



**CITY OF NEW SMYRNA BEACH
ECONOMIC DEVELOPMENT ADVISORY BOARD MEETING AGENDA
WEDNESDAY, APRIL 20, 2011 – 6:00 PM
CITY COMMISSION CHAMBERS
210 SAMS AVE., NEW SMYRNA BEACH, FLORIDA**

1. CALL TO ORDER

2. ROLL CALL

3. CONSENT AGENDA – Approval of Regular EDAB Meeting March 16, 2011

4. PRESENTATION

None

5. OLD BUSINESS

None

6. NEW BUSINESS

A. Bert Fish Medical Center – Representative

B. Update on Transportation Projects

City Projects - Khalid Resheidat, Assistant City Manager

Volusia County Engineering and Construction – Jim White, Senior Project Manager

FDOT – Amir Asgarinik, Transportation Systems Manager

Transportation Planning Organization (TPO) – Karl Welzenbach, Executive Director

7. BOARD MEMBER COMMENTS

8. REPORTS AND COMMUNICATIONS

A. Director's Report

B. Team Volusia 2011 First Quarter Report

9. FUTURE AGENDA ITEMS

A. Team Volusia President Helen Cauthen (May 18th)

B. Joint Meeting with Airport Advisory Board (June – date TBD)

10. ADJOURNMENT:

Pursuant to *Florida Statutes* 286.0150, if an individual decides to appeal any decision made by the Economic Development Advisory Board with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the Community Redevelopment Office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32170 (888) 215-9005, prior to the meeting.

CONSENT AGENDA

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**CITY OF NEW SMYRNA BEACH
ECONOMIC DEVELOPMENT ADVISORY BOARD (EDAB)
REGULAR MEETING MINUTES
MARCH 16, 2011
City Hall Commission Chamber, New Smyrna Beach, FL**

Mayor Adam Barringer called the meeting to order at 6:00 p.m.

ROLL CALL:

The following members answered to roll call:

Mayor Barringer
Jack Holcomb
Arlen Stauffer
Randy McHenry
Paul Mayer
Bill Hall (Ex Officio)

Also present were City Manager Pam Brangaccio; CRA Director Tony Otte; City Attorney Frank Gummey; CRA Administrative Assistant Claudia Soulie; members of City staff and the public. Board Member Jill Carlton was absent (excused).

CONSENT AGENDA – Approval of Regular EDAB Meeting February 16, 2011

Mr. Holcomb made the motion to approve the February 16, 2011 EDAB minutes as written; seconded by Mr. McHenry. Motion carried unanimously on roll call vote.

PRESENTATION

None

OLD BUSINESS

None

NEW BUSINESS

A. Review of the potential for development on SR 44, Airport and FEC

Mayor Barringer stated that they would defer item A. under NEW BUSINESS until later in the meeting and commence with item B. as the City Attorney was present for this agenda item. All agreed.

ECONOMIC DEVELOPMENT ADVISORY BOARD
MARCH 16, 2011 MINUTES

48 B. Discussion on Riverside Park ownership

49
50 Mr. Otte stated that the placement of a hotel in the Canal Street area was selected as the number
51 1 goal for the Economic Development Advisory Board (EDAB) for 2011. One of the possible
52 locations for a hotel in the Canal Street area is in Riverside Park, the present site of the Brannon
53 Center.

54
55 Mr. Otte continued that Mr. Frank Gummey, City Attorney, had previously advised that the
56 matter of ownership of this property needed to be researched and that he had prepared a
57 memorandum. This memorandum begins with the premise that the island that became Riverside
58 Park was titled to the State as a matter of law. The memo concluded that in order for the Park to
59 be converted to a commercial, non-public use, an insurable leasehold or fee simple title would
60 need to be acquired by the City and that it would be necessary to obtain corrective instruments
61 and/or a judicial decree to obtain insurable title.

62
63 Mr. Gummey further stated in this memo that he had discussed this matter with a number of
64 persons knowledgeable in the acquisition of state lands, and their best advice was to retain the
65 services of an attorney well experienced in handling transactions with the state Board of Trustees
66 of the Internal Improvement Trust Fund, because this board is a unique institution with a long
67 history. However, there would be cost involved with no guarantee of success. Mr. Otte clarified
68 that this topic did not pertain to the entire Riverside Park, but only to the portion that housed the
69 Brannon Center.

70
71 Mr. Gummey gave a brief history on the Brannon Center site based on his research and felt that
72 it would be in the City's best interest to seek Tallahassee counsel.

73
74 A discussion ensued about the stipulations in the grants that were received for this site which
75 stated that a portion of this park had to be kept available for public use; meeting with the grantors
76 to talk about public/private partnerships; certain ownership regulations not applying to sovereign
77 lands; moving the Brannon Center to a location near the library and what steps could be taken to
78 proceed in securing this title.

79
80 Mr. Holcomb felt strongly about establishing ownership for the Brannon Center. Mayor
81 Barringer informed the EDAB that the City Attorney's memorandum had been presented to the
82 City Commission and that they had additional questions for the City Attorney. Mayor Barringer
83 suggested that an EDAB member could address the City Commission stressing that this site was
84 a key element in the City's redevelopment efforts.

85
86 Mr. Holcomb believed that the economic benefit of this site outweighs the risk of spending
87 money for a title search that may not be successful and inquired if the CRA had any funding
88 available. Mr. Otte stated that a hotel on Canal Street was mentioned in the recent CRA
89 Masterplan update and that he could conceive possibly partnering with the City on the cost.

90
91 Mayor Barringer stated that a motion was needed recommending that the City Commission
92 authorize the City Attorney to research how much it would cost to acquire a title.

ECONOMIC DEVELOPMENT ADVISORY BOARD
MARCH 16, 2011 MINUTES

94 Mr. Tolley, 803 Fairway Drive, suggested doing a Request for Proposal (RFP) for attorneys to
95 present their cost to resolve the title issue.

96
97 **Mr. Holcomb made the motion to authorize the City Attorney to 1. Research cost to**
98 **acquire title and 2. Present this item to the CRA; seconded by Mr. McHenry. Motion**
99 **carried unanimously on roll call vote.**

100
101 Mr. Gummey left the meeting right after the motion was called. Mayor Barringer thanked him
102 for his efforts and his time in attending the meeting.

103
104 Review of the potential for development on SR 44, Airport and FEC

105
106 Mr. Otte stated that every week both the Volusia County Department of Economic Development
107 (DOED) and Team Volusia (TV) distributed a list of companies interested in opening a new
108 business location (the prospect lists).

109
110 Mr. Otte stated that in order to respond to these requests, and to assist in marketing properties,
111 helping businesses grow, and recruiting businesses, staff is in process of building an inventory of
112 properties throughout the City to include vacant buildings for sale or lease as well as vacant
113 properties suitable for development. Mr. Otte continued that staff also wished to add those
114 properties to the County's economic development website and Team Volusia's website (once
115 established).

116
117 Mr. Otte stated that when a site is being offered for sale or lease, the availability of water and
118 sewer service was a key factor in assessing the site's readiness for development and that in the
119 commercial and industrial areas of the City, water service was usually readily available. Mr. Otte
120 continued that due to the patterns of growth in the past, sewer service was not always available
121 and that Utilities Commission staff had supplied several maps indicating the availability of sewer
122 service in the commercial and industrial areas of the City.

123
124 Mr. Otte informed the EDAB of properties that were ready or nearly ready for development:

125
126 State Road 44 Corridor

- 127
128 • The Surfboard Lane area, a 6 lot subdivision that at one time was planned for one or more
129 hotels.
130 • The new Walmart area, with 7 out parcels and a site plan that includes another anchor store (in
131 addition to Walmart);
132 • The area around Home Depot, which has one vacant out parcel lot.
133 • A small lot adjacent to Kentucky Fried Chicken to the west.

134
135 Mr. Otte also stated that the County Department of Economic Development staff believes that
136 the SW quadrant of the I-95 and SR 44 interchange would be a very valuable future site for a
137 business as it has a linkage via SR 44 to I-4 and to points further west, including I- 75. Mr. Otte
138 continued that at the present time water or sewer service was not available in this quadrant.

139

ECONOMIC DEVELOPMENT ADVISORY BOARD
MARCH 16, 2011 MINUTES

140 Airport area

141
142 The Airport Industrial Park area is a valuable asset that should be analyzed to enable it to reach
143 its maximum potential. Points of interest to be studied include:

- 144
- 145 • A valuable lot will be made available when the former police and fire station is demolished at
146 the corner of Industrial Park Rd and US 1.
 - 147 • The property on the north end of Airway Circle needs to be studied. A determination needs to
148 be made regarding the feasibility of connecting Industrial Drive and Airway Circle, which
149 could create two more lots adjacent to the taxiway and several other lots.
 - 150 • In order to obtain funding for the infrastructure and street work needed, there may be grant
151 money available for a major portion of the funding for the infrastructure, from FDOT or EDA.
 - 152 • On Turnbull Bay Road to the south of the Airway Circle and Industrial Road properties are
153 several parcels.
 - 154 • The industrial property on the south side of South St, (on the north side of the airport), is
155 served by sewer.
 - 156 • The Tionia Rd industrial property and properties adjacent to the south have sewer service.
157 Some of the industrial properties on the east side of Tionia Rd are in the county.

158
159 Mr. Otte stated that staff was requesting direction from the EDAB for marketing these sites and
160 creating additional lots at Airway Circle. Mr. Otte continued that staff wanted to thank Paul
161 Mayer for all of his work in gathering information for this discussion and also introduced Kevin
162 Jameson, the new Planner who took the position of Jake Baker.

163
164 Mr. Mayer felt that an immediate option could be to extend Airway Circle as far out as the 1983
165 plat permitted as this would possibly open up three (3) large parcels with access to the tarmac
166 and runway and maybe (3) interior parcels that do not require Airport access.

167
168 A brief discussion ensued while the Board was reviewing old plat maps of Airway Circle
169 pertaining to the pros and cons of connecting Industrial Drive with Airway Circle; the need for a
170 Fixed Base Operator and an Airport Marketing Person; a partnership with Embry Riddle; setting
171 a joint meeting with the Airport Advisory Board and the expansion of the Airport.

172
173 Mr. Stauffer wanted to clarify that Airport Expansion did not mean increasing its size, but rather
174 its economic development and filling some of the vacancies.

175
176 Mayor Barringer thanked Mr. Mayer for all of this work and suggested finding out what type of
177 buildings people were looking for around the Airport in an effort to fill some of the vacancies.

178
179 The Board agreed to have staff schedule a joint meeting with the Airport Advisory Board in May
180 or June.

181
182 Hearing no further comments on the Airport Properties topic, Mayor Barringer gave a brief
183 summary of actions with regards to development on SR 44. He stated that Walmart was looking
184 into marketing its current site to make sure that it would not be vacant when they relocate; the
185 City Commission had waived annexation fees for Colony Park area to be annexed into the City;

ECONOMIC DEVELOPMENT ADVISORY BOARD
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186 staff had met with the counsel representing the FEC property to discuss Comprehensive Plan
187 Changes, coordination with Volusia Growth Management (VGM) and that this project was
188 moving forward.

189
190 C. Discussion on New CRA Area

191
192 Mr. Otte stated that the present Community Redevelopment Agency sunsets in 2015 and that
193 City and County staff recently held a general discussion on what the County might be interested
194 in for the formulation of a new CRA. Items discussed included:

- 195
196 • Both the City and the County wished to have a new CRA encompass US 1, from an area
197 north of the airport to Tenth St. US 1 had been identified as having a number of blighted
198 properties in need of redevelopment.
199 • There seemed to be a consensus that the current CRA area on the beachside should not be
200 included in the new CRA, as both the City and County wished to recapture that tax base.
201 • The area of the new CRA needed to include the Airway Circle area and other industrial
202 properties at the airport.
203 • The Historic Westside area included in the current CRA needed to be expanded.
204 • The Canal St Historic District, North Causeway, and hospital areas in the current CRA
205 needed to be included in the new CRA; and
206 • The FEC property needed to be in the new CRA.

207
208 Mr. Otte continued that there are a number of conditions that the County now requires in the
209 creation of new CRAs, including a provision that the County's contribution will not exceed a
210 City's contribution in the funding of the new CRA. Mr. Otte stated that proposed projects for the
211 new CRA included the US1 Corridor; Transit/Transportation related topics; Medical District
212 improvements; Infrastructure improvements and commercial and residential property
213 revitalization of the Historic Westside.

214
215 Ms. Brangaccio further summarized additional stipulations for a new CRA and stated that
216 Volusia County actually recommended the new CRA include the Airport. Ms. Brangaccio
217 continued that members of the Planning and Zoning Board and CRA went on a bus tour along
218 US1 as part of their visioning efforts for 2011.

219
220 BOARD MEMBER COMMENTS

221
222 Mr. Mayer complimented Mr. Otte's and Ms. Rhonda Walker's (Airport Manager) enthusiasm in
223 regards to extending Airway Circle and stated that he heard that Federal aviation money might
224 be available to fund this project and he felt that it was worth looking into.

225
226 Mr. McHenry inquired how the EDAB could find out if monies were available. Ms. Brangaccio
227 stated that this could be a topic for the joint EDAB/Airport Advisory Board meeting and
228 continued that staff has been able to obtain various grants in the past.

229

ECONOMIC DEVELOPMENT ADVISORY BOARD
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230 Mr. Mayer commended Ms. Walker for all the work she had done to improve the image and look
231 of the Airport, which instills a feeling of pride.
232

233 Mr. Hall wanted to make sure that all the different entities working on economic development
234 within Volusia County were going in the same direction.
235

236 Mr. Holcomb felt that the Airport as well as the Sports Complex were revenue assets and asked
237 staff to update the EDAB at each meeting on the 5 objectives that they had set. Mr. Holcomb
238 also stated that public/private partnerships (Airport and Sports Complex) were very important
239 and would like to see them established.
240

241 Mayor Barringer recognized Dr. Arlen Stauffer as he had received the "Citizen of the Year"
242 award for New Smyrna Beach and was also selected as a Volusia County finalist for this honor.
243 Mayor Barringer commended all the EDAB members for their commitment and that he had
244 received positive comments about the City's economic development efforts from the public and
245 Volusia County council members.
246

247 Mayor Barringer suggested that staff update the Board on the top 5 objectives each month in the
248 Director's Report.
249

250 Mr. Stauffer thanked the Mayor for his kind words and stated that the EDAB was a part of the
251 "100 Day Economic Development Plan" that the Mayor had envisioned. Mr. Stauffer also
252 suggested including the Sports Complex into the new CRA.
253

254 Ms. Brangaccio stated that staff incorporated each Advisory Boards' top goals into the City
255 Commissions Top 10 Goals whenever possible to keep them moving forward.
256

257 **REPORTS AND COMMUNICATIONS**

258
259 A. Director's Report
260

261 Mr. Otte added that he recently attended a Southeast Volusia Chamber luncheon where a
262 representative from Team Volusia was present and he commented on the current economic
263 forward movement.
264

265 B. Volusia County Council to commission tourism marketing study
266

267 Mr. Otte stated that staff would keep the EDAB informed on this study. Ms. Brangaccio
268 mentioned that reappointments of the Southeast Volusia Tourism Bureau were on the County
269 Council agenda and that staff would let the EDAB know about any possible changes.
270

271 Ms. Brangaccio informed the EDAB that the City had secured federal grants for entryway
272 signage and median landscaping on SR 44 and I-95 and those projects were moving forward.
273

274 **ADJOURNMENT:**
275

276 There being no further business, the meeting was adjourned at 7:35 p.m.

NEW BUSINESS

EDAB AGENDA ITEM SUMMARY

Department Making Request: EDAB Staff		
Meeting Date: April 20, 2011		
Action Item Title: Items to be presented to the EDAB		
Agenda Section: Consent _____ Public Hearing _____ Special Items <u> x </u>		
Summary Explanation and Background		
<p>Staff has been in touch with several organizations in the spirit of economic development and partnership efforts with the City of New Smyrna Beach. The following representatives will be in attendance to give a short presentation.</p> <ol style="list-style-type: none"> 1. A representative of Bert Fish Medical Center will comment on the Hospital's goals and objectives within the City of New Smyrna Beach (i.e. future capital development plans), and economic development partnership with City. 2. Khalid Resheidat, Assistant City Manager - Update on City Projects 3. Jim White, Volusia County Engineering and Construction Senior Project Manager. Their Mission is "To provide quality and timely engineering services in support of Volusia County's construction projects". Mr. White will update the EDAB on Volusia County projects as they relate to New Smyrna Beach. 4. Amir Asgarinik, Florida Department of Transportation District Transportation Systems Manager will touch on FDOT's improvement projects for US1 and SR 44. 5. Karl Welzenbach, Executive Director of the Volusia Transportation Planning Organization. The Volusia TPO staff provides the support necessary for the TPO Board members and their advisory committees to implement the long range transportation goals. Among other things, these activities include providing technical expertise in the development of transportation plans and programs, promoting public involvement in the decision making process and supporting local communities in their general planning efforts. Mr. Welzenbach will inform the EDAB about the process of securing project funding. <p><u>Note:</u> The City is currently working with a consultant to design a wayfinding system, which is a coordinated system of sign elements within the Community Redevelopment Agency district that serves to identify, direct and inform visitors and residents. In addition to the Wayfinding System, staff is also working with the same consultant to develop a conceptual design for gateway enhancements for I95/SR 44 and SR 44/Canal Street with input from FDOT. FDOT is also working on a SR 44 Corridor Study.</p>		
Funding Analysis: Budgeted _____ If not budgeted, recommend funding account: N/A		
Exhibits Attached: None		
Reviewed By:	Name	Signature
CRA Director	Tony Otte	
Commission Action		

REPORTS AND COMMUNICATIONS

ECONOMIC DEVELOPMENT REPORT

April 20, 2012

UPDATE:

1. The City Commission has appointed a AOB- RFP Review Task Force (copy of agenda item attached) consisting of:

- a member of the City Commission (Mayor Barringer)
- a member of the CRA (Chad Schilsky)
- the Chamber of Commerce President or CEO
- a representative of the Canal Street Historic District
- a representative of the Flagler Merchants Group

The Task Force will be reviewing the response received from the owner of a restaurant chain in Orlando. The first meeting of the Task Force has been established for this month, with a recommendation due back to the Commission by the second Commission mtg in May 2011.

2. The RFP for real estate brokerage services for the sale of real property identified by the City Commission were received on Monday, March 7, 2011. Five responses were received from commercial brokers, and one from a residential broker. –These items are scheduled for the April 26, 2011 City Commission meeting.

3. Update on the EDAB's Top 5 Goals:

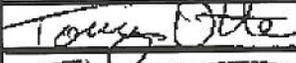
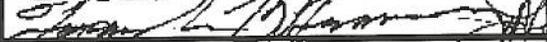
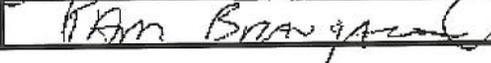
- A. **Sports Complex:** Liz Yancey, P&R Director will be present at tonight's EDAB meeting to provide an update of her recent meetings with various league representatives to review the Daytona State College report. In addition, the City Manager met with the principal of New Smyrna Beach High School regarding a maintenance partnership on the Sports Stadium.
- B. **Airport:** City staff is preparing the agenda for an upcoming Joint Meeting with the EDAB. A copy of an April 12, 2011 agenda item is attached, in which the City Commission elected to execute a real estate option on property at 1531 Airway Circle to re-market the property for aviation related utilization.
- C. **Support of Canal Street Revitalization-**A copy of the newest CRA Incentive Program for up to \$50,000 for Canal & Flagler Streets is attached (approved by the City Commission on April 12, 2011). A resolution in support of the Way finding Program (approved by the City Commission on April 12, 2011) with specific signage for Canal Street is also attached. The City Commission on March 29th authorized the City Attorney to move forward to pursue a title search on the property; research the insurability of the property; and prepare an estimate of the legal costs associated with a future application to the State of Florida Trustees for title of the Brannon Center.

- D. **Hospital District:** A representative of the hospital has confirmed their attendance at tonight's meeting to update the EDAB on the status of Bert Fish.
- E. **Revitalization of US1 (FEC property)**-At their meeting on April 6th, the Volusia Growth Management Commission found the EAR Based Amendments (including the FEC property) consistent. These amendments were approved (5-0) by the City Commission at its' April 12, 2011 meeting.
4. Also attached for the EDAB is an agenda summary of the April 12th City Commission meeting outlining the various items referenced in the Directors' Report, as well as two recent articles on State-wide economic development interest.
 5. As a reminder, Ms. Helen Cauthen, President & CEO of Team Volusia Economic Development Corporation will be present at the May 18th, 2011 meeting to update the EDAB on Team Volusia. A copy of the Team Volusia Quarterly Report is attached for the EDAB's review.
 6. An invitation has also been extended through Mr. Hall (EDAB member) for a Utility Commission representative to present at the May EDAB meeting, to present the UC's Capital Improvement Plan. The City Commission on April 12th approved the 10 Year Water Supply Element for submittal to DCA, which was finalized working with the UC staff and the Water Management District. In addition, an informational meeting has been established for April 19th, 2011 at 6pm at the Brannon Center for the proposed Sewer Assessment on SR 44 from Glencoe to Jungle Rd.

Regular Meeting - March 29, 2011 **AGENDA ITEM SUMMARY**

Department Making Request: Community Redevelopment Agency
Meeting Date March 29, 2011
Action Item Title: Proposal Review Task Force
Agenda Section: Consent _____ Public Hearing _____ Special Items <u> x </u>
<p>Summary Explanation and Background</p> <p>The Request for Proposals for the Administrative Office Building site (160 N. Causeway) that closed on March 7, 2011 resulted in the submission of one proposal. The proposal was submitted by Sam and Eleanor Meiner, restaurateurs and the owners/partners of five Bubbalou's Bar-B-Que Restaurants.</p> <p>The Request for Proposal stated that a group of CRA and City staff would review and prioritize the proposals. Since only one proposal was received, there is no need to prioritize the proposals. Instead, staff recommends that a group be appointed by the City Commission for the purpose of making a recommendation as to the responsiveness of this proposal:</p> <ol style="list-style-type: none"> 1. to determine if this proposal meets the requirements of the Request for Proposals; 2. to review the proposal in terms of the goals and objectives of the CRA and City Commission; and 3. to evaluate the proposal in terms of the criteria listed in the Request for Proposals: <ol style="list-style-type: none"> a. the professional abilities/experience of the proposer b. the financial feasibility of the proposal c. the conceptual development/overall vision for the project; and d. the development schedule <p>Staff recommends that Review Committee consist of the following:</p> <ul style="list-style-type: none"> • a member of the City Commission • a member of the CRA • the Chamber of Commerce President/CEO • a representative of the Canal Street Historic District • a representative of the Flagler Merchants Group <p>Support resources from staff and economic feasibility review resources would be provided to the committee as requested.</p> <p>By the City Commission appointment of a review committee, the meetings will become open meetings subject to the sunshine law. Dependent on the recommendation to the City Commission, negotiations would then be conducted by the City Manger, CRA Director, City Attorney, and CRA Attorney.</p>

Regular Meeting - March 29, 2011

Recommended Action/Motion: Appoint a Review Committee for the proposal received for the AOB property consisting of: <ul style="list-style-type: none"> • a member of the City Commission • a member of the CRA • the Chamber of Commerce President/CEO • a representative of the Canal Street Historic District • a representative of the Flagler Merchants Group 		
Funding Analysis: Budgeted <u> x </u> If not budgeted, recommend funding account: Funds are available in the CRA budget in line item #583003, Development Assistance and Incentives, with an available balance at 3/18/11 of \$1,279,533.		
Exhibits Attached: None		
Reviewed By:	Name	Signature
CRA Director	Tony Otte	
Finance Director	Althea Philord Bradley	 for A. Philord
City Attorney	Frank Gummey III	
City Manager	Pam Brangaccio	
Commission Action		

4/12/11
Approved
4-1 by
City Commission

**CITY OF NEW SMYRNA BEACH
INTEROFFICE MEMORANDUM**

TO: Pam Brangaccio, City Manager
FROM: Rhonda Walker, Asst. Public Works Director
DATE: April 12, 2011
SUBJECT: Airport Advisory Board Recommendation

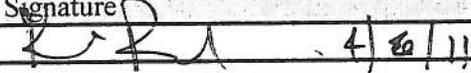
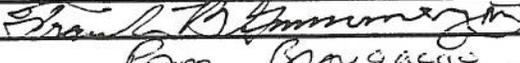
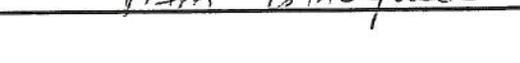
The Airport Advisory Board (AAB) at their April 12, 2011 meeting made a motion to recommend the City of New Smyrna Beach buy the Foote Property (1531 Airway Circle) for \$625,000 to convert it back to aviation use.

The motion was made by Robert Perry and seconded by Robert Abbaticchio. The motion carried with a 3-0 vote.

Please place the Airport's Advisory Board's recommendation on the City Commission April 12th agenda for approval. Should you have any questions or concerns regarding this issue, please let me know. Thank you.

Cc: Airport Advisory Board Members
Johnny Bledsoe, City Clerk

AGENDA ITEM SUMMARY

Department Making Request: Airport		
Meeting Date: April 12 th , 2011		1st Reading: X
		2nd Reading:
Action Item Title: 1531 Airway Circle- First Right of Refusal to purchase the property.		
Agenda Section: Consent <input type="checkbox"/> Public Hearing <input type="checkbox"/> Special Items <input checked="" type="checkbox"/>		
Summary Explanation and Background:		
<p>The property located at 1531 Airway Circle has been vacant and for sale for about 2 years. An offer has been made by another party to purchase the property for \$625,000 for non-aviation use. However there are deed restrictions and the City has the first right of refusal to purchase the property.</p> <p>In 1982 the City sold the property to Richard A. Foote to be utilized as light industrial (non-aviation) with limited access to the airfield. FAA approved the sale based on notification by the City that the property was no longer needed for aviation purposes. Mr. Foote was allowed access to the Airport for his personal aircraft only and no other aviation business was operated from the hangar.</p> <p>The Airport Advisory Board had asked that staff look into purchasing the property and converting it back to aviation. We requested an appraisal which we received. The appraisal was forwarded to the FDOT to review and make a determination if the funds were available to provide a grant to purchase the property at an 80/20 split. We requested that the FDOT consider the possible option of purchasing the property and allowing a third party to purchase the buildings. The District Program Officer has sent the information to legal but we have not had a response at this time.</p> <p>The AAB chairman has asked to hold a special meeting to make a recommendation to the City Commission.</p> <p>If the Airport was in control of the property then it could be used for an aviation business. Advanced Composite Solutions an aviation business which is located at the Airport has shown an interest in purchasing the buildings and having the Airport purchase the land because they would like to operate as an aviation business. They have been considering relocating to Ormond Beach Airport because of incentives offered by their airport.</p> <p>Purchasing the property would deplete the majority of the Airport reserves until a grant was approved and reimbursement by the FDOT was received. The depletion of these reserves would likely limit the capital projects that the airport could undertake because we would not have matching funds required as part of the grant process.</p>		
Recommended Action/Motion:		
Staff recommends that we pass on exercising our option to purchase the property and upon the sale of the property close access to the airfield per FDOT/FAA recommendations.		
Funding Analysis: Budgeted <input type="checkbox"/> If not budgeted, recommended funding account:		
Exhibits Attached: Deed, Appraisal, AAB minutes, Sales Contract		
Reviewed By:	Name	Signature
Department Director:	Khalid Resheidat	
Asst. PW Director	Rhonda Walker	
Finance Director	Thea Philord	
City Attorney	Frank Gummey	
City Manager	Pam Brangaccio	
Commission Action:		

JERRY B. WELLS, P.L.

Professional Limited Liability Company
ATTORNEY AT LAW

511 S. Ridgewood Avenue
Daytona Beach, FL 32114
Phone: (386) 253-3676

Web Site: jerrybwells.com
Facsimile: (386) 248-0724

March 22, 2011

Frank B. Gummey, III, Esq.
City Attorney, New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168

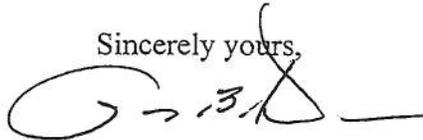
Re: Foote s/t Haidle and Stanton

Dear Mr. Gummey:

With regard to the above referenced transaction, I recently examined the title to the property owned by the late Richard W. Foote. In his Contract recorded in 1982 (copy enclosed) and in the Airport Lease there is a buyback provision that allows the City of New Smyrna Beach the right of first refusal to purchase the property upon a bona fide offer from someone else to buy the property.

I enclose a copy of a Commercial Contract we received on this property. This Contract is due to close on or before March 30, 2011. The Deed provides that the City of New Smyrna Beach has thirty (30) after notice to exercise their right to buy back this property. You indicated that you would be able to arrange for this matter to be brought up at the April Agenda. I would prefer not to have to go to the agenda if it isn't necessary. Please contact me as soon as possible if you know the City's position in this matter.

Sincerely yours,



Jerry B. Wells

JBW/ds
Enclosures

cc: Rhonda Walker, Manager ✓
New Smyrna Beach Airport

THIS INSTRUMENT PREPARED BY *Margaret T. Brewer*
Attorney at Law
P O Box 1-00
New Smyrna Beach,
Florida 32069

002452

JAN 11 12 55 PM '83

AGREEMENT FOR SALE AND PURCHASE,
TOGETHER WITH CONTINUING OBLIGATIONS,
NEW SMYRNA BEACH AIRPORT INDUSTRIAL PARK

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BOOK PAGE

This Agreement is made and entered into this 4th day of June 1982, by and between the CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation, hereinafter referred to as "SELLER", 210 Sams Avenue, New Smyrna Beach, Florida, 32069, and RICHARD A. FOOTE, hereinafter referred to as "BUYER", Post Office Box 57, Willimantic, Connecticut 06226.

WITNESSETH:

WHEREAS, the Seller is the fee simple owner of the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE
A PART HEREOF,
HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY"

WHEREAS, the parties desire to enter into an agreement for the sale and purchase of the above described real property,

WHEREAS, the parties desire to set forth the continuing obligations which shall survive the closing of the sale and purchase,

WHEREAS, the Seller desires to retain a general interest in protecting and preserving the interests of the citizens of New Smyrna Beach and the Airport Industrial Park as set forth hereinafter.

WHEREAS, the Seller intends to record a plat of the New Smyrna Beach Industrial Park, and

WHEREAS, the Seller intends to construct roadways and utilities in accordance with the recorded plat of the Industrial Park.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other good and valuable consideration, receipt whereof is hereby acknowledged, the parties agree as follows:

1. The foregoing premises are true and correct and incorporated herein by reference.

2. PURCHASE PRICE AND METHOD OF PAYMENT. The purchase price is THIRTY-TWO THOUSAND AND NO/100 dollars (\$32,000.00), payable to Seller as follows: The sum of THREE THOUSAND TWO HUNDRED AND NO/100 dollars (\$3,200.00) by cash or certified, bank, cashier's check to the order of Seller upon execution of this Agreement; the balance of TWENTY EIGHT THOUSAND EIGHT HUNDRED AND NO/100 dollars (\$28,800.00) by cash or cashier's check to the order of Seller to be delivered at the time of closing.

3. TITLE INSURANCE. The Seller shall within 30 days of the execution of this Agreement deliver to Buyer a written binder for an owner's title insurance policy in Buyer's name issued by a Florida licensed title insurer in the full amount of the purchase price. After recording of the deed, Seller shall deliver the policy issued in accordance with the binder to Buyer.

4. CLOSING DATE. The sale and purchase contemplated by this Agreement shall be closed and the deed and other closing papers shall be delivered on or before July 14, 1982 unless extended by other provisions of this Agreement. Time is of the essence in this Agreement. Following the closing, Buyer shall have the right of possession of the property.

5. PRORATIONS, ESCROW, DEED, CLOSING EXPENSES, AFFIDAVIT. Taxes and assessments for the revenue from the property shall be prorated as of

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BOOK PAGE

the date of closing. The escrow balance shall be credited to the Buyer at closing and thereupon transferred to the Seller. At closing Seller shall convey the property to Buyer by municipal corporation deed subject to matters contained in Exhibit "B" attached hereto and by reference made a part hereof. State documentary stamps which are required to be affixed to the deed and the cost of recording any corrective instruments shall be paid by the Seller. Cost of obtaining financing, if any, recording the mortgage and affixing documentary stamps or intangible tax related to any mortgage and note shall be paid by Buyer. At closing Seller shall furnish to Buyer either an affidavit attesting to the absence of improvements made to the property within 90 days immediately preceding the date of closing, or an affidavit setting forth the names of all contractors, sub-contractors, suppliers and materialmen reciting that in fact all bills for work or material supplied to the property which could serve as the basis for a mechanic's lien have been paid.

6. SURVEY. Seller shall furnish to Buyer, within 30 days after the execution of this Agreement, a copy of a Plat of Survey of the property prepared by a registered surveyor. Buyer may, if he wishes, have an additional survey made, or other work done, at his own expense. If the survey discloses any encroachments or other defects, Seller shall have a reasonable time, not to exceed 60 days, in which to cure the defects. Any item listed in Exhibit "B" shall not constitute a defect.

7. MAINTENANCE; RISK OF LOSS. Between the date of this Agreement and the date of closing, the real property and any improvements thereto shall be maintained by Seller in the condition as it existed on the date of this Agreement, ordinary wear and tear excepted.

8. USE OF PROPERTY; IMPROVEMENTS BY BUYER. It is expressly understood and agreed that the sale and purchase of the property herein described is contingent on the Buyer's covenant to Seller that, in addition to making necessary site improvements, Buyer shall construct thereon a 6,000 square foot minimum building for use as a manufacturing facility; the said improvement and construction will commence within 60 days of the date of closing and be completed within 120 days thereafter. Site improvements required prior to construction will be accomplished as follows: (1) Sufficient clean fill will be brought to the site to fill existing ditch and bring site to proper elevation as determined by the City Engineer; estimated cost of \$7,000.00 for fill and hauling will be shared equally between Buyer and Seller, and in no event shall the City's share of the aforesaid expense exceed \$3,500.00; and (2) all other site improvements shall be completed at Buyer's expense.

9. SELLER'S FIRST REFUSAL ON SUBSEQUENT SALE. Buyer agrees that Seller shall have the right of first refusal on the next subsequent sale by Buyer of the property, or improvements, or both, as follows: If Buyer desires to sell the property, or improvements, or both, he shall so notify Seller in writing. If Buyer has received from some third party a bona fide offer for the purchase of the property and/or improvements he shall disclose the terms of such offer to Seller, in writing, at the same time he notifies Seller of his desire to sell. Within 30 days after receiving notice of the Buyer's desire to sell, Seller may elect to purchase the property and/or improvements and shall so notify Buyer in writing, sending with such notification a check in the amount of ONE THOUSAND AND NO/100 dollars (\$1,000.00) payable to Buyer, as a deposit on the purchase price. If Seller elects to purchase the property the purchase price shall be the average of three appraisals of fair market value obtained from three independent, reputable property appraisers, one each chosen by Buyer and Seller, and the third elected by those appraisers so chosen. The cost of the appraisals shall be shared equally by Buyer and Seller. Within 15

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days after the completion of the appraisal, the parties shall enter into a formal contract for sale containing the provisions contained in the most recent form contract approved for general use by the Volusia County Bar Association and the Daytona Beach Area Board of Realtors, including specifically a provision that Buyer shall give to Seller good and marketable title free of all liens and encumbrances, and including any other provisions agreed upon by the parties, including but not limited to provisions and covenants contained in Exhibit "B" attached hereto.

10. DEFAULT: BREACH. If Buyer fails to perform the provisions of this Agreement as it relates to the sale and purchase within the time specified, Seller may retain the deposit paid by Buyer as full settlement of all claims of damage resulting from such failure. If Buyer fails to perform the provisions of this Agreement as it relates to construction under Paragraph 8, the title to the subject property shall revert to the Seller upon recordation of an Affidavit of Non-Compliance in the Public Records of Volusia County, Florida. If Seller fails, neglects or refuses to perform this Agreement as it relates to sale and purchase, the Buyer may receive a refund of all monies paid to Seller as his exclusive remedy against Seller. If either party breaches any other provision of this Agreement, the party not in breach may enforce in a court of law or equity as necessary.

11. ASSIGNABILITY. The buyer may not assign this contract.

12. CERTIFICATES OF AUTHORIZATION. Buyer shall provide the Seller with a Certificate of Good Standing for the corporation from the Secretary of State on or before the day of closing. Buyer shall furnish a resolution of the corporation signed by all the directors indicating that the Articles of Incorporation authorize the President to purchase the above described property or in lieu thereof a certified copy of the Articles of Incorporation indicating such authorization. This section shall apply only if the Buyer is a corporation.

13. ACCESS. This Agreement shall be contingent upon the approval of an access lease agreement by the Federal Aviation Administration and the Buyer which shall provide for the access to the New Smyrna Beach Municipal Airport from the subject property by aeronautical aircraft. Buyer understands and acknowledges that the aircraft must be owned by the Buyer as a part of the corporate business and that the aircraft may be stored on the subject property so long as an access lease agreement remains in full force and effect. Consideration for the lease shall be based upon the number of aircraft stored on the subject property. Access may be nonexclusive.

14. JOINER IN RECORDATION OF SUBDIVISION PLAT. Buyer hereby acknowledges and agrees to join in the recordation of a subdivision plat of the New Smyrna Beach Airport Industrial Park. Said plat shall include the drainage easement crossing the subject parcel along with public right-of-ways adjacent to the subject parcel.

15. UTILITIES AND ROADWAYS. Buyer acknowledges and understands that the City of New Smyrna Beach is the recipient of a Transportation Fund Grant. Seller shall complete roadways and utilities in accordance with the Agreement between the Division of Economic Development of the Department of Commerce and the City of New Smyrna Beach. Construction shall commence on or before December 1, 1982, except as extended by the Agreement of the Department of Commerce and the City of New Smyrna Beach. Buyer acknowledges that in the event the City is unable to complete the roadways and utilities due to circumstances beyond the control of the City of New Smyrna Beach or due to refusal to provide funding by the State of Florida, Department of Commerce, the same shall not be deemed a breach of this Agreement by the City of New Smyrna Beach. Buyer expressly acknowledges that this Agreement for Sale and Purchase is not contingent upon completion of the above described facilities.



Commercial Contract
FLORIDA ASSOCIATION OF REALTORS®

1. PURCHASE AND SALE: Patrick Stanton and Jeffrey G. Hoidle ("Buyer")
 agrees to buy and D. C. Latham as Pers. Repr. for R.W. Lake Estate ("Seller")
 agrees to sell the property described as: Street Address: 1531 Airway Circle, New Smyrna
Beach, Florida
 Legal Description: 1 & 12-17-33 N. 210 ft & S. 461 etc per Volusia
County Appraised at parcel 731200000024
 and the following Personal Property: None

(all collectively referred to as the "Property") on the terms and conditions set forth below. The "Effective Date" of this Contract is the date on which the last of the Parties signs the latest offer. Time is of the essence in this Contract. Time periods of 5 days or less will be computed without including Saturday, Sunday, or national legal holidays and any time period ending on a Saturday, Sunday or national legal holiday will be extended until 5:00 p.m. of the next business day.

2. PURCHASE PRICE:

(a) Deposit held in escrow by Terry B. Wells Esq. \$ 625,000
 (b) Additional deposit to be made within _____ days from Effective Date \$ 31,250
 (c) Total mortgages (as referenced in Paragraph 3) \$ -0-
 (d) Other: _____ \$ 500,000
 (e) Balance to close, subject to adjustments and prorations, to be made with cash, locally drawn certified or cashier's check or wire transfer. \$ 937,500

3. THIRD PARTY FINANCING: Within 5 days from Effective Date ("Application Period"), Buyer will, at Buyer's expense, apply for third party financing in the amount of a \$500,000 or 80 % of the purchase price to be amortized over a period of _____ years and due in no less than _____ years and with a fixed interest rate not to exceed 8 1/8 % per year or variable interest rate not to exceed 11 1/8 % at origination with a lifetime cap not to exceed 11 1/8 % from initial rate, with additional terms as follows:
FIXED RATE NOT TO EXCEED EIGHT PERCENT PER YEAR
 Buyer will pay for the mortgagee title insurance policy and for all loan expenses. Buyer will timely provide any and all credit, employment, financial and other information reasonably required by any lender. Buyer will notify Seller immediately upon obtaining financing or being rejected by a lender. If Buyer, after diligent effort, fails to obtain a written commitment within 45 days from Effective Date ("Financing Period"), Buyer may cancel the Contract by giving prompt notice to Seller and Buyer's deposit(s) will be returned to Buyer in accordance with Paragraph 9.
 Buyer (PS) (JH) and Seller (_____) (_____) acknowledge receipt of a copy of this page, which is page 1 of 6 Pages

attached to copy to buyers today

31 4. TITLE: Seller has the legal capacity to and will convey marketable title to the Property by statutory warranty deed
32 other PERM. PROP. DEED free of liens, easements and encumbrances of record or known to Seller,
33 but subject to property taxes for the year of closing, covenants, restrictions and public utility easements of record; and (list any
34 other matters to which title will be subject) PERM REP TO GET COURT ORDER
35 APPROVING SALE
36 provided there exists at closing no violation of the foregoing and none of them prevents Buyer's intended use of the Property as
37 Light Manufacturing AND TO REMOVE FENCE OBSTRUCTION.

38 (a) Evidence of Title: Seller will, at (check one) Seller's Buyer's expense and within 30 days from Effective Date
39 prior to Closing Date from date Buyer meets or waives financing contingency in Paragraph 3, deliver to Buyer (check one)
40 a title insurance commitment by a Florida licensed title insurer and, upon Buyer recording the deed, an owner's policy in
41 the amount of the purchase price for fee simple title subject only to exceptions stated above.
42 an abstract of title, prepared or brought current by an existing abstract firm or certified as correct by an existing firm.
43 However, if such an abstract is not available to Seller, then a prior owner's title policy acceptable to the proposed insurer as
44 a base for reissuance of coverage. The prior policy will include copies of all policy exceptions and an update in a format
45 acceptable to Buyer from the policy effective date and certified to Buyer or Buyer's closing agent together with copies of all
46 documents recited in the prior policy and in the update.

47 (b) Title Examination: Buyer will, within 15 days from receipt of the evidence of title, deliver written notice to Seller of title
48 defects. Title will be deemed acceptable to Buyer if (1) Buyer fails to deliver proper notice of defects or (2) Buyer delivers proper
49 written notice and Seller cures the defects within 15 days from receipt of the notice ("Curative Period"). If the defects are
50 cured within the Curative Period, closing will occur within 10 days from receipt by Buyer of notice of such curing. Seller may
51 elect not to cure defects if Seller reasonably believes any defect cannot be cured within the Curative Period. If the defects are
52 not cured within the Curative Period, Buyer will have 10 days from receipt of notice of Seller's inability to cure the defects to
53 elect whether to terminate this Contract or accept title subject to existing defects and close the transaction without reduction in
54 purchase price. The party who pays for the evidence of title will also pay related title service fees including title and abstract
55 charges and title examination.

56 (c) Survey: (check applicable provisions below)
57 Seller will, within 10 days from Effective Date, deliver to Buyer copies of prior surveys, plans, specifications, and
58 engineering documents, if any, and the following documents relevant to this transaction: _____ prepared for Seller or in Seller's
59 possession, which show all currently existing structures.
60 Buyer will, at Seller's Buyer's expense and within the time period allowed to deliver and examine title evidence,
61 obtain a current certified survey of the Property from a registered surveyor. If the survey reveals encroachments on the
62 Property or that the improvements encroach on the lands of another, Buyer will accept the Property with existing
63 encroachments such encroachments will constitute a title defect to be cured within the Curative Period.

64
65 (d) Ingress and Egress: Seller warrants that the Property presently has ingress and egress.

66 (e) Possession: Seller will deliver possession and Keys for all locks and alarms to Buyer at closing.

67 5. CLOSING DATE AND PROCEDURE: This transaction will be closed in Volusia County, Florida on
68 or before the _____ or within 60 days from Effective Date ("Closing Date"), unless otherwise extended
69 herein. Seller Buyer will designate the closing agent. Buyer and Seller will, within _____ days from Effective Date, deliver to
70 Escrow Agent signed instructions which provide for closing procedure. If an institutional lender is providing purchase funds, lender
71 requirements as to place, time of day, and closing procedures will control over any contrary provisions in this Contract.

72 (a) Costs: Buyer will pay taxes and recording fees on notes, mortgages and financing statements and recording fees for the deed.
73 Seller will pay taxes on the deed and recording fees for documents needed to cure title defects; if Seller is obligated to discharge
74 any encumbrance at or prior to closing and fails to do so, Buyer may use purchase proceeds to satisfy the encumbrances.

75 (b) Documents: Seller will provide the deed, bill of sale, mechanics lien affidavit, assignments of leases, updated rent roll,
76 tenant and lender estoppel letters, assignments of permits and licenses, corrective instruments and letters notifying tenants of
77 the change in ownership/rental agent. If any tenant refuses to execute an estoppel letter, Seller will certify that information
78 regarding the tenant's lease is correct. If Seller is a corporation, Seller will deliver a resolution of its Board of Directors
79 authorizing the sale and delivery of the deed and certification by the corporate Secretary certifying the resolution and setting forth
80 facts showing the conveyance conforms with the requirements of local law. Seller will transfer security deposits to Buyer. Buyer
81 will provide the closing statement, mortgages and notes, security agreements and financing statements.

82 Buyer (PS) (JH) and Seller () () acknowledge receipt of a copy of this page, which is page 2 of 5 Pages.

93 (c) Taxes, Assessments, and Prorations: The following items will be made current and prorated as of Closing Date
94 as of _____ real estate taxes, bond and assessment payments assumed by Buyer, interest,
95 rents, association dues, insurance premiums acceptable to Buyer, operational expenses and _____

96 If the amount of taxes and assessments for the current year cannot be ascertained, rates for the previous year will be used with due
97 allowance being made for improvements and exemptions. Seller is aware of the following assessments affecting or potentially
98 affecting the Property: NONE

99 Buyer will be responsible for all assessments of any kind which become due and owing on or after Effective Date, unless the
100 improvement is substantially completed as of Closing Date, in which case Seller will be obligated to pay the entire assessment.
101 (d) FIRPTA Tax Withholding: The Foreign Investment in Real Property Act ("FIRPTA") requires Buyer to withhold at closing a
102 portion of the purchase proceeds for remission to the Internal Revenue Service ("IRS"). If Seller is a "foreign person" as defined
103 by the Internal Revenue Code, the parties agree to comply with the provisions of FIRPTA and to provide, at or prior to closing,
104 appropriate documentation to establish any applicable exemption from the withholding requirement. If withholding is required
105 and Buyer does not have cash sufficient at closing to meet the withholding requirement, Seller will provide the necessary funds
106 and Buyer will provide proof to Seller that such funds were properly remitted to the IRS.

97 ESCROW: Buyer and Seller authorize Terry B. Wells Esq.
98 Telephone: 386 253-5696 Facsimile: 386 243-0724 Address: 511 S. Ridge Wood Ave
99 to act as "Escrow Agent"

100 to receive funds and other items and, subject to clearance, disburse them in accordance with the terms of this Contract. Escrow
101 Agent will deposit all funds received in a non-interest bearing escrow account an interest bearing escrow account with
102 interest accruing to _____ with interest disbursed (check one) at closing
103 at _____ intervals. If Escrow Agent receives conflicting demands or has a good faith doubt as to Escrow
104 Agent's duties or liabilities under this Contract, he/she may (a) hold the subject matter of the escrow until the parties mutually
105 agree to its disbursement or until issuance of a court order or decision of arbitrator determining the parties' rights regarding the
106 escrow or (b) deposit the subject matter of the escrow with the clerk of the circuit court having jurisdiction over the dispute. Upon
107 notifying the parties of such action, Escrow Agent will be released from all liability except for the duty to account for items
108 previously delivered out of escrow. If licensed real estate broker, Escrow Agent will comply with applicable provisions of Chapter
109 475, Florida Statutes. In any suit or arbitration in which Escrow Agent is made a party because of acting as agent hereunder or
110 interpleads the subject matter of the escrow, Escrow Agent will recover reasonable attorneys' fees and costs at all levels, with
111 such fees and costs to be paid from the escrowed funds or equivalent and charged and awarded as court or other costs in favor
112 of the prevailing party. The parties agree that Escrow Agent will not be liable to any person for misdelivery to Buyer or Seller of
113 escrowed items, unless the misdelivery is due to Escrow Agent's willful breach of this Contract or gross negligence.

114 7. PROPERTY CONDITION: Seller will deliver the Property to Buyer at the time agreed in its present "as is" condition, ordinary
115 wear and tear excepted, and will maintain the landscaping and grounds in a comparable condition. Seller makes no warranties
116 other than marketability of title. By accepting the Property "as is," Buyer waives all claims against Seller for any defects in the
117 property. (Check (a) or (b))

118 (a) As is: Buyer has inspected the Property or waives any right to inspect and accepts the Property in its "as is" condition.
119 (b) Due Diligence Period: Buyer will, at Buyer's expense and within _____ days from Effective Date ("Due Diligence Period"),
120 determine whether the Property is suitable in Buyer's sole and absolute discretion, for Buyer's intended use and development of
121 the Property as specified in Paragraph 4. During the Due Diligence Period, Buyer may conduct any tests, analyses, surveys and
122 investigations ("inspections") which Buyer deems necessary to determine to Buyer's satisfaction the Property's engineering,
123 architectural, environmental properties, zoning and zoning restrictions, flood zone designation and restrictions, subdivision
124 regulations, soil and grade, availability of access to public roads, water, and other utilities, consistency with local, state and regional
125 growth management and comprehensive land use plans, availability of permits, government approvals and licenses, compliance with
126 American with Disabilities Act, absence of asbestos, soil and ground water contamination, and other inspections that Buyer deems
127 appropriate to determine the suitability of the Property for Buyer's intended use and development. Buyer shall deliver written notice
128 to Seller prior to the expiration of the Due Diligence Period of Buyer's determination of whether or not the Property is acceptable.
129 Buyer's failure to comply with this notice requirement shall constitute acceptance of the Property in its present "as is" condition.
130 Seller grants to Buyer, its agents, contractors and assigns, the right to enter the Property at any time during the Due Diligence
131 Period for the purpose of conducting inspections, provided, however, that Buyer, its agents, contractors and assigns enter the
132 Property and conduct inspections at their own risk. Buyer shall indemnify and hold Seller harmless from losses, damages, costs,
133 claims and expenses of any nature, including attorneys' fees at all levels, and from liability to any person, arising from the conduct of
134 any and all inspections or any work authorized by Buyer. Buyer will not engage in any activity that could result in a mechanic's lien
135 being filed against the Property without Seller's prior written consent. In the event this transaction does not close, (1) Buyer shall
136 repair all damages to the Property resulting from the inspections and return the Property to the condition it was in prior to conduct of
137 the inspections, and (2) Buyer shall, at Buyer's expense, release to Seller all reports and other work generated as a result of the
138 inspections. Should Buyer deliver timely notice that the Property is not acceptable, Seller agrees that Buyer's deposit shall be
139 immediately returned to Buyer and the Contract terminated.

140 Buyer PK (JH) and Seller: _____ acknowledge receipt of a copy of this page, which is page 3 of 5 Pages.

141 (c) Walk-through Inspection: Buyer may, on the day prior to closing or any other time mutually agreeable to the parties,
142 conduct a final "walk-through" inspection of the Property to determine compliance with this paragraph and to ensure that all
143 Property is on the premises.

144 (d) Disclosures:
145 1. Radon Gas: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient
146 quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state
147 guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained
148 from your county public health unit.
149 2. Energy Efficiency: Buyer may have determined the energy efficiency rating of the building, if any is located on the Real
150 Property.

151 8. OPERATION OF PROPERTY DURING CONTRACT PERIOD: Seller will continue to operate the Property and any business
152 conducted on the Property in the manner operated prior to Contract and will take no action that would adversely impact the
153 Property, tenants, lenders or business, if any. Any changes, such as renting vacant space, that materially affect the Property or
154 Buyer's intended use of the Property will be permitted only with Buyer's consent without Buyer's consent.

155 9. RETURN OF DEPOSIT: Unless otherwise specified in the Contract, in the event any condition of this Contract is not met and
156 Buyer has timely given any required notice regarding the condition having not been met, Buyer's deposit will be returned in
157 accordance with applicable Florida laws and regulations.

158 10. DEFAULT:
159 (a) In the event the sale is not closed due to any default or failure on the part of Seller other than failure to make the title
160 marketable after diligent effort, Buyer may either (1) receive a refund of Buyer's deposit(s) or (2) seek specific performance. If
161 Buyer elects a deposit refund, Seller will be liable to Broker for the full amount of the brokerage fee.
162 (b) In the event the sale is not closed due to any default or failure on the part of Buyer, Seller may either (1) retain all deposit(s)
163 paid or agreed to be paid by Buyer as agreed upon liquidated damages, consideration for the execution of this Contract, and in
164 full settlement of any claims upon which this Contract will terminate or (2) seek specific performance. If Seller retains the
165 deposit, Seller will pay the Listing and Cooperating Brokers named in Paragraph 12 fifty percent of all forfeited deposits retained
166 by Seller (to be split equally among the Brokers) up to the full amount of the brokerage fee.

167 11. ATTORNEYS FEES AND COSTS: In any claim or controversy arising out of or relating to this Contract, the prevailing party,
168 which for purposes of this provision will include Buyer, Seller and Broker, will be awarded reasonable attorneys' fees, costs and
169 expenses.

170 12. BROKERS: Neither Buyer nor Seller has utilized the services of, or for any other reason owes compensation to, a licensed
171 real estate Broker other than:

172 (a) Listing Broker: _____ a transaction broker a nonrepresentative
173 who is an agent of _____
174 and who will be compensated by Seller Buyer both parties pursuant to a listing agreement other (specify)

175 _____
176 _____
177 _____
178 (b) Cooperating Broker: _____ a transaction broker a nonrepresentative
179 who is an agent of _____
180 and who will be compensated by Buyer Seller both parties pursuant to an MLS or other offer of compensation to a
181 cooperating broker other (specify)

182 _____
183 _____
184 _____
185 (collectively referred to as "Broker") in connection with any act relating to the Property, including but not limited to inquiries,
186 introductions, consultations and negotiations resulting in this transaction. Seller and Buyer agree to indemnify and hold Broker
187 harmless from and against losses, damages, costs and expenses of any kind, including reasonable attorneys' fees, at all levels, and
188 from liability to any person, arising from (1) compensation claimed which is inconsistent with the representation in this Paragraph, (2)
189 enforcement action to collect a brokerage fee pursuant to Paragraph 10, (3) any duty accepted by Broker at the request of Buyer or
190 Seller, which duty is beyond the scope of services regulated by Chapter 475, F.S., as amended, or (4) recommendations of or services
191 provided and expenses incurred by any third party whom Broker refers, recommends or retains for or on behalf of Buyer or Seller.

192 13. ASSIGNABILITY: PERSONS BOUND: This Contract may be assigned to a related entity, and otherwise is not assignable
193 is assignable. The terms "Buyer," "Seller" and "Broker" may be singular or plural. This Contract is binding upon Buyer, Seller
194 and their heirs, personal representatives, successors and assigns (if assignment is permitted).

195 Buyer (PS) (JH) and Seller () () acknowledge receipt of a copy of this page, which is page 4 of 5 Pages.

- 196 14. OPTIONAL CLAUSES: (Check if any of the following clauses are applicable and are attached as an addendum to this Contract):
- 197 Arbitration
 - 198 Section 1031 Exchange
 - 199 Property Inspection and Repair
 - 200 Seller Representations
 - Seller Warranty
 - Coastal Construction Control Line
 - Flood Area Hazard Zone
 - Seller Financing
 - Existing Mortgage
 - Other SEE ATTACHED
 - Other _____
 - Other _____

201 15. MISCELLANEOUS: The terms of this Contract constitute the entire agreement between Buyer and Seller. Modifications of
 202 this Contract will not be binding unless in writing, signed and delivered by the party to be bound. Signatures, initials, documents
 203 referenced in this Contract, counterparts and written modifications communicated electronically or on paper will be acceptable for
 204 all purposes, including delivery, and will be binding. Handwritten or typewritten terms inserted in or attached to this Contract prevail
 205 over preprinted terms. If any provision of this Contract is or becomes invalid or unenforceable, all remaining provisions will continue
 206 to be fully effective. This Contract will be construed under Florida law and will not be recorded in any public records. Delivery of any
 207 written notice to any party's agent will be deemed delivery to that party.

208 THIS IS INTENDED TO BE A LEGALLY BINDING CONTRACT. IF NOT FULLY UNDERSTOOD, SEEK THE ADVICE OF AN ATTORNEY
 209 PRIOR TO SIGNING. BROKER ADVISES BUYER AND SELLER TO VERIFY ALL FACTS AND REPRESENTATIONS THAT ARE
 210 IMPORTANT TO THEM AND TO CONSULT AN APPROPRIATE PROFESSIONAL FOR LEGAL ADVICE (FOR EXAMPLE,
 211 INTERPRETING CONTRACTS, DETERMINING THE EFFECT OF LAWS ON THE PROPERTY AND TRANSACTION, STATUS OF
 212 TITLE, FOREIGN INVESTOR REPORTING REQUIREMENTS, ETC.) AND FOR TAX, PROPERTY CONDITION, ENVIRONMENTAL AND
 213 OTHER SPECIALIZED ADVICE. BUYER ACKNOWLEDGES THAT BROKER DOES NOT OCCUPY THE PROPERTY AND THAT ALL
 214 REPRESENTATIONS (ORAL WRITTEN OR OTHERWISE) BY BROKER ARE BASED ON SELLER REPRESENTATIONS OR PUBLIC
 215 RECORDS UNLESS BROKER INDICATES PERSONAL VERIFICATION OF THE REPRESENTATION. BUYER AGREES TO RELY
 216 SOLELY ON SELLER, PROFESSIONAL INSPECTORS AND GOVERNMENTAL AGENCIES FOR VERIFICATION OF THE PROPERTY
 217 CONDITION, SQUARE FOOTAGE AND FACTS THAT MATERIALLY AFFECT PROPERTY VALUE.

218 DEPOSIT RECEIPT: Deposit of \$ 31,250.00 by IF _____ check other _____ received on
 219 _____ by _____
 220 _____ Signature of Escrow Agent

221 OFFER: Buyer offers to purchase the Property on the above terms and conditions. Unless acceptance is signed by Seller and a
 222 signed copy delivered to Buyer or Buyer's agent no later than _____ a.m. p.m. on _____
 223 Buyer may revoke this offer and receive a refund of all deposits.

224 Date: 2/10/11 BUYER: Jeffrey G. Henshaw Tax ID No: _____

225 Title: _____ Telephone: 386 846 0144 Facsimile: _____
 226 Address: 5925 I DAILWOOD DC, FORT OLANOE, FL 32127

227 Date: 2/10/11 BUYER: Patrick Stanton Tax ID No: _____

228 Title: _____ Telephone: 386 405 4825 Facsimile: _____
 229 Address: 637 PUPPIN AVE, N.S.P. FL 32169

230 ACCEPTANCE: Seller accepts Buyer's offer and agrees to sell the Property on the above terms and conditions (subject to the
 231 attached counter offer).

232 Date: 2/12/11 SELLER: David C. Latham Tax ID No: 27-608 2754

233 Title: PR Conforte Est. Telephone: 407 923 9981 Facsimile: _____
 234 Address: _____

235 Date: 2 SELLER: _____ Tax ID No: _____

236 Title: _____ Telephone: _____ Facsimile: _____
 237 Address: _____

238 Buyer PC (JH) and Seller _____ acknowledge receipt of a copy of this page, which is page 5 of 5 Pages.

The Florida Association of REALTORS® makes no representation as to the legal validity or adequacy of any provision of this form in any specific transaction. This standardized form should not be used in complex transactions or with extensive riders or additions. This form is available for use by the entire real estate industry and is not intended to identify the user as a REALTOR. REALTOR is a registered collective membership mark which may be used only by real estate licensees who are members of the NATIONAL ASSOCIATION OF REALTORS and who subscribe to its Code of Ethics. The copyright laws of the United States (17 U.S. Code) forbid the unauthorized reproduction of this form by any means including facsimile or computerized forms.

ADDENDUM TO PURCHASE OF NSB AIRPORT PROPERTY

1. The parties acknowledge that the Seller in this Agreement is the Estate of Richard W. Foote represented by the court appointed Personal Representative and that the Circuit Court for Volusia County, Probate Division, has jurisdiction over said Estate including the manner of and actions taken in the administration thereof. Accordingly, anything in this agreement to the contrary notwithstanding, in the event the Court should not approve of the sale of the premises herein pursuant to this agreement, *for any reason whatsoever* then this agreement shall be deemed cancelled and whatever purchase deposit is being held by the Escrow Agent shall be returned to the Buyer and this agreement shall be considered null, void and of no further effect

2. Notwithstanding that the property is contiguous to the New Smyrna Beach City Airport and there exists an access to one of the airport taxiways, *Seller makes no representation to buyer that access to the airport is included in the sale of the property herein or is available for use.* Buyer understands that access to the airport from the subject property is owned and controlled by the City of New Smyrna Beach and is under the jurisdiction of the Airport Director..

MINUTES OF THE AIRPORT ADVISORY BOARD MEETING

HELD TUESDAY, JULY 20TH, 2010 9:00 A.M.

DEBERRY ROOM, 200 CANAL ST., NEW SMYRNA BEACH, FLORIDA

Mr. Norris called the meeting to order with the following answering present to roll call:

Alan Norris, Chairman
Matthew Thurmaier, Member
Doyle Hilson, Member

Herb Gardner, Vice Chairman
Robert Perry, Member
Robert Abbaticchio, Alt. Member

Also present was: Rhonda Walker, Asst. Public Works Director, Amy Thomas, Admin. Asst. II & Nicki Fox, Airport Temp

1. Roll Call.

2. Approval of Minutes:

Approval of Minutes from January 27, 2010 stand approved as corrected.

Approval of minutes from March 8, 2010 stand approved as corrected.

Approval of minutes from March 17, 2010 stand approved as corrected.

2. Old Business:

A. Part 150 Noise study update:

- Mrs. Walker said she is shooting for an October commission date to finalize the study. She stated that the presentation will be presented to the AAB and at a public meeting for review. FAA has evaluated the NEM's and they want verification that traffic patterns have not been changed. Can move on to Phase II when review is finalized.
- Mr. Perry suggests the AAB meetings could be held sooner after the NAC meeting and not to wait so long in between the meetings. Mrs. Walker suggested that we hold the NAC meeting prior to the AAB meeting.

B. Fuel farm update:

- Mrs. Walker met with DOT and FAA to discuss the importance of having a fuel farm. Paperwork for a grant will proceed with design and apron plans, two self-serve pumps, one for Avgas and one for Jet A.
- Mr. Perry suggests having three tanks for a third type of fuel.

C. Property purchases:

- Mrs. Walker held meetings with DOT and FAA. FAA has very limited funds for purchasing. FDOT has stated they are not overly interested in purchasing Hidden Lakes or Foote property.

- Mrs. Walker reported that the FDOT and FAA's stance is that any new through-the-fence operations will put us in violation of our grant assurances. Only existing through-the-fence operations are allowed. FDOT recommends fencing the Foote property off.
- Mr. Perry states that an appraisal is necessary on both properties to determine their value. He states it would be in the best interest of the airport to purchase both the Hidden Lakes property and the Foote property.
- Mr. Rooy agrees that we should at least get an appraisal on both properties.
- Mr. Abbaticchio suggests finding a tenant for the Foote property to lease it out and help generate funds for purchase.
- Mr. Thurmaier wants to know why we need to purchase the Hidden Lakes property if it can't be built on anyway and won't threaten the runways.
- Mr. Norris states the City must be advised to protect the runways and properties so atrophy of the airport will be stopped.
- City Manager, Pam Brangaccio said the Hidden Lakes project will be discussed at Monday night's public meeting along with adoption amendments hearing. It's no longer true that airport is not a priority with the City. It's listed among the top ten priorities that will be discussed along with economic development of the airport.

Mr. Gardner made a motion to seek an appraisal for the Foote property. Seconded by Mr. Perry. Motion passes 6-0.

D. Recommendation to NSB City Council not to sell additional airport lands.

- Recommendation has not been made formally. Stated on agenda for the next meeting.
- Mr. Gardner wants to eliminate the word "will" in the motion. It should read; Airport not to sell anymore airport property in the future.

Mr. Gardner made a motion to strike the word "will" from the motion. Seconded by Mr. Perry. Motion passed 6-0.

- Mr. Thurmaier suggests that board members should start going to city meetings to help explain to them the importance of not selling anymore airport land.
- Discussion of hiring full-time airport manager. Needs to be submitted to city.
- Mr. Thurmaier wants City Commission to know of the need for a full-time manager. Mrs. Walker will add both line items as agenda items.

E. Balloon and Sky Fest update.

- Mr. Rooy gives update of upcoming Sky Fest for 8th thru 10th of April. Sponsorships look good. Updates are in progress.
- Mr. Norris suggests an addition of a full air show.

F. Runway 2-20 needs.

- Mrs. Walker explains there are no FAA funds available for runway 2-20. There will be a capital improvement plan looked at. She stated that the Airport's priority will be the design for fuel farm. Restriping is scheduled and will get a rate for restriping entire airport.

- Mr. Perry: With airport funds in reserve, do we have to depend on FAA funding. Mrs. Walker stated that with no matching funds available at this time for Runway 2-20 it would be better to wait for funding so as not to deplete the Airport's reserve which is used for the match share when doing funded projects.

G. Discussion of FBO initiative.

- Discussion by Mr. Norris and Mr. Perry about the importance of an FBO to attract people to the airport. Pilots need to have gate access. Mr. Rooy would like to form a sub-committee to study the needs and details of an FBO.
- Mr. Norris agrees to schedule a workshop.

3. NEW BUSINESS:

A. Relationship to ERAU:

- Mr. Gardner suggests developing a strong relationship with ERAU, talks about the possibility of using interns from the school to operate an FBO. Wants to develop a training lab for students.

4. Airport manager comments:

- Mrs. Walker discussed the \$70,000 impact fees that have been charged but not paid at this time for the new hangar project. Mr. Perry will investigate. Budget workshop is discussed and scheduled.

5. Public input.

- None at this time.

6. Next meeting date: October 20th, 2010 6:30 pm

7. Adjournment: 12:20 pm



Overview . . .

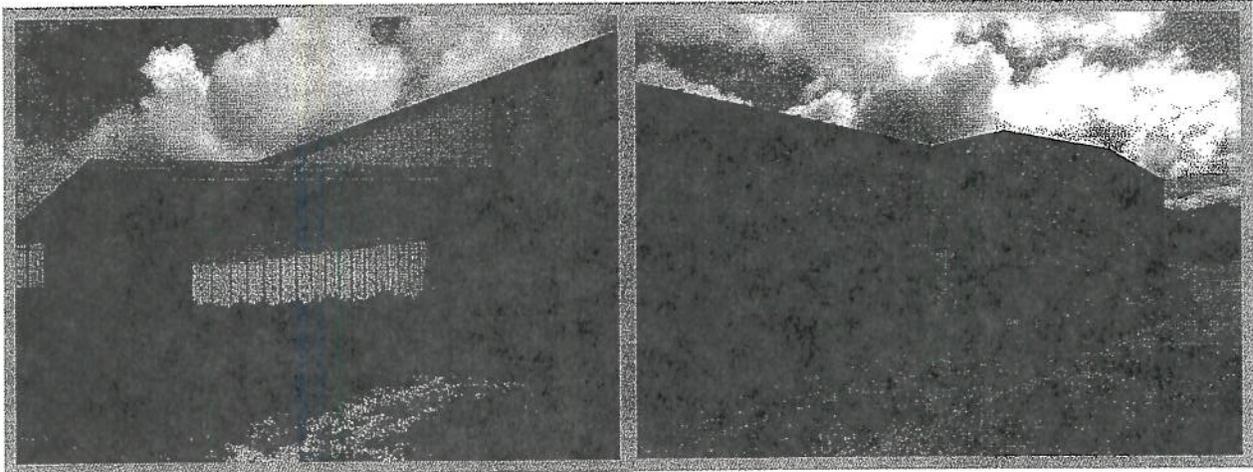
Salient Information	
<i>Property Type</i>	Estate Of Richard Foote
<i>Real Estate Appraised</i>	1531 Airway Circle New Smyrna Beach, Florida 32168
<i>County</i>	Volusia
<i>Estate Valued</i>	100% of the Fee Simple Estate
<i>Client</i>	David C. Latham, Personal Rep.
<i>Client File Number</i>	None
<i>Most Likely Buyer</i>	Owner-User
<i>Borrower(s)</i>	Not Applicable
<i>Effective Value Date</i>	June 17, 2009
<i>Report Preparation Date</i>	November 15, 2010
<i>Value Indications</i>	Sales Comparison \$820,000 Income Approach \$819,000
<i>Final Value Conclusion(s)</i>	\$820,000 Market Value Alternative Date June 17, 2009, six months subsequent to the Date of Death

Noteworthy Issues

This is a retrospective value opinion.

**An Appraisal In A
Summary Report Of**

Estate Of Richard Foote



Located At

1531 Airway Circle
New Smyrna Beach, Florida 32168

Prepared For

Mr. David Latham
Personal Representative
1707 Kaleywood Court
Orlando, Florida 32806





495 S. Nova Road, Suite 102 • Ormond Beach, FL 32174 • Tel: 386.252.1293 • Fax: 386.254.6992 • www.cookseyassociates.com
November 15, 2010

Mr. David Latham
Personal Representative
1707 Kaleywood Court
Orlando, Florida 32806

Re: 1531 Airway Circle
New Smyrna Beach, Florida
32168

Dear Mr. Latham,

At your request, we have appraised a real property interest for the above real estate. Our objective was to form one or more opinions about the market value for a 100% ownership interest in the subject property's fee simple estate assuming no liens or encumbrances other than normal covenants and restrictions of record.

The subject property consists of a rectangular, non-corner parcel constituting 2 acres. It is improved with a 26-year old, 27,397 square foot light industrial building.

This valuation contains analyses, opinions, and conclusions along with market data and reasoning appropriate for the scope of work detailed later herein. It was prepared solely for the intended use and intended user(s) explicitly identified in the attached report.

This is a retrospective appraisal opinion addressing the drastic downward trends that were unfolding in the real estate market during 2009 (and that continue through 2010). Quantifying the adjustment for market conditions has been clarified with a review of subsequent transactions occurring near or shortly after the effective date.

In general, valuation of the subject property involves no atypical issues. All value opinions are affected by all the information, extraordinary assumptions, hypotheses, general limiting conditions, facts, descriptions, and disclosures stated in the attached appraisal report. After careful consideration of all factors pertaining to and influencing value, the data and analysis thereof firmly supports the following final value opinion(s) for the subject property was as follows:

\$820,000 Retrospective Opinion of Market Value of the Subject Property as of
the Alternative Date (six months subsequent to date of death): June
17, 2009

A handwritten signature in black ink, appearing to read "T. James Cooksey". The signature is written in a cursive style with a large, looped initial "T".

T. James Cooksey, MAI, CCIM
St. Cert. Gen. REA RZ343
License Expiration Date: 11/30/2010

EDAB Agenda April 20, 2011
CITY COMMISSION AGENDA ITEM SUMMARY

Approved
5-0

Department Making Request: Tony Otte

Meeting Date: April 12, 2011

Action Item Title: New CRA Program Proposal" Development Assistance and Incentives Program

Agenda Section: Consent _____ Public Hearing _____ Special Items x

Summary Explanation and Background

The CRA has been discussing a new program to provide incentives to business development for many months. On January 12, 2011 the CRA and City Commission held a special joint meeting and discussed the formulation of a business development incentives program. The CRA also met in a special meeting on February 21, to discuss the program. Elements of the program discussed included the following:

1. The designation of specific areas for the new program. It was suggested by the consultant from the Institute of Government that special incentives should be offered in the areas that the CRA wants to re-develop. Therefore, there needs to be location criteria. The areas discussed at the meeting were:
 - The Administrative Office Building (AOB) site (160 N. Causeway)
 - 103 Faulkner Street (site of the shuffleboard courts, former skatepark, and fire station)
 - Canal St, and the riverside
 - Flagler Ave
 - The Florida East Coast Railway (FEC) property (note: This 180 ± acre property is located in the SW corner of US 1 and Canal St. Only a relatively small portion of the property (from Canal St to Lytle Ave/SR 44) is located within the CRA district.)
 - The Badcock building
 - The Historic Westside

Note: The AOB site and the shuffleboard site are owned by the City and are the subject of a Request for Proposals, it is anticipated that incentives will be negotiated specifically for the development of those sites, similar to the process used for the sale of the lots on Florida Ave and the Hampton Inn agreement.

2. Types of businesses to incentivize: The development of the CRA Master Plan Update included two market analyses and produced a list of recommendations listed on p. 36 and 37 of the plan. The specific business types listed include:

East Canal

- Attract new neighborhood retailers such as banks, bakeries, carry-out foods, florists (there is a new florist shop), personal service, groceries, mail centers, and restaurants along the western end of East Canal Street (US 1 to Rush);
- Establish a general merchandise core of apparel, books, home furnishings, jewelry (we have a jewelry store) sporting goods and shoes along Canal Street's central areas.
- Promote restaurants and hotels along the waterfront (eastern) edge of Canal St. relocate existing governmental offices at the northwest corner of riverside and Canal.
- Develop an incentive to relocate first level office uses from prime retail corners.

Summary Explanation and Background continued

Flagler Avenue

- Promote additional unique apparel stores, art galleries, restaurants, specialty gift shops and unique shops.

West Canal (Historic Westside)

- Attract businesses that reinforce the needs of the local residents such as carryout food, groceries, personal care, restaurants, and neighborhoods and services
- Seek day care, medical, real estate, and local service businesses.

3. At the March 3 meeting the CRA voted to recommend approval to the City Commission of the attached program, which contains these elements as follows:

- a. The Development Assistance and Incentives Program would be activated by the CRA and City Commission voting to take a block of funds (say \$200,000) from the Business Development Assistance line item in the CRA budget and allocate the amount to a grant program. CRA staff would then publish a Request for Proposals (RFP) advertisement and market the availability of the funds. The RFP would contain the goal of the program; program guidelines; the evaluation of proposals through a scoring system with points given by reviewers for the ability of each proposal to reach program goals and a calendar including the deadline for submission.
- b. It is anticipated that the award of incentives through this program will be done through a negotiated contract, and therefore there can be no expectation on the part of an applicant that since they meet the program eligibility guidelines that they will received funding. Awards will be based on a number of factors and this program provides applicants with the "opportunity" to apply for and negotiate a contract with the CRA/City for funding.
- c. The program availability would be well publicized to encourage a number of high quality applications.
- d. If this program is judged to be a success, it could be repeated, or changed as needed.

4. Goal: The goal of the program is to encourage the development and expansion of both (certain types of) businesses, and residential uses as cited in the CRA Master Plan Update, in three specific locations: the W Canal area, including the CRA boundaries for the Historic Northwest and south of W Canal; the E Canal area, from US 1 to the Intra-Coastal Waterway (ICW) to Lytle Ave; and the Flagler Ave area, all within the CRA area boundary, as delineated on the attached map.

5. Program Requirements

- a. Proposals must be for locations within the area served by this program, as stated above and shown on the attached map.
- b. Grant funding is available on a 50/50 basis for maximum grant funding of \$50,000 of eligible project expenditures.
- c. The business owner must submit a business plan to the Small Business Development Center at Daytona State College and be interviewed by the Director of the Center. The Director will provide an opinion on the viability of the project. (Note: this service is being offered at no cost.)

Summary Explanation and Background continued

6. Proposals would be evaluated with the following point system contained in the attached matrixes. Maximum points available in each type of grant are as follows:

- a. Retail program
 - i. Location 40 points
 - ii. Construction type: addition, interior renovation 20 points
 - iii. Use 30 points
 - vi. Other: data, hours of operation 10 points

- b. Hospitality
 - i. Location 40 points
 - ii. Construction type: addition, interior renovation 20 points
 - iii. Use 30 points
 - vi. Other: data, hours of operation 10 points

- c. Residential
 - i. Location 40 points
 - ii. Construction type 30 points
 - iii. Use 20 points
 - vi. Other: data 10 points

7. Use of Funds

- a. Funds shall only be used for fixed improvements to an existing building where the business is located (or going to be located) for the purpose of expansion, or to change the use of a building or building space for the business purpose. Funds cannot be used for business equipment, operating expenses, or to make building repairs that would be normally expected of the building owner (such as roof or air conditioning repairs.) An exception would be made for the renovation of buildings that have been vacant for more than three years.
- b. Funds may be used for both interior and exterior building improvements, including interior renovation to expand restaurant seating or to create additional retail space.
- c. Funds may be used for parking and driveway improvements, and signage.
- d. Funding for any projects under this program that exceed \$25,000 would have to be approved by the City Commission as well as the CRA.
- e. General Conditions similar to the existing CRA programs, including no work commencing before grant award, awards being contingent on ownership of the building or an executed lease, that improvements shall be designed and constructed to complement the overall character of the building, that grants will not be provided to non-profit organizations (this prohibition is not contained in the existing Commercial Property Improvement Grant program), that City and County property taxes must not be delinquent, permits obtained as appropriate, etc. These requirements will be specified in the final program description.

Recommended Action/Motion: Recommendation for approval by the City Commission. This item has been included in the April 12 City Commission meeting agenda.

Funding Analysis: Budgeted x . If not budgeted, recommend funding account: Line item 120.51.515.51502.5830.03, Development Assistance and Incentives, with a balance of \$1,379,533.

Exhibits Attached:

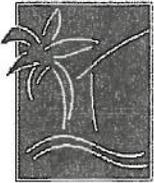
- 1. Development Assistance and Incentives Program Proposal 2. Map for the proposed program

Reviewed By:

Name

Signature

CRA Director	Tony Otte	<i>Tony Otte</i>
Finance Director	Althea Philord Bradley	<i>Althea Philord Bradley</i>
City Attorney	Frank Gummey III	<i>Frank Gummey III</i>
City Manager	Pam Brangaccio	<i>Pam Brangaccio</i>
Commission Action		



COMMUNITY REDEVELOPMENT AGENCY

CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168

DEVELOPMENT ASSISTANCE AND INCENTIVES PROGRAM

Introduction

The Community Redevelopment Agency, in its Master Plan update has allocated funds in a five year program for redevelopment. One of the funded programs is entitled "Development Assistance and Incentives." A program of the same name is hereby created to provide specific guidelines for the uses of those funds.

The program has two key components that are identified in the CRA Master Plan update.

1. Certain areas and types of businesses identified in the CRA Master Plan update are hereby provided development incentives as described in the remainder of the program description below. The program encompasses a wide range of activities in order to achieve the Master Plan's objectives in realizing redevelopment activity in the areas of:

- a. Retail
- b. Hospitality
- c. Residential infill to support retail development

The Development Assistance and Incentives Program is a reimbursement program with a maximum award of \$50,000 for qualifying projects on a 50/50 basis. Applicants may receive only one award and are not eligible for any other CRA grant programs until 2015 or until the program is modified at the discretion of the CRA.

2. The City/CRA currently owns a number of key parcels located throughout the CRA district that provide the opportunity for redevelopment. These include two lots on Florida Avenue, a parcel on the North Causeway, and a one half block at 103 Faulkner Ave. All three of these properties have been or are scheduled to be publicly offered for development through a negotiated development agreement. It is anticipated that the agreements will call for the sale or lease of the property, and the development of one or more buildings on the property for specific uses, to be constructed in accordance with an approved schedule. Funding from the Development Assistance and Incentives Program may be made available as a part of the negotiated development agreement.

The remainder of this program description is for program element #1 as described above.

The CRA updated Master Plan identified a number of "Essential Elements for Downtown" among them is the need to "Broaden Hospitality Options". Hospitality/Tourism is the City's core industry, with accommodations and restaurants leading the way as "destinations" for visitors and citizens alike. In addition, these two activities provide 7 day and after 5pm operations, both of which are critical to bringing additional visitors and citizens into the core areas.

For purposes of this grant, the CRA defines "Hospitality" as accommodations and restaurants in the Redevelopment area. Accommodations may include, but are not limited to, hotel, motel, condominium and bed

& breakfast. Restaurants may include, but are not limited to, food establishments with seating, bars that prepare and serve food, and bars that adjoin or are attached to food establishments under a single business name.

The Residential element of this program is designed to create a market base that will support business activity in the core areas of the CRA. These should be focused on smaller more efficient living units that encourage walkability to the core areas, with the inclusion of commercial spaces on ground level spaces. Applicants are encouraged to review the RCLCO document provided the City and CRA regarding housing trends.

It is anticipated that the award of incentives through this program will be done through a negotiated contract, and therefore there can be no expectation on the part of an applicant that since they meet the program eligibility guidelines that they will receive funding. Awards will be based on a number of factors and this program provides applicants with the "opportunity" to apply for and negotiate a contract with the CRA/City for funding.

Project Goals

The primary goals of this program are to:

1. Eliminate blighting influences and prevent further deterioration of commercial and residential properties in targeted CRA areas.
2. Stimulate renewed interest in the core areas and preserve the traditional retail district and establish the CRA area as a location for convenient pedestrian/visitor commercial activities over extended hours of operation that are compatible with the Master Plan Update.
3. Encourage the development of multiple business activities on major streets to function as anchors in the targeted areas.
4. Encourage the preservation of existing employment or the creation of new employment in the core areas.
5. Encourage the utilization of existing building stock within the targeted CRA areas
6. Encourage the utilization of existing vacant land within the targeted CRA areas.

Program Objectives

The primary objectives of this program are to:

1. Implement key recommendations in the CRA Master Plan update, specifically on pages 37, 42, 43
2. Promote the redevelopment of Canal St and Flagler Ave by incentivizing the expansion or location of targeted business types
3. Promote sustainable redevelopment by incentivizing the development of residential in the Canal St area including the Historic Westside.
4. To encourage the development of retail, restaurants, and accommodations within the targeted CRA areas
5. To incentivize business operations that have extended hours and days of operations.
6. To encourage the development of cross marketing opportunities between hospitality businesses and other business activities.

THERE IS NO OBLIGATION ON THE PART OF THE CRA TO AWARD A GRANT TO AN APPLICANT WHO MAY MEET THE GUIDELINES, THE APPLICATION ONLY PROVIDES THE OPPORTUNITY TO BE CONSIDERED.

Program Guidelines

The CRA has developed a series of matrixes that are required to be completed by the applicant. The completed matrixes will determine the level of possible funding.

1. Applicants should provide "Marketing" data documenting:
 - a. A business plan to be reviewed by the Director of the Small Business Development Center of Daytona State College.
 - b. What business operations are currently being performed,
 - c. What additional business operations will be proposed,
 - d. What increases in business revenues, the number of visitors/guests/customers, sales taxes, and resort taxes will be achieved with the proposed project,
 - e. What markets are currently being served and what changes the proposed project will have on those markets or new markets,
 - f. What number of jobs are preserved or created,
 - g. What cross marketing opportunities with other local businesses, if any, are created by the proposed project?
 - h. Residential projects shall provide residential market data for targeted markets, proposed unit sales prices, square footage of units and the inclusion of any commercial activities.
2. **No work for which a grant is sought shall commence until authorized by the CRA**
3. Funds shall only be used for fixed improvements where the business is located(or going to be located in the CRA district) for purposes of expansion, change the use of the building, or increase the use of the building.
4. Funds may be used for parking and driveway improvements and signage
5. Funds may be used for interior and exterior building improvements, including interior renovation to expand restaurant seating or to create additional retail space.
6. Funds cannot be used for business equipment, operating expenses, or to make building repairs that would be normally expected of the building owner. An exception would be made for the renovation of buildings that have been vacant for more than 3 years.
7. Funds to perform general repairs and/or construction to comply with current city, county and state codes to occupy the building shall be allocated on a first come first served basis and only one (1) grant shall be awarded per structure
8. Tenants must provide written consent from the building/property owner.
9. **Applications must be submitted to CRA staff at least three (3) weeks prior to the CRA meeting date (CRA typically meets every first Wednesday of the month)**
10. A grant for a new or relocating business may be awarded contingent upon the applicant providing an executed lease agreement for the property for which the grant is sought within ninety days (90) of grant approval. (Applicable only if tenant is the applicant.)
11. Project must commence within ninety (90) days and be completed within 365 days of CRA approval. Any extensions will require CRA approval; failure to get the project underway in a timely manner may cause the award to be withdrawn.
2. **This is a reimbursement grant program. All grant funds will be awarded on a 50/50 matching funds basis not to exceed \$50,000.** (example: Total approved project cost by applicant \$60,000 – CRA grant

match maximum \$30,000; example Total approved cost by applicant \$125,000 – CRA grant match maximum \$50,000),

13. This grant is provided to incentivize larger monetary projects and is limited to one grant per property and the applicant will not be eligible for any other CRA grant programs.
14. Improvements/ Repairs shall be designed, constructed and maintained to complement the architectural features of the building and shall be in harmony with overall character.
15. No grants shall be awarded to government owned properties or to tenants within government owned properties unless they are leased from the government as part of a development agreement. Non-profit organizations are not eligible for this program.
16. Applicant is responsible for obtaining any permits required to design and construct the project and the **costs of permitting fees shall not be included in the CRA grant funding**
17. Any unapproved changes may void the Grant (at the discretion of the CRA)
18. The applicant is required to attend an on-site meeting with CRA staff, the Chief Building official and Planning Staff at the property for which the grant is sought. Applicant is responsible for providing access to the property and interior of the building.
19. Upon CRA grant approval, applicant will be required to place signage recognizing the CRA/City and County participation (furnished by the CRA) and viewable to the general public, for the duration of the project
20. Applicant and Property Owner (if not applicant) agree to maintain the completed project in its approved design for a period of three (3) years from the date of completion; if not, the grantee is subject to returning the grant funds at the discretion of the CRA.

Program Procedures

1. Only completed applications including all supporting documentation will be accepted, including but not limited to detailed information on the proposed business, proposed hours of operation, projections on the number of customers, etc.
2. Completed applications must include two (2) estimates from an licensed architect, engineer or contractor related to the proposed building improvements
3. CRA staff reviews program applications for compliance with submittal requirements
4. CRA staff schedules an on-site meeting with the Chief Building Official, Planning staff and the applicant.
5. CRA staff schedules compliant program applications for the next available regular CRA meeting, which occur on the first Wednesday of each month
6. Upon approval by the CRA Commissioners, a letter of commitment is provided to the applicant, however no work shall start until written notice is received from CRA staff
7. Applicant is responsible for obtaining any permits required to construct the project and funds received as

part of the CRA program **shall not be used for permit and/or design fees**

8. Applicant must submit paid invoice(s) to CRA staff for reimbursement with indication from the contractor certifying that they have been paid in full for the work as submitted
9. Reimbursement – This grant is a reimbursement program. The applicant will have two options for reimbursement
 - a. Upon inspection of the completed project by CRA staff, and verification that all project construction tasks have received final inspection and approval by appropriate City Department Staff, the applicant will be reimbursed the grant awarded or 50% of the total approved project costs, not to exceed the CRA maximum reimbursement amount \$50,000.
 - b. Upon inspection and approval of appropriate City Department Staff
 - c. of each task/phase, the applicant may submit proof of inspection and approval by building Department staff and paid invoices for project costs for that task/phase for reimbursement. Upon verification of an inspection and approval by building Department staff and paid invoices by CRA staff, the applicant may be reimbursed up to 50% of the paid project cost for that task/phase. The total reimbursement may not exceed the awarded amount or up to 50% of the total cost not to exceed \$50,000.

Eligibility Requirements

The program shall be available to anyone meeting the program eligibility requirements, and no one shall be denied the benefits of the program because of race, color, religion, sex, national origin, disability, age, or marital status. Applicants must comply with the following criteria and submit a complete application containing all required submittals. Approval of applications by the CRA will be based on the consistency of the proposed project with the goals of the adopted CRA Redevelopment Plan.

1. Property for which the grant is sought must be located within the three specific areas within the CRA district that are served by this program.
2. The applicant must be the owner of the building, although a tenant may qualify upon written consent by the owner of the building
3. Governmental entities, tenants of government owned buildings and, non-profit organizations are not eligible
4. Property taxes, both City and County must not be delinquent and appropriate Occupational licenses must be current.
5. Proposed business must commit to hours of operation that extend beyond 5:00PM and preference will be afforded to businesses who propose a commitment to extend hours of operation beyond 7:00PM and/or add additional days of operation.
6. Business must be a permitted use as outlined in the City of New Smyrna Beach Land Development Code and meet the intent of the zoning code.
7. Applicants must ensure that the buildings included in the grant application are in compliance with the Florida Building Code and National Electric Code. Such items include, but are not limited to:

- Floor repairs and upgrades
- Installation of Heating unit
- Hot water heater
- Bathroom repairs and upgrades
- Exhaust hood
- Commercial Sinks
- Grease trap
- Electrical upgrades
- Wall/Ceiling repairs and upgrades
- Fire sprinkler system

This list of items is a reference only and final eligibility will be determined during the on-site meeting with the Chief Building Official.

Development Assistance and Incentives Program Matching Grant Check list – (CRA Approval required prior to any construction/repair/renovation work commencing)

- 1. Located within the three specific areas of the CRA District (please see attached map)
- 2. First Grant for this structure (Only one Grant shall be awarded per structure)
- 3. Not a Government owned property being used for governmental activities and/or a non-profit organization.
- 4. Completed Matrix as provided by the CRA for the appropriate activity.
- 5. Completed application form
- 6. Written Consent from the property owner (if the property owner is not the applicant)
- 7. Two (2) Project estimates from a licensed architects, engineer or contractors. (if applicant is licensed contractor, he or she may not submit their own estimate)
- 8. Hours of operation extend beyond 5:00 p.m. with preference given to businesses that propose a commitment to extend hours of operation beyond 7:00 p.m., additional business days of operation, current activities, expanded activities.
- 9. "Marketing" data, including but not limited to, demonstrating increases in revenues, visitors/citizens/customers increases, changes in markets or additional markets and preservation or creation of jobs, sales tax generation, resort taxes, property taxes and any other supporting data deemed pertinent to the project.
- 10. Permitted use as outlined in the City of New Smyrna Beach Land Development Regulations (to be determined by Planning and Zoning Department)
- 11. Property taxes, both City and County must not be delinquent; In the case of businesses any and all occupational licenses must be current.

EDAB Agenda April 20, 2011

- 12. Upon CRA grant approval, applicant will be required to place signage recognizing the CRA participation (furnished by the CRA) and viewable to the general public, for the duration of the project
- 13. Onsite meeting set for _____ at _____

RETAIL
EXISTING AND PROPOSED PROJECT MATRIX

	A	B	C	D	E	F	I
	DESCRIPTION	CURRENT	PROPOSED	POINTS/SEC.	Awarded	COMMENTS	
1				Max			
2				40			
3	Location within the CRA District						
4	East Canal Street						
5	(please see attached Map)						
6							
7	West Canal Street area						
8	(including Historic Westside)						
9							
10	Flagler Avenue area						
11							
12	Construction			20			
13	Additon to existing facility						
14	Redesign of interior to expand retail space						
15	Increasing space for existing activity						
16	Increasing space for additional activity						
17	New Facility						
18							
19	Use			30			
20	Retail Business Category (P.37)						
21	Apparel						
22	Books						
23	Bakeries						
24	Carry Out Food						
25	Florists						
26	Personal Services						
27	Bank						
28	Groceries						
29	Mail Centers						
30	Home Furnishings						

EXISTING AND PROPOSED PROJECT MATRIX

	A	B	C	D	E	F	I
31	Jewelry						
32	Sporting Goods						
33	Other						
34							
35							
36	Other			10			
37	Hours of Operation						
38	Monday - Friday						
39	7 Day Operations						
40	Hours after 5PM						
41							
42	Market Data						
43							
44	TOTALS			100	0		
45							
46							
47							
48							
49							
50							
51							
52							
53							
54							
55							
56							
57							
58							
59							
60							
61							

HOSPITALITY
EXISTING/PROPOSED MATRIX

	A	B	C	D	E	F
	DESCRIPTION	Current	Proposed	Points/Sec. Max	Awarded	COMMENTS
1						
2						
3	Location within the CRA District			40		
4	East Canal Street					
5	(please see attached Map)					
6						
7	West Canal Street area					
8	(including Historic Westside)					
9						
10	Flagler Avenue area					
11						
12	Construction			20		
13	Facility					
14	Addition to existing facility					
15	Redesign of interior spaces					
16	New Facility					
17						
18	Energy Efficient Construction					
19	Energy Saving Devices					
20	Seeking LEED Certification					
21	Use			30		
22	Hospitality Business Category					
23	Restaurant					
24	Carry out Food					
25	General Food Service					
26	Food Service/Bar					
27	Exterior Seating					
28	Interior Seating					
29						
30	Accommodations					
31	Hotel					

HOSPITALITY
EXISTING/PROPOSED MATRIX

	A	B	C	D	E	F
32	Motel					
33	Bed & Breakfast					
34	Other					
35	Hours of Operation					
36	Monday - Friday					
37	7 Day Operations					
38	Hours after 5PM					
39						
40	Franchise					
41						
42						
43	Other			10		
44	Economic Impact					
45	Market Data					
46	Tourism Data (ROI)					
47	# of additional visitors					
48	# of additional visitor vehicles					
49	Amount of increased Sales taxes					
50	Amount of increased resort taxes					
51	Business Plan					
52	Increase in Property value/Taxes					To be reviewed by third party
53	Jobs Created					
54	Jobs Preserved					
55	Add additional business activities					
56						
57						
58						
59						
60						
61	TOTALS			100	0	
62						
63						

RESIDENTIAL
MATRIX

	A	B	C	D	E	F
	DESCRIPTION	Current	Proposed	Points/Sec	Awarded	COMMENTS
1				Max		
2				40		
3	Location within the CRA District					
4	East Canal Street					
5	(please see attached Map)					
6						
7	West Canal Street area					
8	(including Historic Westside)					
9						
10	Flagler Avenue area					
11						
12	Construction			30		
13	New					
14	Existing/Rehab					
15	Zoning Classification					
16	Energy Efficiency					
17	Seeking LEED Certification					
18						
19	Use			20		
20	Type of Building					
21	Apartment/house/complex					
22	Loft Apartment					
23	Town House					
24	Single Family					
25	Multi-Family					
26	2-4 Units					
27	5-12 Units					
28	13+ Units					
29						
30	Square Footage/Unit					
31						
32	Mixed Use					
33	Commercial					

	A	B	C	D	E	F
34	Number of Units					
35	Square Footage/unit					
36	Other					
37						
38	Ownership					
39						
40						
41	Other			10		
42	Market Data					
43	Estimated Sales Price of Units					
44						
45	TOTALS			100	0	
46						
47						
48						
49						
50	TOTALS			200	0	
51						

EDAB Agenda April 20, 2011
CITY COMMISSION AGENDA ITEM SUMMARY

*Approved
5-0*

Department Making Request: Community Redevelopment Agency

Meeting Date April 12, 2011

Action Item Title: Resolution 18-11: A Resolution Approving the Design Document for the Wayfinding sign system and its submittal to the Florida Department of Transportation for approval...

Agenda Section: Consent X Public Hearing _____ Special Items 2

Summary Explanation and Background

CRA staff has been advised that the Florida Department of Transportation (FDOT) requires that the elements of the Wayfinding Signage System be approved by resolution, and then be submitted to FDOT for approval.

The first such element is the Wayfinding Design Document, which was approved at the March 29 City Commission meeting. The attached resolution is in the format that FDOT has approved for other jurisdictions.

It is anticipated that staff will be bringing forward other elements of the Wayfinding System for approval in the form of a resolutions for submittal to FDOT, including a preliminary sign location plan, and a wayfinding sign evaluation criteria program.

Recommended Action/Motion:

Approval of Resolution 18-11: A Resolution Approving the Design Document for the Wayfinding sign system and its submittal to the Florida Department of Transportation for approval...

Funding Analysis: Budgeted x N/A _____ If not budgeted, recommend funding account: Funding for this project is available in line item 120.51502.567909, Wayfinding and Signage, with an available balance (on 3.29.11) of \$230,350.

Exhibits Attached:

1. Resolution 18-11
- 2 The Wayfinding Signage Design Document (this document was approved at the March 29 City Commission meeting.)

Reviewed By:	Name	Signature
CRA Director	Tony Otte	<i>Tony Otte</i>
Finance Director	Althea Philord Bradley	<i>Althea Philord Bradley</i>
City Attorney	Frank Gummey III	<i>Frank Gummey III</i>
City Manager	Pam Brangaccio	<i>Pam Brangaccio</i>

Commission Action

Vehicular Directional | Interior Roads



← Flagler Avenue
← Marine Discovery Center
← Boat Ramp
← Beach Access

NEW SMYRNA BEACH

← Flagler Ave.
← Boat Ramp
← Beach Access

Vehicular Directional Sign

Routes 25 mph or below
All City Streets

WAYFINDING MEETING

BH | HART

Vehicular Directional | FDOT Roads



NEW SMYRNA BEACH

→ Bert Fish Medical Ctr H
← City Hall
← Museum
↑ Beach

Vehicular Directional Sign

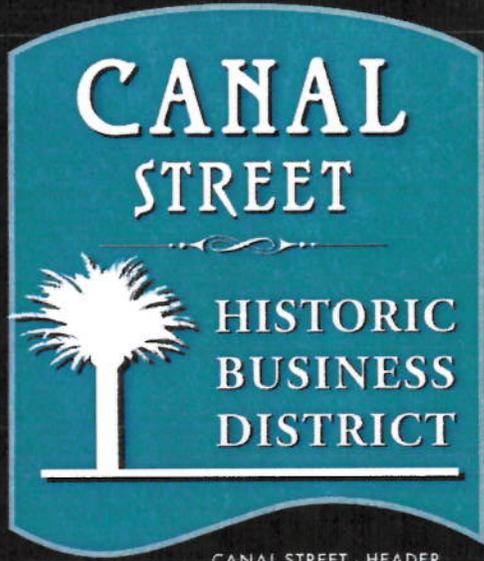
Routes 30 mph or above

WAYFINDING MEETING

BH | HART

District Identifier

Parking

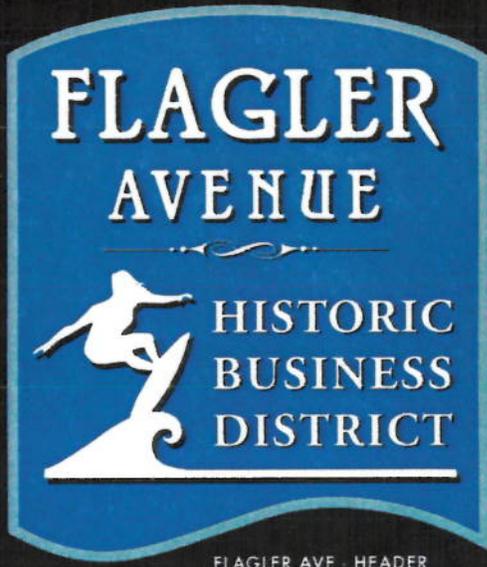


WAYFINDING MEETING



District Identifier

Parking



WAYFINDING MEETING



AGENDA ITEM SUMMARY

Approved 5-0

Department Making Request: Planning and Zoning		
Meeting Date: 1 st Reading: 9/14/10 2 nd Reading: 4/12/11		
Action Item Title: Adoption of EAR-Based Comprehensive Plan Amendments		
Agenda Section: Consent Public Hearing <input checked="" type="checkbox"/> Special Items		
<p>Summary Explanation and Background: The State of Florida regulates local government comprehensive planning through Chapter 163, Florida Statutes. These statutes mandate that local governments maintain a long-range comprehensive planning program that should be a continuous and on-going process. As part of this process, each local government is required to periodically audit its comprehensive plan by researching and writing an Evaluation and Appraisal Report (EAR). The last EAR and subsequent EAR-based amendments were adopted in 1998.</p> <p>On June 22, 2010, the City Commission adopted the state-mandated Evaluation and Appraisal Report (EAR). On August 26, 2010, the Florida Department of Community Affairs (DCA) issued a Notice of Sufficiency for the EAR prepared by the City.</p> <p>Once the EAR was been found sufficient, the EAR-based comprehensive plan amendments were transmitted to DCA for review. These amendments were discussed by the Planning and Zoning Board at public workshops on April 29, May 10, May 24, June 7, June 14, and June 28, 2010. The Planning and Zoning Board voted to recommend that the City Commission approve the EAR-Based amendments on July 12, 2010. The City Commission approved transmitting the proposed amendments to DCA on September 14, 2010.</p> <p>DCA issued an Objections, Recommendations, and Comments (ORC) Report on December 14, 2010. Staff has 120 days from the date of the ORC to revise the amendments and readopt. This 120-day period will end on April 14, 2011. Several changes were made to the amendments subsequent to 1st reading, in order to address concerns raised by DCA and VGMC, and to incorporate revisions made as part of the 10-Year Water Supply Work Plan and associated remedial amendments. These changes are detailed in the attached memo.</p>		
Recommended Action/Motion: Approval		
Funding Analysis: Budgeted <u>N/A</u>		
Exhibits Attached: 1) Memo dated March 27, 2011, detailing changes made between 1 st and 2 nd readings; 2) City response to ORC; 3) Spreadsheet detailing impacts from proposed Future Land Use amendments; 4) revised elements of the Comprehensive Plan		
Reviewed By:	Name	Signature
Department Director:	Gail Henrikson	<i>Gail Henrikson</i>
City Attorney	Frank Gummey	<i>Frank Gummey</i>
City Manager	Pam Brangaccio	<i>Pam Brangaccio</i>
Commission Action:		

FEC
Property

RESOLUTION 2011-06

A RESOLUTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW; CERTIFYING THE APPLICATION SUBMITTED BY THE CITY OF NEW SMYRNA BEACH, FLORIDA, AS CONSISTENT; PROVIDING FOR CONDITIONS TO CERTIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE VOLUSIA GROWTH MANAGEMENT COMMISSION:

SECTION 1. FINDINGS. The Volusia Growth Management Commission (the Commission and/or the VGMC) hereby makes the following findings of fact:

1. On October 14, 2010, the VGMC received a large-scale comprehensive plan amendment application from the City of New Smyrna Beach (the City). The application, assigned VGMC #10-031, consisted of the City's Evaluation and Appraisal Report (EAR) based amendments.
2. On November 11, 2010, the VGMC planning staff issued a Request for Additional Information (RAI) pursuant to Section 90-35(e)(1)(a).
3. On November 12, 2010, the VGMC received correspondence from Volusia County commenting on the subject application package. On November 15, 2010, VGMC planning staff forwarded these comments to the City of New Smyrna Beach as a second RAI.
4. On February 14, 2011, the VGMC received from the City a response to both the November 11, 2010, and November 15, 2010, RAIs and requested that the proposed amendments be heard at the regularly scheduled March 23, 2011, VGMC public hearing.
5. On March 10, 2011, at the City's request, the VGMC separated the Florida East Coast Railroad Property (FEC Property) Future Land Use Map (FLUM) amendment from the remainder of the application package. The FEC Property FLUM amendment was assigned VGMC Case #10-031B, while the remainder of the package was assigned VGMC Case #10-031A.
6. On March 16, 2011, Commission representatives met with the City and FEC Property representatives to discuss possible conditions for approval of VGMC Case #10-031B. As a result of the meeting, a special hearing of the VGMC was scheduled for April 6, 2011.
7. VGMC Case #10-031B proposes a single revision to the City's Future Land Use Map (FLUM). The proposed FLUM amendment would modify the future land use designation of a ±197 acre site commonly referred to as the FEC Property. The subject

site is bounded by SR 44 to the North, 10th Street to the South, US 1 to the East and South Myrtle Avenue to the West. This property is located immediately adjacent to Downtown New Smyrna Beach along the Florida East Coast Railway.

8. The current FLUM designation, proposed FLUM designation and net change are summarized in Table 1 below.

Table 1 – Entitlements

	Current	Proposed	Net Change
Land Use	Industrial	Industrial Mixed Use	--
Residential	0 units	5,124 units	5,124 units
Non-residential	17,169,609 sq. ft.	41,850,923 sq. ft.	24,681,313 sq. ft.

9. The City stated that the purpose of the proposed amendment is to permit for mixed-use transit oriented development (TOD) adjacent to the existing railway. The proposed Industrial Mixed Use designation would allow for a wider array of uses, including light industrial, office, retail and medium to high density residential, and higher densities and intensities.

10. The complete application and supporting documentation submitted by the City is available to the public at the Volusia Growth Management Commission Office located at 140 S. Beach Street, Daytona Beach, Florida. The complete application and supporting documentation, as described above, is hereby deemed to be a part of the record in this matter. The VGMC Planning Staff Report summarizes the application and provides analysis and review of the application for consistency as required by Volusia County Code Section 90-31 through Section 90-44. Within the report, the following exhibits are referenced:

- VGMC Exhibit 1** — Large-Scale Comprehensive Plan Amendment Application
- VGMC Exhibit 2** — Request for Additional Information dated November 11, 2010
- VGMC Exhibit 3** — Second Request for Additional Information dated November 15, 2010
- VGMC Exhibit 4** — City of New Smyrna Beach Responses to both Requests for Additional Information received February 14, 2011
- VGMC Exhibit 5** — Boundary Map of FEC Property
- VGMC Exhibit 6** — Correspondence from the Volusia County School Board dated March 1, 2011

11. Utilizing all the information submitted by the applicant, the VGMC used the following criteria as stated in Volusia County Code Section 90-37(c) to determine whether the proposed plan amendments adversely affect intergovernmental cooperation and coordination. These criteria are:

- (1) *The extent to which the plan, element, or plan amendment provides for areawide or central utility service solutions;*
- (2) *The extent to which the plan, element, or plan amendment provides for areawide or regional transportation solutions;*
- (3) *The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on infrastructure beyond the boundaries of one jurisdiction;*
- (4) *The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on natural resources which extend beyond the boundaries of one jurisdiction;*
- (5) *The extent to which the plan, element, or plan amendment provides for the coordination of the timing and location of capital improvements in a manner to reduce duplication and competition; and*
- (6) *The existence of an agreement among all substantially affected local governments, substantially affected parties (if any) and the applicant, which provides for all said governments' consent to the application. If the commission determines that such an agreement exists for any given application, then it shall be rebuttably presumed that said application does not adversely affect intergovernmental cooperation and coordination.*

12. Per Section 90-37(d), Volusia County Code, "For purposes of determining consistency under this section,...the plan amendment and the comprehensive plans against which it is compared and analyzed shall be construed as a whole and no specific goal and policy shall be construed or applied in isolation from the other goals and policies in the plans."

13. As stated above, Volusia County Code Section 90-37(c) outlines six criteria to be used in determining whether a proposed amendment adversely affects intergovernmental cooperation and coordination. Below is an analysis of the proposed amendments as they pertain to each specific criteria.

As to Criteria 1:

14. *The extent to which the plan, element, or plan amendment provides for areawide or central utility service solutions;*

The proposed amendment would result in a net increase in impacts to public utilities. The impacts are summarized in Table 2 below.

Table 2 – Utilities

Utility	Current	Proposed	Net Change	Available Capacity	Deficit?
Potable Water	1.03 MGD	3.74 MGD	2.71 MGD	2.53 MGD	Yes
Sanitary Sewer	0.88 MGD	3.23 MGD	2.34 MGD	2.91 MGD	No

As shown in Table 2, capacity currently exists in the City's waste water treatment system to accommodate the impacts of the proposed amendment; however, it does not appear that sufficient potable water capacity exists. Since potable water supply is a regional resource, it may be reasonable to presume that the proposed amendment could result in adverse impacts to adjacent local governments.

As to Criteria 2:

15. *The extent to which the plan, element, or plan amendment provides for areawide or regional transportation solutions;*

The proposed amendment would result in a net increase in impacts to transportation facilities. These impacts are summarized in Table 3 below.

Table 3 – Transportation

	Current	Proposed	Net Change	Available Capacity
PM Peak Trips	14,656	22,684	8,120	Unknown

As shown in the Table above, the proposed amendment may generate as many as 8,120 new PM peak hour automobile trips. A traffic impact analysis was not provided with the application; therefore, it is unknown whether the new trips will have a significant adverse impact on the regional transportation network. In the absence of this information it may be reasonably presumed that the proposed amendment may fail to provide for areawide or regional transportation solutions.

To address the lack of a traffic impact analysis, the City proposed limiting potential transportation impacts to those permissible under the current entitlements, ensuring that the proposed amendment would result in no new impacts to the regional transportation system.

As to Criteria 3:

16. *The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on infrastructure beyond the boundaries of one jurisdiction;*

The impact of the proposed amendment on potable water, sanitary sewer and transportation systems has been addressed in Criteria 1 and Criteria 2 above. As previously stated, the proposed amendment may have adverse impacts on the region's water supply and transportation systems.

Given that the proposed amendment results in a net increase of 5,124 residential units, it is necessary to measure impacts to the public school system. Planning for Volusia County's public schools is a comprehensive endeavor that includes each of Volusia County's local governments as well as the Volusia County School Board. Section 206 of the Volusia County Charter and the First Amendment to Interlocal Agreement for Public School Facility Planning both require a finding of "adequate public school capacity" by the Volusia County School Board before an amendment resulting in additional residential entitlements may be adopted. On March 1, 2011, Volusia County School Board provided correspondence to both the City of New Smyrna Beach and the VGMC stating that they, ". . . cannot certify there will be adequate school capacity to serve the proposed increase in residential density. . . ."

Given the lack of adequate public school capacity to serve the proposed increase in residential units, it is reasonable to presume that the subject amendment may cause significant adverse impacts to infrastructure beyond the boundaries of the City of New Smyrna Beach.

As to Criteria 4:

17. *The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on natural resources which extend beyond the boundaries of one jurisdiction;*

The subject site is currently being utilized as a FEC rail yard. Given the site location within urbanized areas and its current entitlement to industrial uses, the proposed amendments to Industrial Mixed Use are not anticipated to cause significant adverse impacts on natural resources beyond the boundary of the City of New Smyrna Beach.

As to Criteria 5:

18. *The extent to which the plan, element, or plan amendment provides for the coordination of the timing and location of capital improvements in a manner to reduce duplication and competition; and*

The proposed amendments are not anticipated to result in the duplication of services or competition among providers.

As to Criteria 6:

19. *The existence of an agreement among all substantially affected local governments, substantially affected parties (if any) and the applicant, which provides for all said governments' consent to the application. If the commission determines that such an agreement exists for any given application, then it shall be rebuttably presumed that said application does not adversely affect intergovernmental cooperation and coordination.*

No agreements of this type exist for the subject site or proposed amendments.

SECTION 2. CONCLUSIONS OF LAW.

A. Volusia County Code states in Section 90-37(e) that "The Commission may deny certification where any applicant has failed to establish, by a preponderance of the evidence, its entitlement under this ordinance to the certificate." Based upon the preceding information, the VGMC concludes that the proposed amendment to FEC Property as originally submitted to the VGMC for consistency review may not be consistent with the plans of adjacent and/or affected jurisdictions. We further conclude that the proposed amendment could adversely impact adjacent jurisdictions based on the Criteria of Consistency established in Volusia County Code. However, there are conditions which may be placed upon the certification of this amendment, such that the application and the comprehensive plan amendments contained therein can be certified consistent.

B. VGMC Application #10-031B and the comprehensive plan amendments contained therein are hereby certified consistent subject to the conditions below and the Volusia Growth Management Commission therefore elects to approve VGMC Application #10-031B; with the following conditions:

1. The City of New Smyrna Beach shall adopt the following conditions as notations to the City's Future Land Use Map:

- a) In order to avoid groundwater deficits associated with future aquifer withdrawals from well fields and water and sewer consumption concerns, a note to the Future Land Use Map shall be added to state that any development within the Industrial Mixed Use category shall not exceed the existing planned water and sewer capacity for the Future Land Use category existing on such property immediately prior to the change in Future Land Use designation to Industrial Mixed Use. For the Future Land Use Map Amendment No. 18 that capacity usage is limited to development which generates 1,030,296.00 GD for water and 888,630.30 GD for sewer.

A future comprehensive plan amendment will be required to remove such note.

- b) In order to address the potential future transportation impacts from all the potential uses within the "Industrial Mixed Use" Future Land Use designation on FLUM #18, a note to the Future Land Use Map shall be added to state that any development within the Industrial Mixed Use category on the property contained with FLUM #18 shall not exceed 14,656 net external PM peak hour directional trips, which is the number of vehicular trips generated by the Future Land Use category existing on such property (197.08 +/- acres at an FAR of 2.0) immediately prior to the change in Future Land Use designation to Industrial Mixed Use. A future comprehensive plan amendment, with attendant traffic analysis, will be required to remove such note.
- c) In order to be consistent with Volusia County Charter Section 206, which in part states, any "municipal comprehensive plan amendment ... allowing increased residential density may be effective only if adequate public schools can be timely planned and constructed to serve the projected increase in student population", a note to the Future Land Use Map shall be added to limit development on any parcel having an "Industrial Mixed Use" to non-residential uses only, until such time as a finding of adequate school capacity from the school district for any such property seeking residential uses with the Industrial Mixed Use Land Use designation is issued.

2. Any proposed changes or amendments to be made or adopted to the City's Comprehensive Plan in response to a Florida Department of Community Affairs Notice of Intent to Find in Compliance ("Remedial Amendment") must be submitted to the Volusia Growth Management Commission as additional information to the original application pursuant to Volusia County Code Section 90-37(i) and the VGMC may "determine in its sole discretion that the additional information changes the facts and circumstances of the prior certification." If such a determination is made, the VGMC shall hold a noticed public hearing on the Remedial Amendment. If the determination is made that the Remedial Amendment is consistent with the prior certification, no public hearing is required and a letter confirming consistency of the Remedial Amendment shall be issued to the Town.

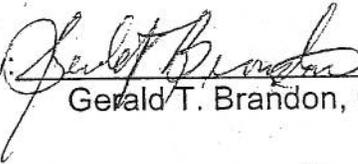
3. Failure to comply with any of the above conditions of certification shall result in an automatic revocation of this certification, thereby

rendering the City's Comprehensive Plan, which is the subject of this certification, invalid and ineffective.

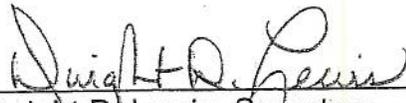
SECTION 3. EFFECTIVE DATE. This Resolution 2011-06 shall take effect immediately upon its adoption.

RESOLVED this 6th day of April 2011.

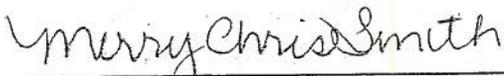
VOLUSIA GROWTH MANAGEMENT COMMISSION

By: 
Gerald T. Brandon, Chairman

ATTEST:


Dwight D. Lewis, Secretary

FILED WITH THE SECRETARY THIS 7th DAY OF APRIL 2011.


Merry Chris Smith, VGMC Coordinator



**CITY OF NEW SMYRNA BEACH
CITY COMMISSION REGULAR MEETING
SUMMARY OF ACTION (Corrected Copy)**

TUESDAY, APRIL 12, 2011 – 6:30 P.M.

**CITY COMMISSION CHAMBER, CITY HALL,
210 SAMS AVENUE, NEW SMYRNA BEACH, FLORIDA**

I. Call to Order/Roll Call:

II. Invocation/Pledge of Allegiance:

Police Chaplain William Chegwin will be present and give the invocation.

No action.

III. Approval of the Agenda:

Agenda Item X-B was removed.

IV. Announcements/Presentations/Recognition:

Motor Officer Recognition – Recognition of Police Department Motor Officers Christopher Salomone and Holloway for their accomplishments during the recent 6th Annual Cops and Kids Day Motorcycle Competition, sponsored by the Lake County Sheriff's Department. Officer Salomone won First Place as an individual rider and First Place overall while Officer Holloway won Second Place as an individual, with the two being named First Place Team overall.

No action.

V. Mayor and Commission Reports:

No action.

VI. Consent Agenda (Approval of Minutes/Routine Resolutions):

- A. Approval of Minutes – Approve the minutes of regular meetings held October 26, 2010 and November 9, 2010.

Approved as recommended.

- B. Change Order No. 5 to Pettis Park Pavilion and Improvements Project – Approve Change Order No. 5 to the Pettis Park Pavilion and Improvements Project, as payable to Misiano Construction & Remodeling in the amount of \$31,775, for the construction of parking improvements and a skate facility. Funding is available through a budget amendment as made a part of the provisions of Ordinance No. 26-11.

Approved as recommended.

- C. Annual Fish Stock Festival and 5K Run – Approve the request for street closure of Riverside Drive, from Lytle Avenue to Canal Street on Saturday, May 28, 2011, from 5 am to 11 am, in support of the Fish Stock 5K Run, which is scheduled for May 28 to May 29, 2011. The City Special Events Committee has reviewed the application and as recommended approval as outlined in its written recommendation.

Approved as recommended.

- * D. Volusia TPO 2011 Call for Projects – Approve submittal of the following projects to the Volusia County Transportation Planning Organization, in response to its 2011 Call for Projects: South Atlantic Avenue Safety Improvements (Traffic Operations/ITS/Safety); Railroad Pedestrian Crossing at Washington Street (Traffic Operations/ITS/Safety/Bike/Pedestrian); and, Phase II of the Multi-Use Trail (Bike/Pedestrian)

Approved as recommended.

- E. Purchase of Computer Server/Software – Approve the purchase of one Informix DB Server Environment for a cost of \$11,828, and a Munis Dashboard Navigation, at a cost of \$10,000, in order to complete the new permitting system hardware and update the existing Munis System.

Approved as recommended.

- F. Swoope Site Improvements – Consider approval of the submittal of a grant application to the Ponce de Leon Inlet and Port District, as part of its Coastal Partnership Program. If awarded, the grant would provide \$168,400 toward the Swoope Site Improvement Project.

Approved as recommended.

- G. Volusia County COPCN Contingency Transport – Approve the submission of an application for a Certificate of Public Convenience and Necessity (COPCN) for contingency emergency medical transport from the Volusia County Emergency Medical Services (EMS) Division. If approved, the fire department would be authorized to perform contingency emergency medical transport to appropriate facilities under extraordinary circumstances.

Approved as recommended.

- H. Motorcycle Lease Agreement – Authorize the City Manager to execute a renewal of the existing lease with Bruce Rossmeyer's New Smyrna Beach Harley Davidson for police department motorcycles. The renewal will continue the existing terms of the agreement to expire April 30, 2011, for a period of two years, to expire April 30, 2013. The rate is \$400 monthly, which includes the dealer's required maintenance, including parts and labor.

Approved as recommended.

- I. Resolution No. 18-11 – Adopt a resolution approving the design document for the way-finding sign system and its submittal to the Florida Department of Transportation for approval, and approval of the suggested name for the "NSB Florida Waterfront Loop".

Adopted as recommended.

VII. Ordinances – Second Reading and Public Hearings:

- * A. Ordinance No. 19-10 – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the *Comprehensive Plan*, Future Land Use Element, by eliminating the oceanfront property restriction in the Hospitality Future Land Use designation and permitting density of 75 hotel units per acre on the oceanfront for parcels located between Esther Street and East 8th Avenue.

Adopted as recommended.

- * B. Ordinance No. 37-10 – Conduct the second reading and public hearing of an ordinance, which if adopted, would adopt Evaluation and Appraisal Report (EAR) – Based Amendments to the *City Comprehensive Plan*.

Adopted as recommended.

- C. Ordinance No. 12-11 – Conduct the second reading and public hearing of an ordinance, which if adopted, would establish regulations regarding the discharge of materials such as oil, grease, gasoline, tires, trash and other pollutants into the City's stormwater system.

Adopted as recommended.

- D. Ordinance No. 20-11 – Conduct the second and final of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* by moving the City's Coastal Construction Setback Line (CCSL), eastward toward the ocean for a single property located at 805 North Atlantic Avenue.

Adopted as recommended.

- E. Ordinance No. 22-11 – Conduct the second reading and public hearing of an ordinance, which if adopted, would establish a Historic Building Overlay District and approve a plan for the development of approximately one acre of property located southwest of the intersection of North Riverside Drive and Ronnoc Lane.

Adopted as recommended. If the applicant is unable to obtain the appropriate business license for a 15-bed Adult Living Facility, the requested Historic Building Overlay District would be removed.

- * F. Ordinance No. 24-11 – Conduct the second reading and public hearing of an ordinance, which if adopted, would adopt a 10-Year Water Supply Work Plan.

Adopted as recommended.

- * G. Ordinance No. 25-11 – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the *Comprehensive Plan* by making remedial comprehensive plan amendments relating to the 10-Year Water Supply Work Plan, which affect sanitary sewer, potable water, solid waste, drainage, and natural groundwater aquifer recharge elements, as well as, conservation, housing and capital improvements elements.

Adopted as recommended.

- H. Ordinance No. 26-11 – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend Ordinance Nos. 40-10, 61-10, 65-10, 03-11, and 17-11, Current Expenses and Capital Outlay required by the City of New Smyrna Beach during and for the Fiscal Year ending September 30, 2011.

Adopted as recommended.

VIII. Public Participation:

- * **At the request of David Swentor, representing Premier Development, Mr. Swentor will be given time on the agenda for the next regular meeting on April 26, 2011 in order to give the Commission an update on the status of the proposed hotel project on Flagler Avenue.**

IX. Ordinances – First Reading:

Ordinance No. 19-11 – Conduct the first reading of an ordinance, which if adopted, would rezone approximately 18 acres, located south of the intersection of East 3rd Avenue and Saxon Drive, from Single Family Residential (R-1) and Planned Shopping Center (B-5) zoning districts to a Planned Unit Development (PUD) zoning district; and, the Hog Eye Camp Road Square Planned Unit Development and Conceptual Development Plan; all as applied for by Stewart Mitchell, owner.

Approved on first reading. The second reading and public hearing of the proposed ordinance will take place at the regular meeting on April 26, 2011.

X. Administrative Items/New Business:

- ✧ A. CRA Development and Assistance Program – Consider approval of a CRA Development and Assistance Program, designed to provide matching funding for building renovations for three types of projects: retail, hospitality and residential infill in support of retail development.

Approved per staff's recommendation. In addition the Commission requested that the three smaller commercial grant programs be combined into one program and be capped at \$20,000 for a one-time grant. On the smaller programs, CRA staff was directed to go back to the next CRA meeting with the changes for CRA approval and then City Commission formal approval of new program (Exterior, Interior and Impact Fee Incentive Program).

- B. CRA Commercial Property Improvement Grant Program – Discuss and review a proposed amendment to the CRA Commercial Property Improvement Grant Program, which addresses grants for large buildings.

Removed from the agenda at the request of the Community Redevelopment Agency.

- C. Westwood Avenue Paving Assessment – Discuss, review and consider approval of beginning the process to establish a paving assessment for future street paving improvements on Westwood Avenue.

Approved as recommended.

- ✧ D. 1531 Airway Circle – Discuss, review and consider the first right of refusal by the Airport for the purchase of property located at 1531 Airway Circle from the estate of Richard W. Foote.

Approved the recommended pursuit of purchase of subject property.

XI. Boards and Commissions:

- A. Historic Preservation Commission – Consider the appointment of Virginia Schow as a member to fill a vacant term to expire May 14, 2013. The Southeast Volusia Historical Society has recommended approval of Ms. Schow's appointment.

Virginia Schow appointed to fill a term to expire May 14, 2011.

- B. Community Redevelopment Agency – Consider accepting the resignation of member Steve Dennis effective April 12, 2011. Item added by Vice Mayor Hathaway.

Mr. Dennis' resignation accepted with regrets.

XII. City Manager's Report:

No action.

XIII. City Clerk's Report:

No action.

XIV. City Attorney's Report:

No action.

XV. Adjournment:

9:20 P.M.

The foregoing summary of action is a true and accurate record of action taken by the New Smyrna Beach City Commission at its regular meeting on April 12, 2011, pending approval of the official minutes of the meeting.

Johnny R. Bledsoe, CMC, City Clerk

Soulie, Claudia

From: Brangaccio, Pam
Sent: Tuesday, April 05, 2011 11:29 AM
To: Otte, Tony
Subject: FW: Enterprise Florida- Capitol Connection

FYI...you could include in EDAB packets as an informational item.

From: Enterprise Florida, Inc. [mailto:sspratt@eflorida.com]
Sent: Monday, April 04, 2011 11:41 AM
To: rehrhardt@co.volusia.fl.us
Subject: Enterprise Florida- Capitol Connection

Having trouble viewing this email? [Click here](#)



**Enterprise Florida
Capitol Connection**
A periodic update for the Legislative Policy Committee



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[Enterprise Florida, Inc.](#)

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Issue: 7 **April 4, 2011**

2011 Legislative Session- Week 4

Reorganization of economic development in Florida commences

Since committees began meeting in January, both the House and Senate have held numerous hearings to assess the best way to streamline Florida's economic development process across all levels. With input from the Governor's office, the current private/public partnerships and economic developers throughout the state, both chambers released an outline of what each considers the most effective economic development structure for maximizing job creation in the "new economy."

On March 28 the Senate released their official legislation, **Senate Bill 2156**, which was placed on the **Senate Budget** committee agenda for April 1. The bill contains over 700 pages of policy revisions including the consolidation of the Department of Community Affairs, the Agency for Workforce Innovations and the Governor's Office of Tourism, Trade and Economic Development into one agency, "Jobs Florida." The legislation passed the committee and is now in position to be heard on the Senate floor.

Sharon Spratt
sspratt@eflorida.com

The changes proposed in this bill are too numerous to comment on in a meaningful way in this publication. This edition of *Capitol Connection* will focus only on the changes relative to Florida's economic development functions.

Relating to Governmental Reorganization - Senate Bill 2156

Merger of the Private/Public Partnerships

The legislation merges Enterprise Florida, Inc., Visit Florida, Space Florida, Florida Sports Foundation and the Black Business Investment Board into a single not-for-profit named **Jobs Florida Partnership, Inc.** It does allow for **Space Florida** to retain its special district status while moving administrative functions in the Jobs Florida Partnership. Within the Partnership there are five mandated divisions (additional may be added).

Divisions within the new Partnership

1. Division of Business Retention & Recruitment
2. Division of Tourism Marketing
3. Division of International Trade & Business Development
4. Division of Minority Business Development
5. Division of Sports Industry Development

Each division has statutorily prescribed duties and responsibilities and will be advised by a 15 member advisory council.

Jobs Florida Partnership Board of Directors

The Partnership will be governed by an 11 member appointed Board and Chaired by the Governor of Florida (4 Gubernatorial appointees, 3 Senate President appointees and 3 House Speaker appointees). Additional at-large board members (up to 10) may be investors in the Partnership. (*The Jobs Florida Partnership Board will also serve as the Board of Directors for Space Florida*)

Jobs Florida State Agency

A new state agency is established as a single point of contact for all economic development opportunities. The newly created **Jobs Florida Agency** will consist of four divisions:

1. Division of Strategic Business Development
2. Division of Community Development
3. Division of Workforce Services
4. Division of Finance & Administration

The head of the Jobs Florida Agency will be known as the Commissioner, and will be subject to Senate confirmation and serve as the Governor's chief negotiator for business

recruitment and business expansion, while overseeing contracts with the Jobs Florida Partnership and other direct support organizations.

Incentives and Additional Economic Development Programs

In an effort to streamline Florida's incentive process, the bill reduces the time the Partnership and the agency have to review and award state incentives from 34 days down to 24 and directs the Commissioner to play a more active role in the review of incentive applications.

As requested by numerous local economic development organizations, **SB 2156** makes permanent the economic gardening loan and technical assistance programs.

Community Asset Information

By September 30 of each year, every county or municipality that has a population of at least 25,000 must submit to Jobs Florida a brief overview of its strengths, services and the economic development incentives they offer. They must also identify any industries they are encouraging to locate or relocate to their area.

Florida House restructuring proposal includes dedicated source of funding

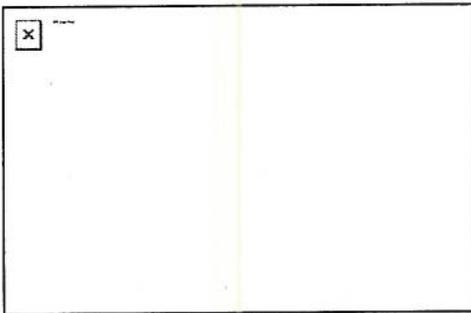
The House released their conceptual ideas for reorganizing Florida's economic development system on April 1 during the Select Committee on Government Reorganization meeting. Legislation for the complete reorganization has not yet been filed, however two bills providing a dedicated source of funding for economic development in the state has been. House Bill 7205 and House Bill 7207 create the State Economic Enhancement and Development (SEED) Trust Fund. These bills move funding from: the Florida International Tourism and Promotional Trust Fund, the Tourism Promotional Trust Fund, the State Transportation Trust Fund, and the State and Local Government Housing Trust Fund; into the SEED Trust Fund and allows the new trust fund to be used for infrastructure and job creation opportunities. Specific appropriations can be made to:

1. Transportation facilities that meet a strategic and essential economic development interest for the state
2. Affordable housing programs and projects in accordance with Chapter 420, Florida Statutes
3. Economic development incentives for job creation and capital investment
4. Workforce training
5. Tourism promotion and marketing services/programs

Both HB 7205 and HB 7207 passed largely along party lines and the committee is expected to release their reorganization legislation on Wednesday, April 6.

Enterprise Florida continues to work closely with the Governor's office and the other private/public partnerships to ensure that any restructuring legislation that passes is set up for a smooth transition and helps pave the way for greater job creation and economic growth in Florida.

We welcome any feedback you may have on the topics addressed in this publication. As always, our legislative affairs team is available to answer any questions you may have.



Enterprise Florida, Inc. (EFI) is a partnership between Florida's business and government leaders and is the principal economic development organization for the state of Florida. Headquartered in Orlando, EFI's mission is to diversify Florida's Economy and create better paying jobs for its citizens by supporting, attracting and helping to create globally competitive businesses in innovative, high-growth industries.

Forward email



This email was sent to rehrhardt@co.volusia.fl.us by sspratt@eflorida.com
[Update Profile/Email Address](#) Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).
Enterprise Florida, Inc. | 800 North Magnolia Avenue, Suite 1100 | Orlando | FL | 32803

But there are opportunities in higher-wage jobs, as well, notably life sciences, which the report singles out as "one of the more promising sectors" statewide. "The influx of new medical research facilities will help reinvigorate R&D job growth in Florida, helping further diversify the state's economy," the report concluded, citing investments at Scripps Research and the Max Planck Institute in Palm Beach County, the Torrey Pines Institute for Molecular Studies in Port St. Lucie and the development of Medical City in Orlando.

Vitner, who has tracked Florida's economy for more than 20 years, readily acknowledged the state has problems that will persist. Of immediate concern are its unemployment rate of 11.5 percent and a depressed housing market wallowing in foreclosures and short sales.

Longer term, two of the state's biggest obstacles are a hurricane-threatened property insurance market and an underperforming educational system, he said. "We need to find a way to increase the skill sets of the Florida work force," Vitner said. "Right now, Florida has a large number of low-paying jobs, and it has a large supply of unskilled workers."

The report offered some hope, however, that Florida's efforts to enhance its university system with more cutting-edge research "should pay off with an even better mix of high-growth industries in future years."

Vitner said the analysis did not incorporate Florida Gov. Rick Scott's jobs strategy of cutting taxes, cutting regulations and cutting state jobs. "But I would say that his efforts are at least mildly supportive of enhancing job creation," he added. "They may do more than that, but what happens with the federal government is probably a bigger issue."

How Florida is expected to grow

Wells Fargo is the second-largest bank operating in Florida thanks to its acquisition of Wachovia Corp. It's in the midst of a major advertising push, refurbishing and rebranding its 668-branch network across Florida under the Wells Fargo name.

It economists predict that Florida in coming years will grow at a faster pace than the national average in a wide variety of industries, many of them high-growth industries. They include:

Farm

Forestry, fishing, and related activities

Mining

Utilities

Construction

Wholesale trade

Retail trade

Transportation and warehousing

Information

Finance and insurance*

Real estate

Professional and technical services*

Management of companies and enterprises

Administrative and waste services

Educational services

Health care and social assistance*

Arts, design, and entertainment

Accommodation and food services*

Services except public administration*

Federal civilian

State and local*

Military

*High-growth industries

Source: Wells Fargo Securities

St. Petersburg Times



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**2011 First Quarter Report
January 1 – March 31, 2011**

Team Volusia Economic Development Corporation is pleased to provide the following overview of the organization’s activities during the first quarter of 2011.

INVESTOR UPDATE

Overview

51 Investors

Public Sector - 11	\$450,250	56.3%
Private Sector - 40	\$349,500	43.7%

Investor Relations – Public

The County of Volusia and the Cities of Daytona Beach, DeLand, Deltona, Holly Hill, New Smyrna Beach, Orange City, Ormond Beach, Port Orange, and South Daytona continue as public sector investors in Team Volusia.

Investor Relations – Private

Excellent progress has been made in gaining private sector support for the organization. Twelve new investors have pledged \$97,500 since January 1:

New Members of Team Volusia’s Executive Committee: Florida Health Care Plans

New Members of Team Volusia’s Board of Directors: Fifth Third Bank, ICI Homes, Embry-Riddle Aeronautical University, Daytona Beach Kennel Club, Stetson University (starting July 1) and Bright House Networks

New Team Volusia Ambassadors: Intracoastal Bank, Museum of Florida Art, Ormond Beach Chamber of Commerce, DeLand Chamber of Commerce, Tel-Tron Technologies Corp.

Pledges for Team Volusia, not yet approved by the Board, are pending from Bethune-Cookman University, Ford Properties and Hilton Daytona Beach.

MARKETING

Website Vendor

Team Volusia desires a world class website that will best position our communities on the Internet and provide optimum support for our economic development initiatives. A Request for Qualifications was sent to twenty-nine potential vendors on February 14, and we received five responses. The Executive

Team Volusia EDC Staff
<p>Helen Cauthen President & CEO 386.265.6333 Cell: 386.983.5474 hcauthen@teamvolusiaedc.com</p>
<p>Kerry Symolon Director, Business Recruitment & Expansion 386.265.6334 Cell: 386.316.1123 ksymolon@teamvolusiaedc.com</p>
<p>Diane Larsen Assistant to the President 386.265.6336 dlarsen@teamvolusiaedc.com</p>

Committee approved Solodev as the vendor on March 23. Shawn Moore, owner & CEO, is a Stetson graduate along with about 80% of his team. The company is a long-time partner with Metro Orlando Economic Development Commission and through that relationship has a unique perspective on how to best help Team Volusia reach our target audience and desired objectives.

Site & Building Database Vendor

An interactive, searchable GIS-based site and building database is a key component of a world-class economic development website. Such a database will make it easy for any customer to identify the buildings and sites that meet their defined criteria.

Led by Bob Williams, a Website Committee did extensive work to identify specifications and possible vendors. In February, March and April 2010, presentations were made by four vendors to the Website Committee. The Committee narrowed the list to two vendors, both of whom made presentations on March 1, 2011 to members of the Website Committee and the ED Practitioners Council. The Executive Committee approved GIS Planning as the vendor on March 23. GIS Planning has built over 200 commercial property websites for economic development.

Trade Show Participation

Team Volusia attended two industry trade shows to seek leads and generate interest in the area: the Renewable Energy World Conference & Expo on March 8 at the Tampa Convention Center; and the Medical Design & Manufacturing (MD&M) on March 16 at the Orange County Convention Center in Orlando.

NEW BUSINESS RECRUITMENT

Partnerships

Team Volusia is working closely with the Volusia County Department of Economic Development (DOED) and the CEO Business Alliance. Written protocols are under development to help clarify roles. As an example, the CEO Business Alliance will focus its efforts on business development and partner with Team Volusia as leads are generated that become projects.

Prospects

Team Volusia has one new prospect, an alternative energy company seeking a manufacturing location. Team Volusia also joined in client visits for a project managed by DOED. Weekly conference calls with the County and the City Practitioners continue to be held during which Team Volusia and Volusia County prospects are discussed.

BUSINESS RETENTION & EXPANSION

As part of the "Listen & Learn Tour," Helen Cauthen has held one-on-one meetings with over 150 individuals representing over 90 companies or organizations. She also has conducted six visits to existing companies that included tours: Performance Designs, the News-Journal, DME, Raydon Corporation, Consolidated-Tomoka Land Company and AMPS.

MANAGEMENT OF TEAM VOLUSIA

Promotion of Team Volusia

Helen Cauthen started speaking on behalf of Team Volusia in March. To date, she has spoken to eight groups: Volusia County Council; West Volusia Summit; Civic League; Volusia League of Cities; Volusia Council of Governments; Daytona Beach Area Association of Realtors; Leadership West Volusia; and the Daytona Regional Chamber's Eggs & Issues Breakfast.

Budget and Program of Work

Team Volusia created its 2011 Program of Work and its 2011 Budget in February. The Board approved both on February 23. Copies of these documents are attached to this report.

Office Operations

The new Team Volusia offices at One Daytona Boulevard, Suite 240 (International Motorsports Complex) are open for business and fully operational. Office furniture, computers and equipment are now in place, including an internal small conference room and a shared 14-seat conference room on the 2nd floor.

ATTACHMENTS

- 2011 Budget
- 2011 Program of Work
- Investor List as of March 23, 2011

AGENDA ITEM SUMMARY

Approved 5-0

Department Making Request: Planning and Engineering		
Meeting Date: 1 st Reading: 3/29/11 2 nd Reading: 4/12/11		
Action Item Title: Remedial Comprehensive Plan Amendments Relating to the 10-Year Water Supply Work Plan		
Agenda Section: Consent Public Hearing <input checked="" type="checkbox"/> Special Items		
<p>Summary Explanation and Background: In 2008, the City Commission adopted Ordinance 101-07, amending the Sanitary Sewer, Potable Water, Solid Waste, Drainage, and Natural Groundwater Aquifer Recharge Element (Infrastructure Element) and the Conservation Element of the City's <i>Comprehensive Plan</i>. The adopted amendments were not sent to the Florida Department of Community Affairs (DCA) following adoption.</p> <p>In 2010, staff forwarded the adopted Infrastructure Element amendments to DCA. In September 2010, DCA found the amendments "Not In Compliance" and an administrative hearing was scheduled for March 1-2, 2011. Between September 2010 and the scheduled administrative hearing in March 2011, the City contracted with Quentin L. Hampton and Associates to prepare a 10-Year Water Supply Plan and to make revisions to the <i>Comprehensive Plan</i> to address the outstanding issues. A draft was submitted to the St. Johns River Water Management District (SJRWMD) and DCA in December 2010.</p> <p>Following on-going discussions and review between the City, UC, and Quentin Hampton staff and staff from the SJRWMD and DCA, a list of remaining comments was presented to the City that are to be addressed in the 10-Year Water Supply Plan and associated remedial <i>Comprehensive Plan</i> amendments. The same language used in the remedial <i>Comprehensive Plan</i> amendments will also be included in the EAR-based amendments. Per discussions with DCA counsel, the settlement agreement for the Water Supply Work Plan will be placed in abeyance while the EAR-based amendment process moves forward.</p> <p>The remedial amendments, the Water Supply Work Plan and the EAR-based amendments will each be adopted under separate ordinances. Following adoption of all three ordinances by the City Commission on April 12th, all documents will be sent to DCA, the SJRWMD and VGMC for final review and approval.</p>		
Recommended Action/Motion: Approval		
Funding Analysis: Budgeted <u>N/A</u>		
Exhibits Attached: 1) Capital Improvements Element; 2) Housing Element; 3) Infrastructure Element; 4) Conservation Element; 5) Staff response to SJRWMD letter; 6) Ordinance adopting the remedial Comprehensive Plan amendments.		
Reviewed By:	Name	Signature
Department Director:	Gail Henrikson	<i>Gail Henrikson</i>
City Attorney	Frank Gummey	<i>Frank Gummey</i>
City Manager	Pam Brangaccio	<i>Pam Brangaccio</i>
Commission Action: <i>3-29-11 - Approved on first reading</i>		

ORDINANCE NO. 25-11

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AN ORDINANCE AMENDING THE CITY OF NEW SMYRNA BEACH'S 1990 COMPREHENSIVE PLAN, PART II, FUTURE LAND USE ELEMENT, PART VII, SANITARY SEWER, POTABLE WATER, SOLID WASTE, DRAINAGE, AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT, PART IX, CONSERVATION, PART VI, HOUSING ELEMENT, AND PART XII, CAPITAL IMPROVEMENTS ELEMENT, TO STRENGTHEN THE LINK BETWEEN LAND USE AND WATER SUPPLY PLANNING AND ESTABLISH WATER SUPPLY AS A CONCURRENCY REQUIREMENT; PROVIDING FOR TRANSMITTING COPIES OF THE NOTICE AND AMENDMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS, THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, AND ANY OTHER PERSON OR ENTITY REQUESTING A COPY; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, Florida 32168, has requested an administrative text amendment to the City's Comprehensive Plan, Part II, Future Land Use Element, Part VII, Sanitary Sewer, Potable Water, Solid Waste, Drainage, and Natural Groundwater Aquifer Recharge Element, Part IX, Conservation, Part VI, Housing Element, and Part XII, Capital Improvements Element, to strengthen the link between land use and water supply planning and establish water supply as a concurrency requirement; and

WHEREAS, the Planning and Zoning Board, sitting as the City's Local Planning Agency, held an advertised Public Hearing pursuant to §163.3164(18) & §163.3174(4)(a), F.S., on Monday, September 10, 2007, on the proposed Plan Amendments and following that Public Hearing by a vote of 6-1, adopted a recommendation that the City Commission **approve** the aforesaid Amendment to the City's 1990 Comprehensive Plan; and

WHEREAS, the amendments were adopted October 8, 2008, but were not transmitted to the Department of Community Affairs (DCA) upon adoption; and

WHEREAS, the amendments were transmitted to the DCA in 2010, but were found "Not in Compliance" by the DCA; and

SJRWMD Comments: New Smyrna Beach 08-1 work plan settlement agreement

(Prepared 3/1/11 by Peter Brown, SJRWMD Policy Analyst, 386-329-4311)

(City of New Smyrna Beach response prepared 3/20/11 by Gail Henrikson, Planning Manager, 386-424-2134)

A. Comments below are based on a review of the documents listed below received between 1/5/11 and 2/24/11 from Gail Henrikson, New Smyrna Beach Development Services Director and a 2/28/11 phone conference with staff representatives of the City, UCNSB, and DCA.

1. 10-year water supply facilities work plan (WP) prepared by Quentin L. Hampton Associates dated December 2010.
2. Infrastructure Element (IE) with track changes showing revisions since 10-2ER proposed.
3. Intergovernmental Coordination Element (ICE) from proposed 10-2ER.
4. Conservation Element from proposed 10-2ER amendment.
5. Capital Improvements Element adopted in 10CIE1 with further revisions in struck-through and underlined text.
6. DCA's Notice of Intent (NOI)/Statement of Intent (SOI) relative to the 08-1 adopted amendment.
7. Quentin L. Hampton Associates letter to DCA dated 12/10/10 responding to DCA SOI issues.
8. SJRWMD's letter on 10-2ER proposed amendment dated 11/14/10 that includes the SJRWMD's latest comments on water supply planning issues in the 08-1 and 10-2ER amendments.
9. Email from Gail Henrikson providing an updated analysis of water demands associated with future land use map changes proposed in 10-2ER.

B. SOI Issue A.(1) relative to water demand and supplies to serve projected population

1. Recommended remedial actions B.(1)1. through B.(1)3 relative to updating the Work Plan (WP) to provide projected population and water demand figures to use in planning for water supplies and facilities within the City's service area including the unincorporated area served by the City.

- (1) The City should revise WP Table 4-1 to include a new column for increased water demand associated with FLUM changes 7, 9 through 12, and 18 proposed in the 10-2ER amendment, and a new column for total projected water demand.

Table 4-1 in the Water Supply Plan has been revised to include a new column for increased water demand associated with FLUM changes 7, 9 through 12 proposed in the 10-2ER amendment. A new column for total project water demand has also been added. No populations are included for FLUM amendment #18, as the first phase of development on this property will be capped at the same water usage as is currently permitted under the existing land use classification of Industrial. Additionally, in order to address comments from the Volusia County School District, no residential development can occur on the FEC property until a Capacity Enhancement Agreement is entered into with the School District. Therefore, no additional population will be generated as a result of this development. A note has been added to the Future Land Use map detailing these development caps.

(2) The City should revise tables in IE and CE for consistency with the WP. Below is a list of discrepancies noted prior to the City making revisions to WP Table 4-1:

- In IE Table VII-1 (p. VII-5) Wastewater (WW) flows 2000-2009, the 2002 through 2006, 2008, and 2009 WW flows are not the same as those in WP Table 3-5 (p. 21). **Table VII-1 in the Infrastructure Element (IE) has been revised to use the same Wastewater flows as shown in Table 3-5 of the Water Supply Plan.**
- On IE p. VII-2 (paragraph 5), the 2009 WW AADF is not the same as in WP Table 3-5, and population is not the same as WP Table 4-1 and WP Appendix B. **Paragraph 5 on Page VII-2 of the IE has been revised to include the 2009 Wastewater Annual Average Daily Flow shown in Table 3-5 of the Water Supply Plan. The 2009 population estimate has been revised to include the estimate shown in Exhibit B, as Table 4-1 of the Water Supply Plan does not include an estimate for 2009.**
- In IE Table VII-4 (p. VII-19) Wastewater flow projections to 2035, the 5-year intervals for WW AADF are not the same as those in WP Table 4-9 (p.34). **Table VII-4 in the IE has been revised to incorporate the WW AADF shown in Table 4-9 of the Water Supply Plan. Because data from the Utilities Commission, City of New Smyrna Beach is now available for 2010, Table 4-9 in the Water Supply Plan has been revised to utilize the actual 2010 data and projections for years 2015-2035 have been revised based on the actual 2010 data.**
- On IE p. VII-19 (Sludge Disposal Section), the WW AADF figures are not the same as those in WP Table 4-9. **The Sludge Disposal Section on Page VII-20 (previously (VII-19) of the IE has been revised to incorporate the WW AADF figures shown in Table 4-9 of the Water Supply Plan.**
- In CE Table IX-3 (p. IX-11) Potable Water Wellfields Capacity Projections and Requirements, the population and demand figures are different from those in WP Table 4-1 and WP Appendix B. **Table IX-3 in the Conservation Element (CE) has been revised to include the projection populations and demand figures from Table 4-1. These revised figures include projected population and demand from the proposed FLUM amendments. Because the population projections were updated, the "Surplus/Deficit" column in this table was also revised to reflect the updated information. No deficits are projected through 2020.**

2. **Recommended remedial action B.(1)4 relative to describing the reclaimed water projects that will be completed over the term of the City's work plan, including the costs, timing, and revenue sources related to constructing various project components, and including capital improvement projects needed in the first 5 years of the work plan in an updated 5-year Capital Improvements Schedule in the Capital Improvements Element.**

(1) The reuse projects described on the page labeled 61 in WP Appendix A (same projects listed in WP Tables 4-7 and 4-8) are appropriate to meet projected reuse water demands. However, the City should revise the 10-year capital improvement plan (CIP) table for wastewater/reuse improvements on the page labeled 57 in WP Appendix A to include the wastewater/reuse projects to be funded by infrastructure fees in years 6-10 of the work plan (outside of the 5-year CIS adopted in the CIE). These projects are listed in the table on

the page labeled 58 in WP Appendix A (reuse projects are also listed in WP Table 4-8 on p. 34).

Because the 10-year CIP is prepared by the Utilities Commission and has already been adopted, staff cannot revise this table. However, a note has been added to the title sheet for Appendix A stating "Potential construction timeframes for projects listed in Appendix A as funded by infrastructure fees can be found in tables 4-6 and 4-8 of this report. These potential timeframes are speculative and are not binding." Because the improvements shown in Tables 4-6 and 4-8 are to be funded with infrastructure fees from new development, it is difficult, if not impossible to accurately project when these projects will be completed.

- (2) The City should revise the 5-year capital improvements schedule (CIS) in the CIE adopted in 2010 (Table XII-2, pages XII-3 to XII-5) to include reuse water projects in the table on the page labeled 57 in WP Appendix A that are scheduled for FY 2011 through FY 2015 [the same reuse water projects are also listed in WP Table 4-7 (p. 33)].

Table XII-2 in the Capital Improvements Element (CIE) has been revised to include the reuse water projects in the table the page labeled 57 in the WSP Appendix A. Because of changes to Table II-2, Tables XII-4 and XII-5 also had to be revised to incorporate the new totals.

- (3) The City should revise the title of Table 4-7 (WP p.33) to indicate that the projects are included in the UCNSB CIP for FY 2011 – 2020, instead of FY 2011 – 2015.

The title of Table 4-7 in the Water Supply Plan was revised to indicate that the projects are included in the UCNSB CIP for FY 2011-2010, instead of FY 2011-2015.

- (4) The City should revise the title of Table 4-8 (WP p.34) to indicate that the estimated completion dates for the projects are FY 2016 – 2020 instead of FY 2011 – 2015.

The title of Table 4-8 was revised to indicate that the estimated completion dates for the projects are FY 2016-2020, instead of FY 2011-2015.

3. Recommended remedial action B.(1)5 relative to revising the work plan to describe the reuse and water conservation measures contributing to the reduction in demand for water supply and providing implementing comprehensive plan policies.

- (1) Subject to the City making the revisions noted immediately below in comments (2) through (4), the retained and revised policies providing for reuse and water conservation measures address SJRWMD's concerns.

See responses to comments 2-4, below. No additional action required on this comment.

- (2) WP Table 4-3 (p. 24) should be updated to (a) provide current references to policies (see underlined and struck-through text on next page) and (b) indicate which of the measures the City currently implements and will continue to implement, and (c) indicate which of the measures the City will implement in the future, including target dates for implementation.

Table 4-3 in the Water Supply Plan has been revised to provide current references to policies; to indicate which of the measures the City currently implements and will continue to implement; to indicate which of the measures the City will implement in the future, including target dates for implementation.

Table 4-3: Potable Water Conservation and Reclaimed Water Usage Measures

(1)	The following are the water conservation measure in the Water Conservation Plan submitted to the SJRWMD that became part of CUP #8747 that are also required to be implemented by CUP conditions:
a.	Use an inclining block rate structure(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
b.	Implement public education and outreach programs(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
c.	Provide water-efficient landscaping information and/or demonstration garden(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
d.	Prohibit new master meters serving more than one residence(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
e.	Adopt landscape water conservation regulations that provide landscape and irrigation standards (see Policy g. under Potable Water Objective 4 in the Comprehensive Plan Infrastructure Element and Policy g. under Conservation Element Objective 11).
f.	Implement incentive programs to replace inefficient landscapes, plumbing devices, and appliances (see in Policy d. under Potable Water Objective 4 in the Infrastructure Element).
g.	Expedite permitting for clustered developments(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
h.	Implement recycled treatment process water for on-site irrigation(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
i.	Conduct indoor and outdoor water audits(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
(2)	Measures included as conditions in CUP #8747 include:
a.	Enforce the SJRWMD landscape irrigation rule (see Policies a. and b. under Potable Water Objective 4. in the Infrastructure Element and Policy a. under Conservation Element Objective 11)
b.	Ensure that all service connections are metered(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
(3)	Other water conservation measures recommended by the DCA and SJRWMD that the City has the option of implementing include:
a.	Adopt regulations that require installation of water-saving plumbing devices(see Policy a. under Potable Water Objective 4 in the Infrastructure Element).
b.	Promote and encourage the use of low impact development techniques (see Policies f. and h. Under Potable Water Objective 4 and Policies c. and d. under the Natural Groundwater Aquifer Recharge Objective 1 in the Infrastructure Element, Policy g. under the Conservation Element Objection 11, and Policy h. under Objective 10 in the Housing Element).
(4)	Reuse measures that could be used when implementing reclaimed water use to address Condition 29 of CUP #8747 include:
a.	Require installation of reuse supply lines where reclaimed water is available or will be available for use (see Policy e. under Potable Water Objective 4 and Policies a. and b.under Sanitary Sewer Objective 6 and Policy f. under Conservation Element Objective 11).
b.	Require installation of meters for individual connections to the reuse system(see Policy d. under Sanitary Sewer Objective 6).
c.	Use reclaimed water for irrigation and other non-potable needs in public areas owned by the City(see Policy d. under Sanitary Sewer Objective 6).
d.	Retrofit existing development with connections to a reuse system, to supply uses that do not require potable water (see Policy b. under Sanitary Sewer Objective 6).

- (3) Revise text on WP p. 23 as indicated below in underlined text:

Table 4-3 summarizes water conservation measures (including measures to encourage the use of reclaimed water) required by the CUP and recommended by the SJRWMD. The table indicates which water conservation and reuse measures the City currently implements and will continue to implement, and which measures that the City will implement in the future.

The requested wording has been added to Page 24 of the Water Supply Plan. Because some of the water conservation measures will be implemented and/or enforced by the Utilities commission and some will be implemented and/or enforced by the City, the language was changed to the passive voice, instead of stating that the City would be responsible for implementing and/or enforcing all of the measures included on Table 4-3.

- (4) Revise the list of policies on pages 14 and 29 as indicated below in underlined and struck-through text to include all policies referenced in Table 4-3 as revised to address comment (2) above.

The City of New Smyrna Beach water conservation and reuse policies are identified in the Comprehensive Plan as follows:

- Sanitary Sewer, Potable Water, Solid Waste, Drainage, & Natural Aquifer Recharge Element (a.k.a. Infrastructure Element)
 - Sanitary Sewer Objective 6, all associated policies
 - Potable Water Objective 2, Policy e.iii
 - Potable Water Objective 4, all associated policies
 - Natural Groundwater Aquifer Recharge Objective 1, Policyies a., c., and d
- Conservation Element
 - Objective 11, all associated policies
- Housing Element Objective 10, Policy h

Pages 14 and 30 (previously Page 29) have been revised to include the requested language and to be consistent with Table 4-3.

C. SOI Issue A.(2) and DCA's recommended remedial actions B.(2)1.and B(2)2. relative to the Lower Floridan Aquifer (LFA) project, the City's alternative water supply (AWS) project.

1. The City should revise the description of the Lower Floridan Aquifer (LFA) AWS project in Section IV.C.(2) Brackish Groundwater (WP p. 28-29) to be consistent with the project description included in the AWS reports provided to SJRWMD by UCNSB (latest report dated Nov. 12, 2010). The AWS reports indicate that the capital costs for the LFA project include: \$500,000 for planning (financial planning began in 2010 and facilities planning to begin in 2014); \$1.2 million for design and permitting (2014 for planning and 2016 for permitting); \$15 million for capital construction (beginning 2018); and \$500,000 for non-capital construction. As discussed on 2/28/11 the construction may begin later than 2018.

Page 30 of the Water Supply Plan has been revised to include the additional funding shown in Years 2016-2020 in the 10-Year CIP, which is included in Appendix A of the Water Supply Plan. Because the WSP references Appendix A, which is an adopted document, staff believes that it is more appropriate to use this data than the November 12, 2010 report submitted to the SJRWMD.

2. Subject to the revision noted in comment 1 immediately above, the City does not need to revise Project W-128 in the 10-year capital improvement plan (CIP) table for water system improvements (WP Appendix A, page labeled 53).

See response to comment #1, above. No further action required on this comment.

3. The City does not need to further revise project W-128 for AWS development in the 5-year CIS in CIE Table XII-2 because it is already consistent with the CIP in WP Appendix A (page labeled 53) for the period from FY 2012 through 2015, and sufficient to meet capital costs identified in AWS reports filed by UCNSB with SJRWMD.

No further action required on this comment.

4. The other water system projects described on the pages labeled 55 and 56 in WP Appendix A (same projects listed in WP Tables 4-5 and 4-6) are appropriate to meet projected future water demands. However, the City should revise the 10-year capital improvement plan (CIP) table for water system improvements on the page labeled 53 in WP Appendix A to include the water system projects to be funded by infrastructure fees in years 6-10 of the work plan (outside of the 5-year CIS adopted in the CIE). These projects are listed in the table on the page labeled 54 in WP Appendix A (also listed in WP Table 4-6 on p. 31).

Because the 10-year CIP is prepared by the Utilities Commission and has already been adopted, staff cannot revise this table. However, a note has been added to the title sheet for Appendix A stating "Potential construction timeframes for projects listed in Appendix A as funded by infrastructure fees can be found in tables 4-6 and 4-8 of this report. These potential timeframes are speculative and are not binding." Because the improvements shown in Tables 4-6 and 4-8 are to be funded with infrastructure fees from new development, it is difficult, if not impossible to accurately project when these projects will be completed.

5. The City should revise the title of Table 4-5 (WP p.30) to indicate that the projects are included in the UCNSB CIP for FY 2011 – 2020, instead of FY 2011 – 2015.

The title of Table 4-5 has been revised to indicate that the projects are included in the UCNSB CIP for FY 2011-2010, instead of FY 2011-2015.

6. The City should revise the title of Table 4-6 (WP p.31) to indicate that indicate that the estimated completion dates for the projects are FY 2016 – 2020 instead of FY 2011 – 2015.

The title of Table 4-6 was not revised because project W-40 (Glencoe Water Treatment Plant Filter Upgrade) is scheduled to be under construction in 2012. Therefore, revising the title of the table would not be consistent with the data in the table. Additionally, project W-40 is not included in the Utilities Commission 5-year or 10-year CIP table.

7. The City's proposed revisions below to Potable Water (PW) Objective 2, Policies e.iv and h (IE p. 31) address SJRWMD's concerns relative to selection of another AWS projects, should the LFA option prove to be infeasible.

- PW Objective 2, Policy e.iv (IE p. VII-31, struck-through and underlined shows City's proposed changes to 10-2ER proposed)

PW Objective 2, Policy e.iv: Identify and pursue alternative water sources to augment groundwater current sources for water supply. UCNSB shall initiate a program whereby

ranking of Alternative Water Sources (AWS) considered to be viable and practical is updated within 18-months of any revisions to the New Smyrna Beach Water Supply Work Plan or the SJRWMD District Water Supply Plan. This ranking is to include such elements as the estimated capital costs (e.g. permitting and construction) and the estimated lifecycle operating costs in \$/1,000-gal of finished water, the expected lead time required for permitting and construction and expected production quantity of each listed AWS. The UCNSB shall dedicate CIP funds for construction of the top-ranked item on the list to satisfy potential water supply deficits. In the event that the projected water supply deficit identified in the most recent New Smyrna Beach Water Supply Work Plan or SJRWMD District Water Supply Plan exceeds the expected quantity of the top-ranked item, funds shall be programmed in the CIP for the number of highest-ranking AWS project items required to meet the projected deficit.

- PW Obj. 2, Policy h (IE p. VII-31 underlined portion added since 10-2ER proposed).

PW Obj. 2, Policy h: Develop alternative water supplies that will be needed in addition to or instead of groundwater needed to meet water supply demands in the future. The Utilities Commission shall provide an annual status report to the SJRWMD, which shall document all activities taken to develop alternative water supplies including planning, design, permitting, financial and project schedule. The UCNSB will timely develop or use other AWS project options should the Lower Floridan Aquifer (LFA) project option prove to be infeasible.

No additional action required on this comment.

D. SOI Issue A.(3) and recommended remedial action B.(3) relative to adopting adequate policies in the comprehensive plan to address conservation and reuse practices to support the work plan.

1. Subject to the City making the revisions noted above in the analysis of the City's response to DCA's recommended remedial action B.(1)5. under SOI Issue A.(1), no further revisions are needed to policies or to the CE Water Use Conservation Section (CE p. IX-12) and the Alternative Water Supply section (IE p. VII-27, now IE VII-24, paragraph 4 Conservation and Reuse).

See response to previous comments, above. No further action required on this comment.

2. The City should revise the Wastewater Reuse Program section (CE p. IX-12) because the information is outdated.

The Wastewater Reuse Program section in the Conservation Element has been revised to incorporate up-to-date language from Section III of the Water Supply Plan.

3. IE Policy e (now f) under Potable Water Objective 4 in the IE is deleted, which addresses SJRWMD's previous concerns with that policy.

IE Policy e (now f) under Potable Water Objective 4 will be deleted. No further action required on this comment.

E. [SOI Issue A.(4)recommended remedial action B.(4). relative to the CIS in the CIE including projects identified in the work plan.

1. For CIS issues relative to reuse water projects refer to the analysis above under SOI Issue A.1, remedial action B.(1)4.
See response to previous comments, above. No further action required on this comment.

2. No CIS issues relative to AWS project W-128.
No action required on this comment.

3. No CIS issues relative to other water system projects; refer to the analysis above under SOI Issue A.2, remedial action B.(2)1. for long-range issues.
No action required on this comment.

F. SOI Issue A.(5) and recommended remedial action B.(5) relative to adopting an amendment to the ICE to ensure coordination with SJRWMD in implementing and updating the Regional Water Supply Plan.

1. SJRWMD concerns are addressed by the City's proposed revisions to ICE Obj. 2, Policies e, f, and g below that were included in the 10-2ER proposed amendment.

e. Participate in the development of updates to the St. Johns River Water Management District (SJRWMD) Water Supply Assessment, Water Supply Plan, and in other water supply development related initiatives facilitated by SJRWMD that affect the City.

f. The Utilities Commission, City of New Smyrna Beach shall adopt a ten (10) year Water Supply Facilities Work Plan and support documentation that is coordinated with the most recently adopted SJRWMD Water Supply Plan to address water supply facilities necessary to meet existing and projected demand within the service area.

g. Coordinate the maintenance of the Comprehensive Plan with Utilities Commission, City of New Smyrna Beach by adopting a ten (10) year Water Supply Facilities Work Plan within 18 months of an update to the SJRWMD Water Supply Work Plan that affects the City.

No action required on this comment.

G. SOI Issue A.(6) and recommended remedial action B., second number(5) relative to addressing the requirements of Section 163.3180(2)(a), F.S., pertaining to water supply concurrency and coordination with the applicable water supplier before issuing a building permit.

1. The City should revise IE Objective 2, Policy g and Objective 3, Policy d as indicated below to address the concurrency requirements.

IE Objective 2, Policy g [NOTE: single underline proposed by City in 10-2ER, double underline recommended by SJRWMD]: Ensure that adequate water supplies and facilities are available and in place to support new development prior to a certificate of occupancy being issued. As part of this process, prior to issuing a building permit the City will consult with the Utilities Commission of New Smyrna Beach to determine whether adequate water

supplies to serve the new development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy.

IE Objective 3, Policy d [NOTE: no change proposed in 10-2ER, struck-through and underlined text recommended by SJRWMD]: Prior to the issuance of development orders, ~~require new (building permits, site plans and/or subdivisions) to provide~~ ensure that the potable water (including Consumptive Use Permit) infrastructure and services necessary to maintain the adopted level-of-service standards are available and in place to support new development prior to a certificate of occupancy being issued. As part of this process, prior to issuing a building permit the City will consult with the Utilities Commission of New Smyrna Beach to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy.

The requested language is included in IE Objective 2, Policy g and IE Objective 3, Policy d. No further action required for this comment.



City of New Smyrna Beach

March 30, 2011

DAL-TER PROPERTIES LLC
PUC LOWES HOME CENTERS INC
1605 CURTIS BRIDGE RD MC LGS6
WILKESBORO NC 28697

RE: PROPOSED SEWER ASSESMENT DISTRICT ON STATE ROAD 44

Dear Residents and Property Owners:

You are receiving this letter because our records indicate that you own or reside in property that is located in a proposed sewer assessment district. The meeting will be held at the Brannon Center, 105 S Riverside Drive, New Smyrna Beach on April 19, 2011 at 6 p.m.

The purpose of the meeting is to discuss the proposed improvements, timeframes and estimated costs for the assessments. The City also wishes to gauge interest among the property owners with regard to creating a sewer assessment district. A map is attached showing the location of the proposed improvements.

Please contact Gail Henrikson, Planning Manager, with any questions you may have or to request additional information. She may be reached at (386) 424-2134 or via email (ghenrikson@cityofnsb.com).

Sincerely,

Pam Brangaccio
City Manager

enclosure

