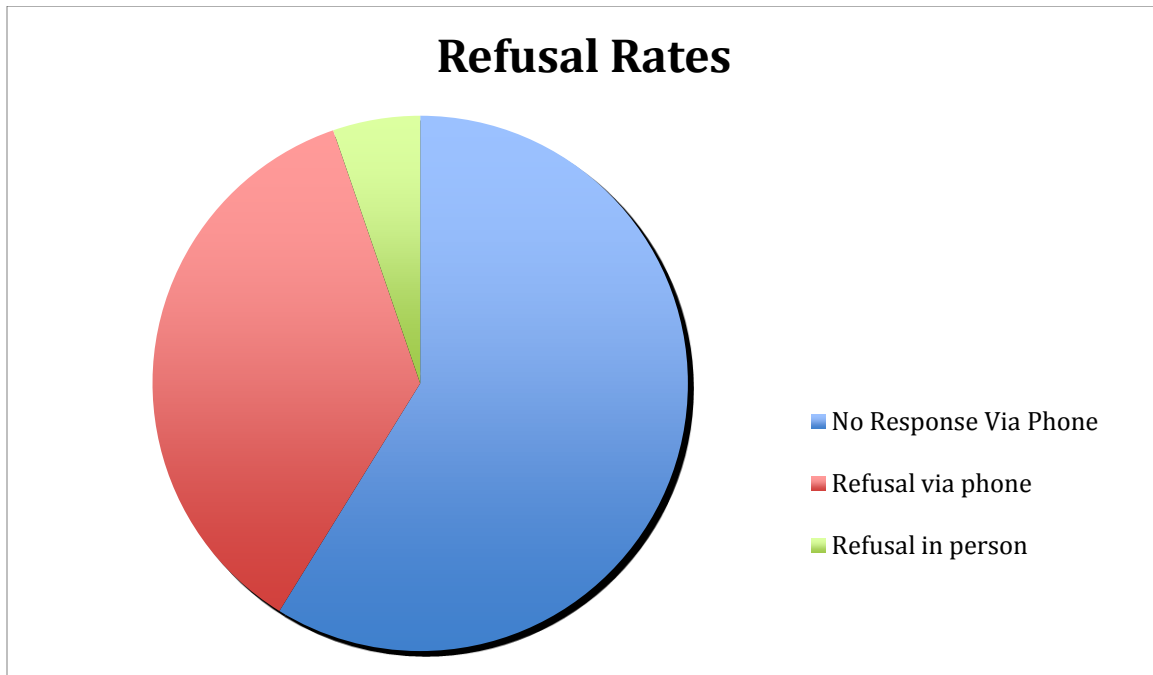
5. What would benefit your business at this location?
6. Anything else you would like to add?

Would you mind being contacted in the future?

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Data



Figure

1 shows the breakdown of the 31.5% refusal rate. 64.7% of refusals were no responses via telephone. 5.8% of the refusal rate said no to taking the survey in person; while 29.5% said refused to take the survey over the telephone.

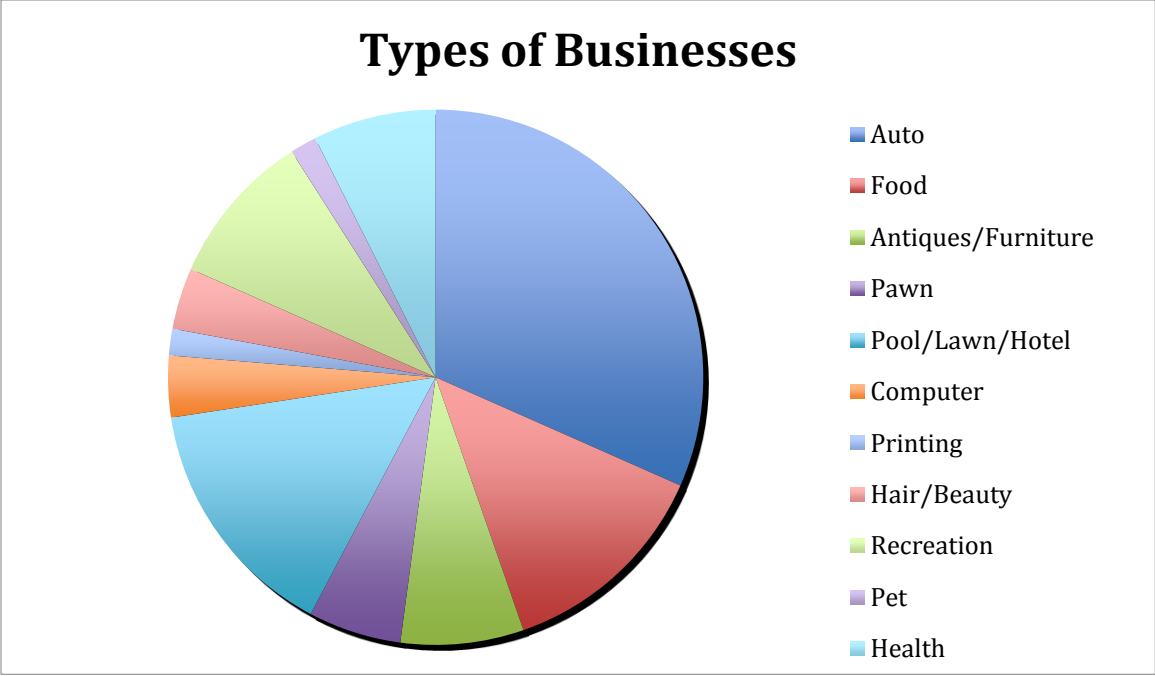


Figure 2 shows the demographic breakdown of businesses within the proposed CRA area. The business percentages are as follow: Auto: 31.5%; Food 13%; Antiques/Furniture: 7.4; Pawn: 5.6; Pool/Lawn/Hotel: 14.8; Computer: 3.7%, Printing: 1.6%; Hair/Beauty: 3.7%; Recreational: 9.3%; Pets: 1.6%; Health: 7.4%.

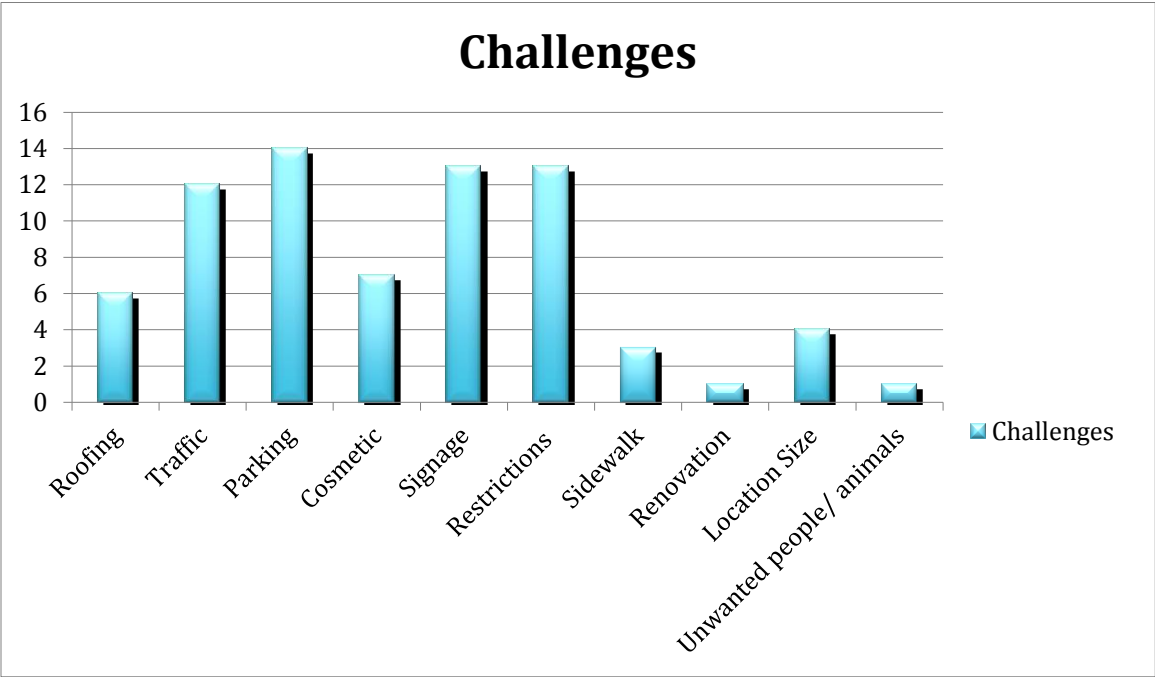


Figure 3 represents the cumulative challenges addressed by business owners within the proposed CRA. The cumulative challenges are as follow: Roofing: 8.2%; Traffic: 16.4%; Parking: 19.2%; Cosmetic: 9.5%; Signage: 17.8%; Restrictions: 17.8%; Sidewalks: 4.1%; Renovations: 1.3%; Location Size: 5.5%; Unwanted People/Animals: 1.4%.

Responses to the question: "Do you see yourself here in the next 5 years, why or why not?"

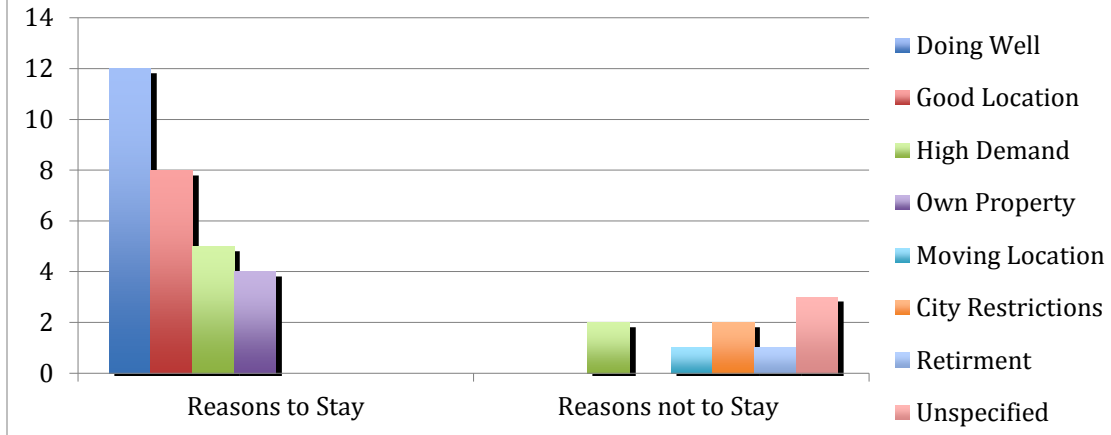


Figure 4 shows responses to the question: "Do you see yourself here in the next 5 years, why not?". Business owners who said yes stated these reasons as the following: Doing Well: 32.4%; Good Location: 21.6%; High Demand: 13.5%; Own Property: 10.8%. Business owners who stated no/maybe stated these reasons as the following: Moving: 2.7%; Tough Restrictions: 5.4%; Unspecified: 8.1%; Retirement: 2.7%.

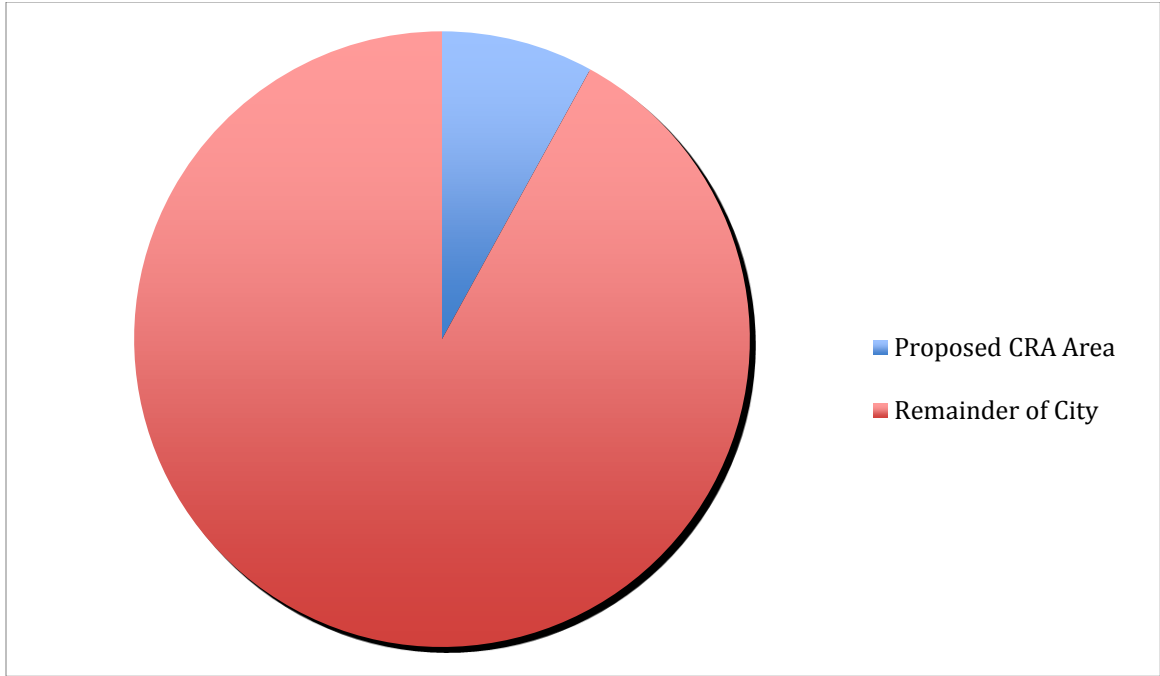


Figure 5 shows the percentage of New Smyrna Beach that is within the proposed CRA (8%).

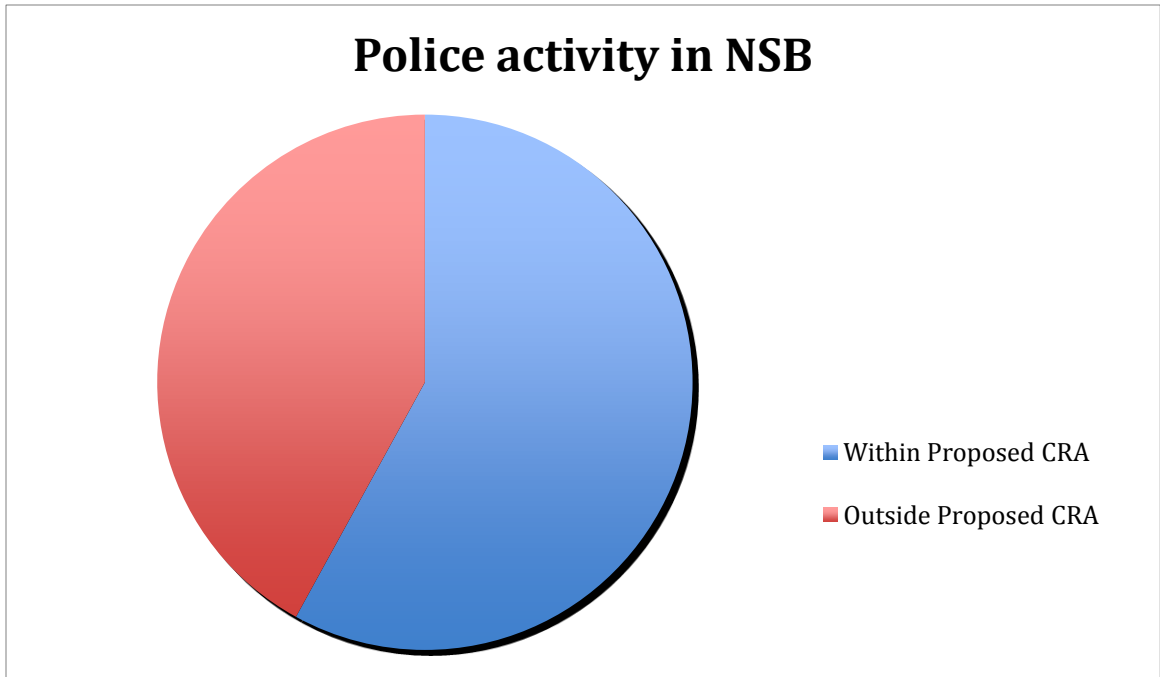


Figure 6 shows the percentage of police activity within the proposed CRA area (58%) in comparison to the remainder of the city (42%)

Conclusion

In accordance with State Statute 163.340 it can be determined that there is blight in the area we have investigated. A CRA would be beneficial to business owners by providing funds to improve the topics covered below; Deteriorating structures, inadequate street layout, inadequate parking facilities, lack of parking facilities, lack of turn lanes, decrease in property value, faulty lot layouts, unsafe conditions, sidewalks, quantity of pedestrian cross-walks, and quantity of code enforcement violations. A reciprocal effect should be expected to take place if a CRA is implemented and crime rates should decrease if the aforementioned improvements are made through the use of a CRA.

§163.340, “Blighted area” means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property

The number of deteriorated or deteriorating structures in the area is immense. As seen in the photo below, the building’s portico is in dire need of repair and the building is clearly deteriorating. Such deterioration can be seen in several instances along the US 1 Corridor and ranges from moderate to severe. Much of the deterioration found in the Corridor involves overall building deterioration, poor roofing, outdated windows and doors, and poor interior conditions. The presence of deteriorated or deteriorating structures indicates blight.



The latter half of the statute states that two or more additional statutory requirements must be present. It was found that not only two, but *at least six* of the latter requirements were present.

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges or public transportation facilities.

An overwhelming 44.4% of business owners mentioned some sort of concern regarding traffic regulation, parking facilities, street layout, and turn lanes. Several individuals mentioned that the speed limit on US 1 is not enforced to its maximum potential. One individual said that their main problem with the lack of speed limit enforcement was that individuals would “come flying” into the parking lot when turning off of US 1 which put not only the driver at risk, but also other customers and the business for liability. The business owner also mentioned that the high-speed traffic emphasized the need for turn lanes in multiple locations. Adding turn lanes

would provide an area for drivers to slow down before turning into parking lots or turning onto streets.

The lack of turn lanes was also mentioned by other business owners who reported that customers needed to make U-turns to reach their business when coming from the opposite direction on US 1.

Additionally, many business owners reported a lack of or adequate parking space for their business. In some cases the lot size was too small to facilitate an adequate parking area. In other cases business owners simply did not have the funds to improve their existing parking lot. One business owner mentioned that parallel parking spaces on the street had been removed which left surrounding businesses with little or no parking. The defective street layouts and inadequate parking facilities are indicators of blight.

(b)The aggregate assessed value of real property in the area for ad valorem tax purpose have failed to show an appreciable increase over the five years prior to the findings of such conditions.

Property values in the proposed area are down 33% over the course of the last five years. This demonstrates that property values have in fact failed to show an appreciable increase over the last five years and indicates blight.

(c) Faulty lot layout in relation to size, accessibility, or usefulness

Due to the fact that many of the businesses along the US 1 corridor were originally built and zoned as single-family residential homes, it stands to reason that the lot layouts are faulty and their use is not being maximized. In the photo below you can see a demonstration of a single-family home that has been converted into a business.



As previously mentioned, several business owners reported issues with parking space or facilities. A large portion of these business owners are experiencing problems with their parking lots because there simply isn't enough lot space to provide adequate facilities. Although it was not a reported complaint of business owners, it can be seen that many businesses have customer parking spaces in inadequate and inconvenient locations such as behind their building. This leaves customers confused as to where they should park and provides the need for additional signage on the already small lots.

Two business owners mentioned that there was a lack of lot space in front of their business. They reported that the lack of lot space made signage and landscaping difficult. A sidewalk ran in front of both businesses but only about five feet of grass space. One of the business owners mentioned that they would love to have sidewalk sales to attract customers but this was not a possibility due to the lack of space. Both business owners mentioned that they would love to improve or add signs and landscaping in front of their businesses, but the limited space prevented them from doing so. The presence of faulty lot layouts in relation to size, accessibility and usefulness indicates blight.

(d) Unsanitary or unsafe conditions

The immense number of deteriorated or deteriorating structures indicates that there are unsafe conditions in the area. Many businesses and residences in the area need roof and window replacements or repair, such as the first photo in the conclusion section. One residence in particular is in desperate need of a new stair case which appears to be very hazardous. The stair case is made of old, rotten, disintegrating wood and could be hazardous not only for the resident but also for visitors and passer-bys. The photo on the next page demonstrates the particular residence mentioned above. As you can see from the photo, the residence is very hazardous.



Also, as previously mentioned, the speed of traffic provides unsafe conditions for many people in the area. Drivers are at risk especially when trying to slow down for turns in traffic lanes. Business owners are also put at risk for any incidents that happen in their parking lots as a result of the fast traffic or lack of turn lanes.

Fast-paced traffic along US 1 also puts pedestrians at risk. There is a lack of cross-walks and traffic lights in the area which does not facilitate pedestrian traffic. Pedestrians are also put at risk because of the poor condition of the sidewalks. The pavement is uneven with jutting edges and cracks which provide hazard. The presence of aforementioned unsafe conditions indicates blight.

(j) Incidence of crime in the area higher than in the remainder of the county or municipality

It is crucial to know that the proposed area only accounts for 8% of the city when we discuss crime rates and building code violations. The proposed area generated 58% of police activity in 2012. A very small portion of this community generated well over half of the police activity which indicates blight.

(i) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality

The proposed area accounted for 32% of the city's code enforcement activity in the last three years. Again, only 8% of the city accounted for more than thirty percent of the code enforcement activity which indicates blight.

Additional Information and Insight

The majority of business owners interviewed reported that some sort of match-funding or grant would be extremely helpful in improving their business. Some business owners reported that they would use funding to improve their structures both aesthetically and by bringing their buildings up to code. Some of the individuals we interviewed did not own the property they were operating on. During general conversation with non property owners about what could be done to help them, and if they were familiar with the CRA, their response was often along the lines of

“I don’t own my property so I guess nothing.” Even some individuals who owned the property the business operated on mentioned that they didn’t know too much about the CRA and weren’t sure how it would effect them, or whether or not it could help them in any way.

During investigation, several business owners reported grievances with the city. The primary topics of concern revolved around signage, permitting, and regulations imposed on business owners. Many business owners, including one business owner who had been at his address less than six months, claimed that the city does not allow promotional signage near roadways. The business owners expressed concern over this because they felt it was limiting their promotional outreach.

One individual also told us that hosting events for customers such as barbecues would be a great promotional tool for their business. The individual then told us that the business has not done that because the city requires permits to be pulled for holding such events. Pulling permits for any type of event is expensive and time-consuming, the owner reported.

Another individual who didn’t mind sharing extraneous information with us stated that adding onto your physical building can be very challenging especially in regards to dealing with the city. The individual explained that the permitting involved in physical additions to buildings is extremely expensive to begin with. To add to the stress and frustration, the individual reported that the city doesn’t like to cooperate with business owners on expansion. The story we were told goes something like this:

“You finally get all the permits pulled, all of your plans reviewed and approved, and everything is all built. Then the city comes in and looks at everything they already approved...but they tell you that you have to change half of what you just did. There is so much money involved

in adding onto a physical location not only because of construction costs, but permitting costs, the money you lose when you're under construction, the cost to fix what the city changed their minds on, etc. Or, there's the situation where the business next to you is under construction and there's not enough space between any of these buildings for large-scale construction, so the person next door's construction ends up obstructing your parking lot and interfering with your business. It's a lose-lose situation and the city always wins."

Although this is not a direct quote, it is a quote that has been re-worded and summarized at some parts. This type of complaint was common and recurrent among business owners.

Some business owners also commented on the new signage requirements. Many of the business owners had varying opinions on these requirements. One individual thought that the new requirement resembled that of the beach-side district far too much, and that type of look would not work for such a commercial area. Another business owner liked the idea of replicating the beach-side look with signs lower to the ground. The individual said that it would allow drivers to keep their eyes close to the road, not up in the sky looking for signs, and it would give the area a more cohesive look.

Every individual who responded to the survey was interested in learning more about the CRA and what it could do for them. Participants were eager to answer the questions and share their opinions about various topics. Regardless of people's opinions about regulations imposed by the city, it was evident that people have a deep love for the area and will do anything in their power to revitalize it. It was common to find that participants were looking forward to learning more about the CRA and possibly seeing what kind of an impact it could have on their community.

Recommendations

First and foremost it is recommended that the following things be completed by the means of a Community Redevelopment Area (CRA) to improve deteriorating structures, inadequate street layout, inadequate parking facilities, lack of parking facilities, lack of turn lanes, decrease in property value, faulty lot layouts, unsafe conditions, sidewalks, quantity of pedestrian cross-walks, and quantity of code enforcement violations.

1. Contact the Department of Transportation and request a traffic study be completed for the area regarding need for additional turn lanes.
2. Provide public parking facilities and help business owners improve existing parking facilities. Providing public parking facilities such as a multi-story parking garage would promote customer traffic in the area and lift some of the burden on small parking lots of existing businesses.
3. Contact local authorities and request additional traffic patrol and speed limit enforcement in the area. It is unlikely that the speed limit on a major highway will be lowered beyond 45 miles per hour, however it is reasonable to hold local authorities responsible for maintaining the speed limit and ensuring the safety of people in the area by doing so.
4. Facilitate aesthetic improvements in the area including additional landscaping and improving fascia of buildings in the area. This is to include help with signage. Help in these areas will create a reciprocal effect in which the area is more attractive to customers and visitors, and will improve property values. The more beautiful the area is as a whole, the more each individual property will be worth.

5. Improve sidewalks by removing and replacing existing sidewalks. A complete re-vamp of the sidewalks in the area will not only beautify the area, but also provide a safer environment for pedestrians.

6. Contact the Department of Transportation and request a traffic study in the area for the need of additional crosswalks and traffic lights. Addition of such features will promote pedestrian traffic, such as to and from the recommended public parking facility. In the case that a public parking facility is provided it would also be recommended that a pedestrian bridge is added in addition to crosswalks.

7. Contact local authorities and request additional neighborhood watch in the area. Providing additional neighborhood watch should be aimed at decreasing the crime rate in the area.

8. Increase awareness of the CRA and what it can do for business owners. By promoting awareness of the CRA and informing business/property owners of the CRA, it would likely increase the use of the CRA and maximize its benefits.

9. Host meetings in which residents and business owners regularly share concerns regarding the area. This would consist of meetings outside of regular commission meetings and council meetings in which residents can share concerns or questions regarding the CRA and anything regarding the area overall. This would promote continual involvement of business owners/residents and could promote the spread of constructive ideas.