

# Community Redevelopment Agency

210 Sams Avenue • New Smyrna Beach, Florida 32168 • (386) 424-2266 • Fax: (386) 409-4759

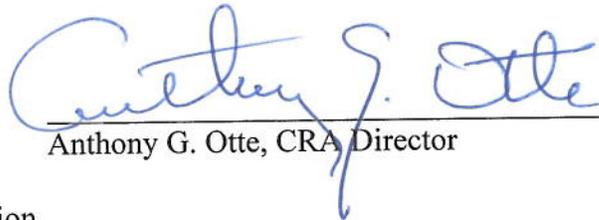
October 27, 2011

## MEMORANDUM

James Kosmas, Chair  
James Peterson, Vice Chair  
Doug Hodson  
Thomas Williams  
Chad Schilsky  
John Kinney  
Melissa Latty

May this serve as your official notification of the **REGULAR MEETING** of the Community Redevelopment Agency to be held on **Wednesday, November 2<sup>nd</sup>, 2011 at 2:00 p.m.** The meeting will be held at the **City Hall Commission Chamber, 210 Sams Ave, New Smyrna Beach, FL 32168** to discuss the attached Agenda pursuant to Florida Statute 163 and Local Ordinance 23-85.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony G. Otte, CRA Director

cc: Mayor and City Commission  
City Manager /City Attorney  
SE Volusia Chamber of Commerce  
CRA Funding Partners  
Members of the Press  
Flagler Merchants Assoc.  
Canal Street Historic District  
Public Notice

Attachment

**REGULAR MEETING AGENDA  
COMMUNITY REDEVELOPMENT AGENCY  
WEDNESDAY, NOVEMBER 2, 2011 AT 2:00 P.M.,  
CITY COMMISSION CHAMBERS,  
210 SAMS AVE. NEW SMYRNA BEACH, FL**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. CONSENT AGENDA**

- A. Approval of Minutes – Regular CRA Meeting October 5, 2011
- B. Residential Grant Start Time extensions -
  - 1. 1111 S. Atlantic Ave
  - 2. 543 Washington Street
- C. CRA Social Media Policy

**4. PUBLIC PARTICIPATION**

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

**5. PRESENTATION:**

None

**6. OLD BUSINESS**

- A. Revisiting of the Funding Request for Event Insurance – Flagler Merchants
- B. Lease of Parking Lot at Coronado Community Methodist Church

**7. NEW BUSINESS**

- A. Small Scale Improvements Grant –
  - 1. 209 Rush Street – La Mirage
  - 2. 135 Canal Street – Jason’s Corner
- B. Combined Grant –
  - 1. 409 Flagler Ave
  - 2. 308 N. Orange Ave.

**8. REPORTS AND COMMUNICATIONS**

- A. Director’s Report
- 1. Update on Moving the Votran bus stop from Christmas Park
- B. CRA Attorney’s Report
- C. Capital Projects Report
- D. Commissioner Report
- E. Tracking Report
- F. Correspondence

**9. ADJOURNMENT**

Pursuant to Chapter 80-15 of the Florida Sessions Laws, if an individual decides to appeal any decision made with respect to any matter considered at a meeting or hearing, that individual will need to ensure that a verbatim record of the proceedings is made. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the Board Secretary listed below prior to the meeting:  
Claudia Soulie, CRA Administrative Assistant, City of New Smyrna Beach, 210 Sams Avenue, New Smyrna Beach, FL 32168, (386) 424-2265.

# ***CONSENT AGENDA***

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**MINUTES OF THE  
CITY OF NEW SMYRNA BEACH  
COMMUNITY REDEVELOPMENT AGENCY  
MEETING OF OCTOBER 5, 2011  
CITY COMMISSION CHAMBER, CITY HALL, 210 SAMS AVE.  
NEW SMYRNA BEACH, FLORIDA**

CRA Chair James Kosmas called the CRA meeting to order at 2:00 p.m.

**Answering to roll call:**

**James Kosmas  
James Peterson  
Doug Hodson  
Chad Schilsky  
Thomas Williams  
John Kinney  
Melissa Latty**

Also present were CRA Director Tony Otte; CRA Administrative and Program Specialist Claudia Soulie and CRA Attorney Mark Hall. CRA Project Manager Michelle Martin was present, but left after “Old Business”.

**CONSENT AGENDA**

A. Approval of Minutes – Regular CRA Meeting September 7, 2011

**Mr. Hodson made a motion to approve the Minutes as written; seconded by Ms. Latty. Motion carried on roll-call vote 7-0.**

B. Grant Start Time extension for 402 Flagler Ave – Pat Collado

**Mr. Peterson made a motion to approve the additional time extension; seconded by Mr. Hodson. Motion carried on roll-call vote 7-0.**

C. NSB Waterfront Loop billboard cost sharing

Mr. Otte stated that the CRA was approached by the Canal Street Historic District (CSHD) Association with the opportunity to cooperatively advertise on an I-95 billboard. In exchange for equally sharing the cost, the CSHD Association will offer full creative authority to the CRA.

Mr. Otte continued that the CRA’s suggested ad concept would place a “Do the Loop!... from the Canal Street Historic District” ad on the billboard. This concept is in line with the “cooperative advertising program” listed in the NSB Waterfront Loop Marketing Plan and the cooperative ad would provide an avenue for the NSB Waterfront Loop to define its assets while offering an affordable marketing tool for the CSHD.

Ms. Cindy Peterson, President of the CSHD was present and gave a brief summary of the proposed contract details.

51  
52 A brief discussion ensued about potential costs of changing the display and when the  
53 Loop website would be up and running.

54  
55 **Mr. Kinney made a motion to approve the Loop billboard cost sharing in a CRA**  
56 **funding amount not to exceed \$6,800; seconded by Mr. Hodson. Motion carried on**  
57 **roll-call vote 7-0.**

58  
59 Ms. Soulie asked to read into record the FORMS 8B MEMORANDUM OF VOTING  
60 CONFLICT from the September 7, 2011 CRA meeting from Commissioners Peterson,  
61 Williams and Kosmas. Commissioner Peterson had abstained from voting on the  
62 Opportunity Site consideration for 431 Canal Street; Commissioner Kosmas had  
63 abstained from voting on the funding request for the Harmonica Championship and  
64 Commissioner Williams had abstained from voting on agenda items for Merk's Bar and  
65 Grill as well as the Dolphin View restaurant (forms attached to Minutes).

66

67 **PUBLIC PARTICIPATION**

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

70 Ms. Flare Elliot, President of Friends of Canal, commented on the CRA having joint  
71 ventured with Friends of Canal in the past in regards to a wayfinding mural that was  
72 painted on a building at the entrance to Canal Street (off US1). Ms. Elliot stated that it  
73 may be in need of rehabilitation, as some of the paint is fading and suggested that the  
74 mural could be redesigned as a "bill board" for the NSB Waterfront Loop. She asked that  
75 the CRA Commissioners look at this mural as Friends of Canal would welcome any  
76 input.

77 \*\*

78 Mr. Michael Williams with Chisholm Alumni gave a brief history on past CRA funding  
79 for the pedestal of a Wildcat Sculpture at the Babe James Center. Mr. Williams stated  
80 that the Alumni Association was now planning on affixing plaques of every person that  
81 ever attended Chisholm Elementary on a wall at the Babe James Center and was asking  
82 for CRA assistance in the amount of \$2,200.

83 The CRA recommended that Mr. Williams contact staff.

84 \*\*

85 Mr. Bill Preston, with The Hub on Canal, commented that they were not able to obtain  
86 the authorization letter from the property owner by the required time in order to keep  
87 their scheduled item on today's agenda. Sally MacKay, with The Hub on Canal, stated  
88 that the CRA was doing a wonderful job with improving the image of Canal Street and  
89 continued that The Hub was very interested in becoming part of this positive forward  
90 momentum.

91 \*\*

92 Hearing no further requests, Mr. Kosmas closed the Public Participation of the meeting.

93

94 **PRESENTATION:**

95 None

96 **OLD BUSINESS**

97 **A. Donna Banks – Contract recommendation**

98  
99  
100 Mr. Otte stated that Donna M. Gray-Banks has been under contract with the City as a  
101 Consultant since August 2010 to direct efforts to establish the business incubator in the  
102 Historic Westside. These duties have included arranging business start-up seminars,  
103 arranging for job training, and coordinating leasing efforts with a family who owns the  
104 building at the Northwest corner of Washington and Dimmick. Those duties are paid for  
105 with CRA funds.

106  
107 Mr. Otte continued that in addition, Ms. Gray-Banks also serves as a “community  
108 resource” for the Historic Westside and that these duties would be expanded in the  
109 proposed contract. Mr. Otte stated that this work is being paid for by the City’s General  
110 Fund.

111  
112 A brief discussion ensued if Ms. Banks would now be a City employee versus a  
113 consultant; the risk of “sharing” CRA personnel for auditing reasons and the total number  
114 of hours Ms. Banks would work for the CRA. Mr. Otte stated that she would be  
115 considered a contract employee and that she keeps an accurate time log delineating time-  
116 spend on CRA versus City work.

117  
118 Mr. Kosmas wanted the contract to reflect that Ms. Gray-Banks was not guaranteed  
119 twenty hours per week and that the CRA portion would not exceed \$25,000 per year.

120  
121 **Mr. Kinney made a motion to approve the contract not to exceed \$25,000; seconded**  
122 **by Ms. Latty. Motion carried on roll-call vote 7-0.**

123  
124 **B. 545 Washington St. Grant Application revision**

125  
126 Mr. Otte stated that at the September 7, 2011 meeting the CRA approved a Large Grant  
127 application for a residential infill project at 545 Washington Street. Mr. Otte continued  
128 that since the grant amount exceeded \$25,000, the application was scheduled for  
129 ratification by the City Commission on September 27, 2011. The City Commission  
130 postponed approval of the grant application pending the issuance of an approved siteplan.

131  
132 Mr. Otte stated that Mr. Kung had told staff that this delay would adversely affect an  
133 existing structure on the parcel and that at this time he would like to withdraw the  
134 existing cottage and a proposed new cottage from the prior grant approval. The adjusted  
135 project cost total was now \$107,403, representing a reduction of \$42,961 from the  
136 original application. CRA reimbursement request remains at \$50,000.

137  
138 Mr. Otte continued that staff recommends approval of the revised application contingent  
139 on the applicant obtaining an approved Site Plan. Depending on the Planning Manager’s  
140 recommendation, the application may have to go before the Planning and Zoning Board  
141 prior to being scheduled for review and ratification by the City Commission.

142

143 **Mr. Williams made a motion to approve the revised application; seconded by Mr.**  
144 **Kinney. Motion carried on roll-call vote 7-0.**

145  
146  
147

C. Flagler Boardwalk Improvements Project – Bid Award recommendation

148 Mr. Otte stated that on September 20, 2011 six (6) bids were received and opened  
149 publicly at City Hall for the Flagler Ave Boardwalk Improvements Project. Mr. Otte  
150 continued that the apparent low bidder is A.G. Pifer at \$899,495. A.G. Pifer has not done  
151 work for the city previously; however, they received positive references and  
152 recommendations from other cities.

153

154 Mr. Otte stated that staff recommends awarding the Flagler Ave Boardwalk  
155 Improvements Project contract to A.G. Pifer at the amount of \$899,495.00.

156

157 Mr. Khalid Resheidat, Assistant City Manager and Public Works Director was present  
158 and gave a brief summary on the proposed project, the proposed schedule and potential  
159 grants that have been applied for.

160

161 **Mr. Hodson made a motion to approve staff’s recommendation; seconded by Mr.**  
162 **Schilsky. Motion carried on roll-call vote 7-0.**

163

D. Esther St Park Seawall – Bid Award recommendation

164

166 Mr. Otte stated that in September 22, 2011 staff conducted a bid opening for the Esther St  
167 Seawall Project and that a total of eight (8) bids were received. S.E. Cline was the  
168 apparent lowest responsive bidder at \$248,325 which was well below the projected  
169 construction cost estimate. Staff reviewed the bid and scope of work with S.E. Cline’s  
170 Vice President and was assured that their bid was reflective of the work needed to  
171 complete the project and fulfill the contract documents. Mr. Otte continued that staff  
172 endorses S.E. Cline for this project and recommends awarding the contract to them in the  
173 amount of \$248,325.

174

175 Mr. Kosmas asked for clarification if this contract was in addition to past CRA funds that  
176 had been used for Esther Street park improvements. City Manager Brangaccio and Mr.  
177 Otte stated that this contract is Phase 1 of construction for this project and the only  
178 money spent thus far was for the acquisition of the property.

179

180 **Mr. Hodson made a motion to approve staff’s recommendation; seconded by Mr.**  
181 **Kinney. Motion carried on roll-call vote 7-0.**

182

**NEW BUSINESS**

183

A. 1. Funding Request – “Holiday Food and Wine Festival

184

185  
186 Mr. Otte stated that staff was approached by Pamela Simmons with Norwood’s about  
187 possible funding assistance for an event called Holiday Food and Wine Festival 2011.  
188 Mr. Otte continued that this year marked the 16<sup>th</sup> Annual Event showcasing new wines,  
189 various food selections from around the world and featuring area purveyors and  
190 restaurants. The event has expanded each year and the organizers’ goal is to increase

191 event attendance by 10% and they are planning to achieve this by an increase in  
192 advertising with potential CRA grant funding. The total project cost is estimated at  
193 \$55,950 with \$6,000 being proposed for advertising. Staff recommends approval of the  
194 request of \$6,000 (27.84% of the advertising budget of \$21,550).

195  
196 A brief discussion ensued about the positive impact this event has had on the district.

197  
198 **Mr. Hodson made a motion to approve staff's recommendation in the amount of**  
199 **\$6,000; seconded by Mr. Williams. Motion carried on roll-call vote 7-0.**

200

201 2. Funding Request – Event Insurance for Merchants of Flagler Ave, Inc.

202

203 Mr. Otte stated that staff was approached by Adele Aletti, President of the Merchants of  
204 Flagler, Inc. about CRA reimbursement for their event insurance in the amount of  
205 \$3,722.94. This insurance covers events from September 2011 through September 2012.  
206 Event Insurance is an eligible expense through the Grants and Aids program and as such,  
207 staff recommends approval.

208

209 Mr. Otte also informed the CRA that he had received a phone call from a County Staff  
210 member the evening before the CRA meeting, inquiring if event insurance was an  
211 allowable expense, therefore, Mr. Otte would like to make this approval contingent upon  
212 further investigation by the CRA Attorney.

213

214 A brief discussion ensued about the coverage period and that the premium had already  
215 been paid, thus making this expense ineligible for reimbursement.

216

217 Mr. Schilsky, Ms. Latty and Mr. Kinney abstained from voting on this item as they are  
218 members of the Merchants of Flagler.

219

220 **Mr. Peterson made a motion to deny the request as it had been paid prior to CRA**  
221 **approval; seconded by Mr. Williams. Motion carried on roll-call vote 4-0.**  
222 **Commissioners Latty, Kinney and Schilsky abstained.**

223

224 3. Funding Request – Stand-Up Paddleboarding Event

225

226 Mr. Otte stated that staff was approached by Erik Lumbert, co-owner of Paddleboard  
227 New Smyrna Beach, about possible funding assistance for an event called The Mayor's  
228 SUP CUP to be held on November 19<sup>th</sup> and 20<sup>th</sup>, 2011, and that this will be the first ever  
229 World Sanctioned SUP CUP race held in New Smyrna Beach.

230

231 Mr. Otte continued that the total project cost is estimated at \$12,373 with \$5,377 being  
232 proposed for print advertising, banners, event insurance and Race Jerseys. The applicant  
233 has agreed to include the NSB Waterfront Loop logo on their race jerseys, Causeway and  
234 horizontal banners as well as their Newspaper ads.

235

236 Staff recommends approval of the request of \$5,377 (43% of the overall budget).

237

238 A brief discussion ensued about this being a start-up event and possibly having the CRA  
239 Marketing Coordinator review applications for new events.

240 **Mr. Williams made a motion to approve staff's recommendation contingent upon**  
241 **review by the CRA Attorney of items that qualify for funding; seconded by Mr.**  
242 **Kinney. Motion carried on roll-call vote 7-0.**

243

244 B. Discussion to add 120, 124 and 132 Canal Street (The Hub on Canal)

245

246 Ms. MacKay addressed the CRA and asked them to consider assisting The Hub with 25%  
247 of their potential lease amount for a proposed project or operation.

248

249 Mr. Kosmas asked the CRA Attorney on how to handle this agenda item as property  
250 owner approval had not been obtained. Mr. Hall suggested deferring it to the next  
251 meeting.

252

253 A brief discussion ensued about what the CRA would define as an opportunity site and  
254 that one determination could be the use of the property.

255

256 Mr. Williams felt that a key component would be if the property is currently vacant and  
257 this applied to The Hub.

258

259 Mr. Peterson felt that The Hub is a project and would impact the redevelopment of New  
260 Smyrna Beach and stated that the current Rental program could be adjusted to meet larger  
261 projects' needs.

262

263 Mr. Hodson felt that the Board could consider this project as an Opportunity site if the  
264 merits presented themselves.

265

266 Ms. Latty could conceive this as an Opportunity site, but felt that a lease needed to be in  
267 place before any decision could be made.

268

269 Mr. Kosmas stated that his idea of Opportunity sites was a vacant site in need of  
270 redevelopment in order to encourage the strength of the district and, while he feels that  
271 this would be a great opportunity for New Smyrna and Canal Street, he would not  
272 consider this project as an Opportunity site.

273

274 Mr. Schilsky felt that The Hub would have a great impact on the community and would  
275 revitalize Canal Street, but did not agree with funding utility cost and lease subsidies.

276

277 Mr. Kinney stated that he was in support of The Hub, but did not consider it as an  
278 Opportunity site, as the proposed building was not blighted.

279

280 C. Opportunity Site Grant Application and Deal-Points – 231 Canal Street -  
281 former Pennysaver Bldg.

282

283 Mr. Otte stated that Mr. Bob Wiley is applying for an Opportunity Site Grant for the  
284 renovation of the former Pennysaver Building, which is included on the list of  
285 Opportunity Sites in the CRA's Master Plan update. Mr. Otte continued that the applicant  
286 proposes that the Grant be divided into two phases:

287



- 336 (if any) and permit fees. Construction timeframe: start in November, 2011, and  
337 conclude in February, 2012.
- 338 6. The work to be completed in Phase II is depicted in the architect's rendering and  
339 site plan/floor plan (to be determined by future tenants) interior build-out  
340 including interior doors, walls, HVAC, bathrooms/plumbing, electric, natural gas,  
341 lighting, ceilings, flooring, and painting. Upgrading of outdated and unsightly  
342 electric pole (on east side) to pad-mount transformer. Relocate generator, grease  
343 trap, exhaust, hood, front (south) parking lot redesign, pavers, rear (north) parking  
344 lot redesign and connecting the site to the two adjacent parking lots per rendering.  
345 Dumpster, demo, and trash removal, architect and engineering fees,  
346 landscape/irrigation, impact fees (if any), permit fees, and other miscellaneous  
347 costs related to Phase II and contractor fees for Phase II. Construction timeframe,  
348 approximately four months from start date (specific dates to be determined,  
349 following Phase I)
- 350 7. Award of Opportunity Site grant does not preclude the owner or tenant(s) from  
351 seeking a future Combined Grant for interior leasable spaces in the building.
- 352 8. The granting of CRA funds in this program for this project is contingent on City  
353 Commission approval.
- 354 9. The building must comply with all local, state, and federal enactments including  
355 land use regulations, the City's Land Development Regulations, zoning, building  
356 codes and permitting procedures, and any other applicable laws and regulations.
- 357 10. The applicant must supply approved plans and specifications, a detailed time  
358 schedule and schedule of costs, which shall be attached to the grant and become a  
359 condition of the grant.
- 360 11. Any transfer of substantial ownership, as long as this CRA is in existence, shall be  
361 subject to approval of the CRA and such approval shall not be unreasonably  
362 withheld.
- 363 12. The applicant will maintain the redeveloped property to the standard shown in the  
364 plans and specifications, normal wear and tear excepted.
- 365 13. The applicant will begin work within 45 days and will complete all improvements  
366 within one year of City Commission approval of grant award.
- 367 14. The applicant will maintain appropriate insurance coverage on the building and  
368 premises until all grant funds are dispersed.
- 369 15. All representations by the applicant are true and complete including site plans,
- 370 16. The applicant represents that there are no environmental issues that would  
371 obstruct the intended use of the building.
- 372 17. The applicant will comply with Canal St design guidelines, applicable building  
373 codes and inspection procedures
- 374 18. CRA grant funds shall be provided on a 50/50 matching basis and on a  
375 reimbursement basis following inspection and acceptance of the work (acceptance  
376 to not be unreasonably withheld.)
- 377 19. The applicant understands that:
- 378 a. All CRA grant approvals are contingent on permitting and development  
379 approvals.
- 380 b. Any expenses related to the preparation of the grant application or  
381 materials in support of the grant application, including conceptual plans,  
382 studies, and work performed on site prior to final grant approval, etc are  
383 ineligible expenses

- 384 c. Phases I and II of this grant are the only Opportunity Site grant that will be  
385 awarded for this site  
386 d. The property will not be delinquent in the payment of property taxes.  
387 e. Violations of the terms and conditions of the grant shall be deemed a  
388 violation for Code Enforcement purposes.  
389 20. Funds will be provided through:  
390 a. Progress payments with a draw schedule to be included in the agreement.  
391 b. Progress payments and final payment shall be made following the  
392 submission of documentation of cost, inspections, and acceptance  
393 22. Disputes shall be decided by the CRA Board of Commissioners.  
394 23. Other terms may be required prior to grant award.  
395

396 Mr. Wiley gave a brief history of what he is proposing and elaborated on the project  
397 drawings included in his application packet. Mr. Wiley commented on joining his parking  
398 lots with the CRA parking lot on Julia Street. Mr. Kosmas was in favor of creating a  
399 permanent easement.  
400

401 A discussion ensued about Mr. Wiley only having provided an estimate from one  
402 contractor.  
403

404 Mr. Wiley explained that he had used one specific local, general contractor for a number  
405 of years on several of his projects with great success and that this contractor has agreed to  
406 waive certain fees, which translated in additional savings for the project. Furthermore,  
407 Mr. Wiley continued that the project is “shovel ready” and the collection of two more  
408 bids would adversely delay the project.  
409

410 Some Commissioners felt that accepting only one bid may set a negative precedent for  
411 future opportunity site applications; other Commissioners stated that the Grant guidelines  
412 allow for justification by the applicant as to why less quotes were submitted and that they  
413 were satisfied with Mr. Wiley’s explanation. Furthermore, they felt that each application  
414 would be reviewed on its own merits.  
415

416 Further discussion ensued about the deal points and Mr. Kosmas had the following  
417 additions to the deal points:  
418

- 419 • Deal Point 2: .... to be determined by the CRA
- 420 • Deal Point 12: The applicant, or any successors or assigns,.....
- 421 • Deal Point 14: ...as long as he or she owns the property.
- 422 • Deal Point 19: ...throughout term of ownership  
423

424 Mr. Kosmas questioned the Phase I Environmental Assessment Letter included in the  
425 application packet and felt that an opinion letter from the environmental engineer was  
426 necessary. Mr. Wiley noted that request.  
427

428 Mr. Kosmas asked the Commissioners for comments and a brief discussion ensued about  
429 the ratio of CRA reimbursement; that this project should have a great impact on Canal  
430 Street and the fact that only one contractor estimate has been submitted. Mr. Kosmas  
431 suggested a motion either requiring or waiving the three (3) quote requirement for this  
432 project.

433 **Mr. Hodson made a motion to waive the three (3) bid requirement for this project;**  
434 **seconded by Ms. Latty. Motion carried on roll-call vote 4–3 with Mr. Williams, Mr.**  
435 **Kinney and Mr. Kosmas casting the dissenting votes.**

436  
437 Mr. Schilsky clarified that he voted in favor of waiving the requirement for this project  
438 due to the history the applicant has with the contractor.

439  
440 **Mr. Schilsky made a motion approve the deal points up to \$400,000; seconded by**  
441 **Ms. Latty. Motion carried on roll-call vote 7-0.**

442  
443 Mr. Kosmas asked that funding be contingent upon the outcome of the opinion letter for  
444 the Phase I environmental assessment.

445  
446 A brief discussion ensued about what type of grants potential tenants could receive.

447  
448 D. Review of Flagler Avenue/Beachside Parking Inventory and Initiatives

449  
450 Mr. Otte stated that one of the City Commission’s “Top Ten Goals and Objectives for  
451 2011” is to “Complete a Long Range Parking Plan for Flagler” and that the Planning  
452 Department staff, CRA staff, and the City Manager have prepared a report entitled  
453 “Flagler Avenue/Beachside Parking Inventory and Initiatives”.

454  
455 Mr. Otte continued that this report builds on the data that was collected by Glatting  
456 Jackson (now AECOM) during the development of the CRA Master Plan Update and  
457 includes short-term and long term initiatives for parking. The report will be the subject  
458 of a special meeting of the City Commission on Tuesday, October 11, 2011 at 5:30 pm  
459 in the City Commission Chambers, preceding the regular City Commission meeting at  
460 6:30 pm.

461  
462 Mr. Otte informed that one of the short term recommendations suggests entering into a  
463 parking lease with the Coronado Community Methodist Church and that staff is in the  
464 process of drafting an agreement.

465  
466 Mr. Otte stated that staff requests discussion on this item and will forward  
467 recommendations to the City Commission.

468  
469 Mr. Kosmas felt that the study reflected that more parking spaces were available than he  
470 had anticipated.

471  
472 Hearing no further comments from the CRA Commissioners, Mr. Kosmas moved to  
473 Reports and Communications.

474  
475 **REPORTS AND COMMUNICATIONS**

476  
477 A. Director’s Report

478  
479 1. Moving the Votran bus stop from Christmas Park

480

481 Mr. Otte informed the CRA that staff has been in contact with Votran about moving the  
482 Votran Bus Stop from Christmas Park to the east side of Sams Ave just south of Julia St.  
483 and that the City Commission will consider approval at their October 11, 2011 City  
484 Commission meeting.

485

486 2. Report on Landscaping at US 1 and Canal St.

487

488 FDOT plans to have a public meeting to discuss the current stage of plan development for  
489 the US 1 and Canal St intersection improvements on November 15, 2011. CRA staff will  
490 assist in notifying the Canal St merchants and other interested parties.

491

492 D. Commissioner Reports

493

494 • Mr. Williams stated that he was looking forward to attending the Florida  
495 Redevelopment Conference.

496

497 • Mr. Peterson inquired about ways to better advertise for the grant programs,  
498 specifically the Small-Scale program.

499

500 A brief discussion ensued about notifying contractors of the availability of grant  
501 programs and that the Marketing Consultant should be involved in that effort as well as  
502 contacting Mr. Hodson for his marketing expertise.

503

504 • Mr. Peterson asked if the CRA could look into having dedicated Police Officer  
505 position(s) in the CRA.

506

507 Mr. Hall stated that he would check into it, but that some cities had experienced  
508 problems.

509

510 Hearing no further comments, Mr. Kosmas entertained a motion to adjourn.

511

512 ADJOURNMENT

513

514 **A motion was made to adjourn; all agreed. Meeting adjourned at 5:44 pm.**



**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Thomas C. Williams, hereby disclose that on 9-7, 20 11:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Engineer of Record for Dolphin View Dining Room Renovation

9-7-11

Date Filed

Thomas C. Williams  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Williams Thomas Calvin	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CRA
MAILING ADDRESS 206 Live Oak St.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY N.S.B. Volusia COUNTY FL	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 9-7-11	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas C Viltum hereby disclose that on 9-7, 20 11:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which  
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Engineer of Record for Menk's Bar & Grill  
Restroom Renovation

Date Filed

9-7-11

Signature

Thomas C Viltum

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Peterson James Cameron</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS <i>497 Old Mission Rd.</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <i>New Smyrna Beach      Volusia</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>9/7/11</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, James C. Peterson, hereby disclose that on September 7, 20 11:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, Mother and Father \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Request to add 431 Canal Street to Opportunity Site list. Parents of Record owners of 431 Canal, Inc. owned of the Property.

9/7/11  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>KOSMIN JANTA M.</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CRN.</b>
MAILING ADDRESS <b>111 LIVE OAK</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <b>NEB</b>	NAME OF POLITICAL SUBDIVISION: <b>NEW RENTONIA FL</b>
COUNTY <b>OK TL</b>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED <b>9-7-11</b>	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, JAMES M. KORN, hereby disclose that on 9-7-11, 2011:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I DONATED TO BUY  
THROUGH MY RETIRED

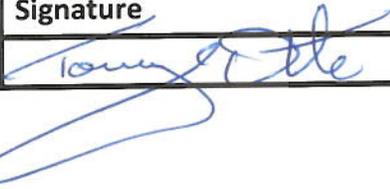
Harmonica Championship  
Funding request

9-7-11  
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

## CRA AGENDA ITEM SUMMARY

<b>Staff Member Making Request:</b> Claudia Soulie		
<b>Meeting Date:</b> November 2, 2011		
<b>Action Item Title:</b> CRA Grant Time extension requests – 1111 S. Atlantic Ave.		
<b>Agenda Section:</b> Consent <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Special Items <input type="checkbox"/>		
<p><b>Summary Explanation and Background</b></p> <p>On August 4, 2011 the CRA approved a Residential Property Improvement Grant for 1111 S. Atlantic Ave.</p> <p>The applicant's representative, Mr. Sid Cohern, has contacted staff requesting a ninety (90) day time extension until February 4, 2012. (see attached email).</p>		
<p><b>Recommended Action/Motion:</b></p> <p>Approve the requested time extension contingent that the applicant re-submit the application should there be any revisions to the plans that were reviewed and approved by the CRA.</p>		
<p><b>Funding Analysis:</b> Budgeted <input checked="" type="checkbox"/> If not budgeted, recommend funding account:</p> <p>Account number 120.51502.583001, which has a balance of \$370,000.</p>		
<p><b>Exhibits Attached:</b></p> <p>1. Time extension request email from Sid Cohern dated October 13, 2011</p>		
<b>Reviewed By:</b>	<b>Name</b>	<b>Signature</b>
CRA Director	Tony Otte	
<b>Commission Action</b>		

**Soulie, Claudia**

---

**Subject:** FW: Expansion of CRA district boundaries

---

**From:** SCADesigns@aol.com [mailto:SCADesigns@aol.com]  
**Sent:** Thursday, October 13, 2011 9:17 AM  
**To:** Soulie, Claudia  
**Subject:** Re: Expansion of CRA district boundaries

claudia

per our conversation yesterday i would like to request a ninety day extension to start the project for 1111 south atlantic avenue.

the client is out of the country for the next two to three weeks.

i have the plans ready to submit to the city and we will turn the plans in for permitting when my client returns from his trip.

thank you for your consideration.

sid

sid corhern  
architect  
p.o. box 829  
new smyrna beach, florida 32170  
386-428-0056  
[scadesigns@aol.com](mailto:scadesigns@aol.com)

## CRA AGENDA ITEM SUMMARY

<b>Staff Member Making Request:</b> Claudia Soulie		
<b>Meeting Date:</b> November 2, 2011		
<b>Action Item Title:</b> CRA Grant Time extension requests – 543 Washington		
<b>Agenda Section:</b> Consent <input checked="" type="checkbox"/> Public Hearing _____ Special Items _____		
<b>Summary Explanation and Background</b>		
<p>On August 4, 2011 the CRA approved a Residential Property Improvement Grant for 543 Washington Street.</p> <p>The applicant has contacted staff requesting a ninety (90) day time extension until February 4, 2012. (see attached letter).</p>		
<b>Recommended Action/Motion:</b>		
Approve the requested time extension contingent that the applicant re-submit the application should there be any revisions to the plans that were reviewed and approved by the CRA.		
<b>Funding Analysis:</b> Budgeted <input checked="" type="checkbox"/> If not budgeted, recommend funding account:		
Account number 120.51502.583001, which has a balance of \$370,000.		
<b>Exhibits Attached:</b>		
1. Time extension request letter from the applicant's contractor dated October 26, 2011		
<b>Reviewed By:</b>	<b>Name</b>	<b>Signature</b>
CRA Director	Tony Otte	
<b>Commission Action</b>		

**Soulie, Claudia**

---

**Subject:** FW: preliminary Grant approval

From: Richard Shassian [mailto:rs@essianconstruction.com]  
Sent: Wednesday, October 26, 2011 2:48 PM  
To: Soulie, Claudia  
Cc: livebaitinc@yahoo.com  
Subject: Time Extension for 543 Washington Street

Claudia:

Based on the deferral of the Large grant for 545 Washington by the City Commission and waiting for the entire project's Grant approval, this process has delayed construction on Cottages A & B. It was our intent to build concurrently on the (4) proposed houses. Based on Site Plan Approval Process, we are anticipating beginning construction November 1, 2011 on Cottages A & B.

Please accept this email as a request for a 90 day extension as it relates to the approved Residential Grant at 543 Washington. Ave.

Respectfully,  
Richard Shassian  
Essian Construction LLC  
407-310-4316

## CRA AGENDA ITEM SUMMARY

**Staff Member Making Request** Tony Otte

**Meeting Date:** November 2, 2011

**Action Item Title :** Social Media Policy for the NSB Waterfront Loop

**Agenda Section:** Consent  Public Hearing  Special Items

### **Summary Explanation and Background**

To embark on the use of social media as part of the marketing efforts for the NSB Waterfront Loop, a policy that defines use and compliance must be adopted to mitigate Sunshine Law and copyright violations, etc. Social media includes the various online (electronic) technology tools that enable people to communicate easily via the internet to share information and resources. Forms of electronic communication include websites for social networking and blogs that offer the formation of online communities to share information, ideas, messages, and other content such as text, audio, video, images, and podcasts. The most prominent examples of social media sites are Facebook, Twitter, and YouTube.

As new and emerging technologies offer new avenues for the distribution of information, the City of New Smyrna Beach Community Redevelopment Agency has a business need to augment traditional communication methods with the use of social media channels. The NSB Waterfront Loop social media sites (Facebook and Twitter) will serve as unidirectional tools to market CRA events, assets and opportunities to citizens, especially younger generations.

The use of social media can present both opportunity and risk if used as a two-way communication between the City and the public. However, risk can be minimized through customized security settings that limit incoming posts while maintaining the outgoing communication channel. While many argue this restriction takes the "social" out of the "social media," it continues to allow subscribers to "follow" NSB Waterfront Loop posts. As a "friend" of the NSB Waterfront Loop, posts are sent directly to subscribers; subscribers need not go looking for the information. This restriction also further assuages concerns over Sunshine Law violations since no one other than assigned staff can post on the site.

The NSB Waterfront Loop social media policy applies to the marketing initiatives of the CRA and does not establish policy for general City social media usage.

The NSB Waterfront Loop is the approved name to be used in the branding of the CRA. This effort follows the recommendation on p. 49 of the CRA Master Plan Update for "branding the loop."

### **Recommended Action/Motion:**

Approval of the NSB Waterfront Loop social media policy.

**Funding Analysis:** Budgeted  \_\_\_\_\_

Initial start-up costs are estimated at \$200 for graphic design. Social media maintenance postings will be conducted by City staff or CRA marketing consultant. This cost is estimated at \$120/week. No monthly/yearly fees are incurred for use of this media at this time. Records retention fees are estimated at \$30-100/month with a \$100 start-up fee. Expenses are funded in budget line items 120.51502.531099, Other Professional Service, and 120.51502.548001, Promotional Expense.

**Exhibits Attached:**  
NSB Waterfront Loop Social Media Policy

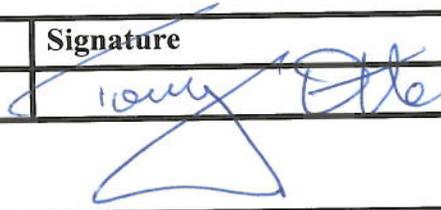
**Reviewed By:**

**Name**

**Signature**

CRA Director

Tony Otte



**Commission Action**

**Policy for use of Social Media  
For the NSB Waterfront Loop**

**Purpose**

As new and emerging technologies offer new avenues for the distribution of information, the City of New Smyrna Beach Community Redevelopment Agency has a business need to augment traditional communication methods with the use of social media channels. This need primarily stems from public demand and the rapid growth of social media use by other local, state and federal government entities, as well as community redevelopment agencies (CRA) and tourism authorities, as an indication that social media can be used effectively to enhance constituent communications.

The use of social media can present both opportunity and risk if used as a two-way communication between the City and the public. However, risk can be minimized through customized security settings that limit incoming posts while maintaining the outgoing communication channel.

In general, the CRA supports the use of social media technology to enhance communication and information distribution to meet marketing goals. The NSB Waterfront Loop social media sites will serve as unidirectional tools to market CRA events, assets and opportunities to citizens, especially younger generations.

**Procedures**

These are the official social media guidelines for City of New Smyrna Beach employees and associated consultants. Social media protocols and procedures are intended to mitigate the

risks and govern use of the technology where possible. All employees and contractors who participate in social media on behalf of the City are expected to understand and follow these protocols. Failure to follow these guidelines could result in disciplinary action including and up to termination. These guidelines may evolve as new technologies and social networking tools emerge. Should the City change direction on social media use, this policy will be revised and social media activity will be adjusted accordingly.

### **Public records**

Florida's Public Records Law (chapter 119) requires the City to make all public records available for inspection (unless exempt by statute) and to provide copies upon request. A public record is any writing – including electronic documents – relating to the conduct of the public's business prepared, owned, used, or retained by the City. Information communicated or received through social media sites is presumed to be public information and must be produced upon request and retained. The Public Records Law includes a number of exemptions from the disclosure requirement and if there is any doubt, the employee should contact the City's records custodian, the City Clerk, for advice as to whether the information is a public record.

During the workday, the use of social media sites by employees is restricted to City business only. Employees should not expect communications on social media sites in their possession or use to be private or confidential. Additionally, there is no expectation of personal privacy in the use of City social media accounts.

While it is recognized that social media communications are subject to the provisions of Florida's public records law, there is no obligation on the part of the City to post all communications received, but to be able to produce these communications for review and inspection upon request.

### **General social media protocols**

- All social media accounts must be approved by the City Manager and be registered in the name of the City of New Smyrna Beach.
- When setting up an account's information section, the CRA shall use CRA e-mail accounts, departmental or office names and general office phone numbers.
- All social media sites should be identified as an "official City of New Smyrna Beach site".
- The NSB Loop Facebook page (and any other subsequent social media page that accepts posts) must employ customized security settings to disable the ability for "friends" or the public to post on the site's wall. If this restriction is not offered in the security settings, the site may not be used by the City.
- For social media sites that accept messages or collect email addresses, the home page must include the following text:

E-mail addresses are public record under Florida Law and are not exempt from public records requirements. If you do not want your comments or e-mail address to be subject to being released pursuant to a public-records request, do not send electronic mail or make comments to this entity. Instead, contact this office by telephone or in writing, via the United States Postal Service Attn: City Administration, 210 Sams Ave., New Smyrna Beach, FL 32168.
- The CRA department shall designate no more than two employees/consultants by name whom are authorized to monitor and post communications. Questions regarding material to be posted or removed from an account should be referred to the City Attorney.
- City employees communicating through social media sites are presumed to be communicating on behalf of the City.
- Social media sites never should be used to communicate information about the performance or character of an individual (including present or past employee or elected official), another agency, employees or elected officials of an agency, or any company.
- All employees or contractors involved in social media shall complete social media security training provided by the City's Information Technology Manager.

- The City Information Technology Department director is responsible for ensuring all social media content is documented and maintained in an easily accessible format that tracks account information and preserves content for inspection and duplication under Florida's public records law.
- The CRA is responsible for ensuring content on the site is accurate, current and properly presented. All site content is subject to rejection by the City Manager.
- The CRA director is responsible for ensuring social media sites are monitored regularly and prompt corrective action shall be taken if there are violations of this policy.
- Participation in social computing on behalf of the City is not a right. Therefore, it needs to be taken seriously. Employees should be sure they are the correct people to respond to inquiries received through direct messages from the public. Messages should be forwarded to the appropriate department manager for response. City email accounts – not social media messaging platforms – will be used to respond to inquiries.

**Content management**

- The use of social media sites is limited to general information only. Examples include but are not limited to: new business announcements, event announcements, event and candid photographs and video, etc. NSB Waterfront Loop social media sites should not be used to communicate information that deals with City policy or information that could be deemed controversial, sensitive, or legal in nature.
- All messages and images must be consistent with the image described in the NSB Waterfront Loop marketing plan (2011).
- Photographs or other graphic images posted on social media sites should be general in nature. Photos of identifiable children under age 18 should not be posted unless a photo release/consent form is signed by the parent/guardian and minor and is on file in the CRA office. Photos of identifiable adults also should not be posted unless a photo release/consent form is

signed and on file in the CRA office.

- Social media sites shall not contain automatic feeds to external content.
- The sites shall not contain “links to” or “likes of” private businesses. However, merchant associations and non-profit organizations within the CRA may be referenced with a link or a “like.”
- When messages are received on the NSB Loop Facebook, the page administrator will forward the message in a City email format to the appropriate department for a response.
- When possible, links to more information should direct users to [www.NSBWaterfrontLoop.com](http://www.NSBWaterfrontLoop.com) or the City of Smyrna Beach official website for information, forms, documents or online services necessary to conduct business within the City.

### **Security**

- All social media site users should be aware of and strictly follow the City’s Computer Security Policy.
- Account passwords shall be changed regularly and reset immediately when an employee with social media access leaves City employment or is reassigned to a different position.
- Employees are prohibited from sharing passwords or login information. Sharing or posting content owned by others shall be performed in accordance with copyright, fair use and established laws pertaining to materials owned by others. This includes, but is not limited to, quotations, images, document links, etc.

### **Records Management**

- The CRA Director is responsible for maintaining a log containing the name of the social media network, account id, password, registered email address, date established, authoring representative and name of person who created account and agreed to the sites terms of use

agreement and/or policy. The City Information Technology Department will maintain a duplicate of the log.

- The IT Manager shall maintain a record of signed social media policy acknowledgement forms for each authorized user.
- The Information Technology Manager is responsible for initiating and maintaining all contracts with records retention vendors who provide services that place the City in compliance the Florida Public Records law.
- All records request must be forwarded immediately to the City Clerk.

***OLD BUSINESS***

**CRA AGENDA ITEM SUMMARY**

<b>Staff Member Making Request:</b> Claudia Soulie		
<b>Meeting Date:</b> November 2, 2011		
<b>Action Item Title:</b> Discussion on Reconsideration of Funding Request – Event Insurance for Merchants of Flagler, Inc.		
<b>Agenda Section:</b> Consent _____ Public Hearing _____ Special Items <u>  x  </u>		
<b>Summary Explanation and Background</b>		
<p>On October 4, 2011 the CRA denied the request for event insurance reimbursement for the Merchants of Flagler, because the premium had been paid prior to CRA approval.</p> <p>Upon further review, new information has come to light that prompted staff to re-submit the request for reconsideration by the CRA.</p> <p><b>History:</b> At the May 5, 2010 CRA meeting, the CRA voted to allow event insurance as an eligible expense in the grants and aids program. While the motion on this item does not reflect it, the discussion referred to event insurance becoming a “reimbursable expense.” For this reason, when the Merchants of Flagler submitted an invoice and a copy of their cancelled check to CRA staff on December 15, 2010 for event insurance, staff reimbursed the Merchants of Flagler on 12/21/10.</p> <p>This year, the Merchants of Flagler were simply following the same procedure they had followed the previous year and had not received any instruction from staff to change the procedure. They could have held off paying the invoice, but were not aware of a need to do so. Unlike the previous year, staff (the CRA Director) then put the 2011 request on the agenda and it was denied, since the Merchants group had already paid it.</p> <p>Staff believes that this matter was simply a valid misunderstanding due to the May 5, 2010 discussion to allow event insurance as a “reimbursable expense” and the handling of this expense in the previous year. For this reason, staff recommends that the CRA reconsider this matter and allow reimbursement of their event insurance this time; but in the future staff is instructed to make it clear that event insurance expenses are to be brought to the CRA for approval through the Grants and Aids process before they are paid.</p>		
<b>Recommended Action/Motion:</b>		
Approve the reimbursement request for event insurance in the amount of \$3,722.94. In the future, event insurance reimbursement can only take place if the expense is approved by the CRA prior to payment.		
<b>Funding Analysis:</b> Budgeted <input checked="" type="checkbox"/> If not budgeted, recommend funding account: Account number 120.51502.5483006 – Grants and Aids		
<b>Exhibits Attached:</b>		
<ol style="list-style-type: none"> <li>1. Paid invoice submitted by the applicant</li> <li>2. Excerpt from the May 5, 2010 CRA minutes</li> </ol>		
<b>Reviewed By:</b>	<b>Name</b>	<b>Signature</b>
CRA Director	Tony Otte	
<b>Commission Action</b>		



Hull & Company, Inc.

Handwritten stamp: "Hand Copy"

DATE: 08/12/2011  
TO: Denise Smith  
Lane-Lennon Commercial Insurance LLC  
838 E New York Ave  
Deland, FL 32724  
Agency Fax: (386)738-3221

Agency Code: 97746

Coverage  
Sept 2011 - Sept 201

RE: Merchants of Flagler Avenue, Inc.  
Policy #: NN065372

Renewal Date: 09/22/11

QUOTATION

Quotation Premium

Quote Eff Date: 08/12/2011 Quote Exp Date: 09/22/2011 12:01 AM

<b>Excluding TRIA</b>		<b>Including TRIA</b>	
Premium:	\$3,339.00	Premium:	\$3,339.00
Policy Fee	\$35.00	Policy Fee	\$35.00
FL SL Tax(5%)	\$168.70	TRIA:	\$125.00
Stamping Fee(0.1%)	\$3.37	FL SL Tax(5%)	\$174.95
FHCF Assessment(1.3%)	\$43.86	Stamping Fee(0.1%)	\$3.50
<b>Total:</b>	<b>\$3,589.93</b>	FHCF Assessment(1.3%)	\$45.49
		<b>Total:</b>	<b>\$3,722.94</b>

Minimum Earned Percent: 25.00% Minimum Earned Premium: \$ 834.75

Carrier(s): Nautilus Insurance Company  
Non-Admitted  
Hull & Company, Inc. is responsible for collecting and filing the Surplus Lines taxes.

Locations:  
314 Flagler Avenue, New Smyrna Beach, FL, 32168

Commercial General Liability

Risk #:  
Coverage: General Liability

Limits:  
General Aggregate: \$2,000,000  
Page 36 of 143

463 A brief discussion ensued about the potential of contaminated soil in an area proposed for  
464 a landscape buffer, the disposal requirements as well as the possibility of being able to  
465 determine the source of the contamination.

466  
467 **NEW BUSINESS**

468 **A. CRA Commercial Grant Applications 207 S. Atlantic Ave – Flagler**  
469 **Dunes Parking Lot**

470  
471 Mr. Otte stated that the CRA had previously approved \$58,000 in CRA funds to create  
472 parking spaces at the Flagler Dunes parking lot. This was done as part of a public/private  
473 agreement to lease parking spaces back to the CRA at \$500 per space until the advance  
474 had been expended. Mr. Otte continued that staff had learned that the cost of construction  
475 had increased and staff felt that this was an approvable expense. Mr. Otte suggested  
476 adding an additional \$10,000 to the previously approved amount and adjusting the draft  
477 agreement accordingly.

478  
479 Mr. Williams stated that he was representing the owners, who were not able to attend the  
480 meeting and that he would abstain from voting on this topic (see attached FORM 8B  
481 MEMORANDUM OF VOTING CONFLICT).

482  
483 **Mr. Belote made the motion to add the \$10,000 to the previous \$58,000 and to**  
484 **amortize this amount over a longer period of time, seconded by Ms. Lybrand. The**  
485 **motion carried on a roll call vote 7 – 0.**

486  
487 Mr. Otte clarified that the motion was to authorize staff to amend the lease agreement  
488 versus approving the Commercial Grant application. Mr. Belote agreed.

489  
490 A discussion ensued about the total construction cost, how the CRA was being  
491 reimbursed and a construction timeline.



492  
493  
494 **B. Amendment to the Grants & Aids Program**

495  
496 Mr. Otte stated that staff was asking for approval to revise the current Grants and Aids  
497 Guidelines as follows:

- 498  
499 1. special Event Insurance as an allowable expense with Grants and Aids funding;  
500 2. allow an additional three years of Grants and Aids Program support if the event is  
501 substantially expanded (to be determined by the CRA on a case by case basis).

502  
503 Mr. Kosmas was in favor of being clearer on the verbiage for revision 2 by stating that  
504 the extension would be a one-time additional three (3) year extension.

505  
506 Mr. Dennis felt that the CRA could aid merchants to attract lucrative events by funding  
507 the event insurance and a brief discussion ensued about the legalities of the CRA paying  
508 for the insurance versus including it in the Grants and Aids programs and concerns with a  
509 blanket insurance policy, where applicants may not be clearly identified.

510 Adele Aletti, Flagler Merchants Association President, stated that she sends a list of all  
511 their yearly events to her insurance company and they provide her with an annual  
512 payment figure. Ms. Aletti continued that this was being funded by the merchant  
513 member dues.

514  
515 Mr. Williams preferred that the events coordinators of each organization secured their  
516 own event insurance and to make this cost a reimbursable expense through the Grants and  
517 Aids Program.

518  
519 Cindy Jones, President of the Canal Street Historic District stated that their merchant  
520 group was planning to apply for a blanket policy, but that at present the group only had  
521 limited events, this was why they were hoping to have the insurance requirements as a  
522 reimbursable expense through the Grants and Aids program.

523  
524 **Mr. Williams made the motion to authorize the proposed revisions to the Grants**  
525 **and Aids Guidelines to specifically include Event Insurance as an allowable expense**  
526 **and to allow a one-time three (3) year extension, should the event have substantially**  
527 **expanded; seconded by Mr. Belote; Motion carried on roll-call vote 7 – 0.**

528

529

530

### C. Review of Esther Street Beachfront Park Conceptual Plan

531

532 Mr. Otte asked Gail Henrikson, Planning Manager, to address the CRA. Ms Henrikson  
533 presented the CRA with two (2) versions of a concept plan for the Esther Street Park,  
534 depicting concepts with and without the use of a private easement. Ms. Henrikson stated  
535 that she was looking for the CRA to recommend which of the two plans they would like  
536 staff to forward to the City Commission for approval. Ms. Henrikson commented on the  
537 additions made to the original plan.

538

539 A brief discussion ensued about the differences between the two concepts with all their  
540 pros and cons.

541

542 Mr. Williams stated that he would prefer concept plan no. 2.

543

544 Mr. Paul Gephart, Windsand Condominiums on Atlantic Ave. asked for clarification of  
545 the differences between the two concepts. Ms. Henrikson stated that concept no 1 had  
546 traffic entering/exiting the park on Esther Street and concept no 2 had one lane going into  
547 the park on Esther and exiting through the parking lot onto N. Atlantic Ave, as well as  
548 allowing for eight more parking spaces.

549

550 Ms. Sandra Karr, Windsand Condominiums inquired if steps to the beach were proposed,  
551 which Ms. Henrikson confirmed.

552

553 Mr. Otte stated that he was in favor of concept plan No. 2, as no easement would be  
554 required, thus eliminating possible litigation costs. Ms. Henrikson stated that  
555 implementation of either plan would bring additional costs, and that the Planning staff

## CRA AGENDA ITEM SUMMARY

**Staff Member Making Request:** Tony Otte

**Meeting Date :** November 2, 2011

**Action Item Title:** Lease of Parking Lot at Coronado Community United Methodist Church

**Agenda Section:** Consent \_\_\_\_\_ Public Hearing \_\_\_\_\_ Special Items   x  

### **Summary Explanation and Background**

The recent review of parking in the Flagler Ave area included the possibility of leasing a portion of the parking lot at the Coronado Community United Methodist Church. The Church lot is well-positioned in the area, as it is immediately west and accessible from the City's parking lot at the Coronado Civic Center.

Representatives of the Coronado Community United Methodist Church and City Staff have negotiated a draft lease of parking spaces in the parking lot owned by the Church in the Southeast corner of Flagler and Peninsula Avenues. The draft lease attached is substantially similar to the lease discussed with the Church Board of Trustees on October 20, with the exception of two items (Improvements, and Termination) that are explained below. Lease provisions include the following:

### **Compensation/Costs**

- Compensation consists of a base compensation and an annual escalator.
- The basic compensation is \$500 per parking space per year. There are 65 parking spaces, so the first year's compensation is \$32,500. Over 5 years the base compensation cost is \$162,500. In addition, this cost increases each year by the amount of the Consumer Price Index, as explained below.
- Of the 65 spaces, there are 33 in the CRA district and 32 in the area south of the CRA district boundary.
  - The 33 spaces in the CRA district would be paid for by the CRA until the CRA sunsets; at that time, the lease payment for those spaces would be paid for by the General Fund. The agreement calls for a commencement date of December 1, 2011 and would end on November 30, 2016. The total base amount for the CRA would be \$58,437.50, based on three years and 6 ½ months until the CRA sunsets.
  - The 32 spaces in the area south of the CRA district line would be paid for by the City General Fund. Five years of the payment for the spaces south of the CRA district boundary equals \$80,000, plus the remainder of the CRA district payment following the CRA sunset (\$24,062.50) equals a base compensation payment for the General Fund of \$104,062.50.
- The escalator for the contract will be the Consumer Price Index.
- Any taxes becoming due as a result of this contract are the responsibility of the City. (This provision is included in another City lease of private property, the lease of FEC property SW of the corner of W Canal St and US 1). The Volusia Property Appraiser's Office has initially determined that since there are cash payments for the leased property, taxes will be due. The total taxes due are estimated at \$13,203.50, with \$2,003 coming back to the City (please see the attached exhibit on estimated taxes.). City staff is questioning this finding.

## **Summary Explanation and Background continued**

### **Term**

- The term of the contract is five years beginning December 1, 2011.

### **Improvements**

- No improvements were anticipated during the discussion with the Church Trustees on October 20. The property will be used in its present condition as an unpaved parking area. No trees will be disturbed. In areas where trees are blocking potential parking spaces, those spaces are not counted and will not be used. This arrangement was satisfactory to all parties.
- Following the October 20 meeting however, it became apparent to city staff that a decorative fence will be needed on the west side of the property to be leased in order to delineate the area available for public parking. For this reason, staff has added a decorative fence to the map, to be paid for by City/CRA. Staff is obtaining quotes for the fence..

### **Maintenance**

- The CRA and City are required to maintain their areas.

### **Restrictions**

- The lot is for parking only and there are restrictions as to the type of vehicle allowed. No overnight parking is permitted. An exception is made here for RVs that are specifically allowed by the City in connection with events on Flagler.

### **Termination**

- It was agreed at the October 20 meeting that either the Church or the City/CRA could terminate the agreement with notice, in the interest of fairness to all parties.. However, draft agreement prepared following that meeting indicated that if the City/CRA chose to terminate the agreement, there would be a \$5,000 fee. City staff has removed this fee from consideration.

### **Insurance**

The City/CRA is indemnify the Church from liability in this agreement, and is required to provide insurance for such indemnification. Staff is obtaining quotes for such insurance and it appears that a policy for this purpose will cost less than \$1,000 annually.

### **Recommended Action/Motion:**

Approval of the contract, as attached.

### **Funding Analysis:** Budgeted N/A If not budgeted, recommend funding account:

Funding for this agreement will come from the CRA and General Fund:

- Funds for this purpose are included in line item 12051502 567785, CRA Parking Program, budgeted at \$500,000. Costs will include \$16,500 (33 spaces x \$500) to fund this year's annual lease payment; funding estimated at \$5,000 for the decorative fence, \$500 for insurance, and if necessary, \$6,601.50 for the estimated tax payment.
- General Fund: Reserves, in the amount of \$16,000 (32 spaces x \$500) for the annual lease payment; an estimated \$5,000 for the decorative fence, \$500 for insurance, and if necessary, \$6,601.50 for the estimated tax payment.
- There will also be a shared, nominal cost for signage to indicate that the leased space is available for public parking.

**Exhibits Attached:**

1. The draft contract between the CRA, City , and Coronado Community United Methodist Church (note: the attachments – survey and mapping information – are not included at this time.)
2. A spreadsheet providing an estimate of property taxes.

Reviewed By:	Name	Signature
CRA Director	Tony Otte	
		

PARKING LEASE AGREEMENT

THIS AGREEMENT made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF NEW SMYRNA BEACH, FLORIDA, the "City" a political subdivision of the State of Florida, and the COMMUNITY REDEVELOPMENT AGENCY, CITY OF NEW SMYRNA BEACH, "CRA", hereinafter collectively referred to as the "TENANT" and CORONADO COMMUNITY UNITED METHODIST CHURCH, INC., hereinafter referred to as the "LANDLORD".

WITNESSETH:

The Landlord owns parcel numbers 7455-08-02-0040 and 7455-08-02-0060, which are more particularly described in Exhibit "A", legal description and Exhibit "A-1, Sketch of legal description, which are attached hereto and incorporated herein by this reference.

The Landlord for and in consideration of the covenants, agreements and conditions herein contained on the part of the Tenant to be kept, done and performed, does hereby lease, let and demise unto the Tenant the property described in Exhibit "A", which is owned by the Landlord.

TO HAVE AND TO HOLD the same for the initial term of five (5) years commencing on December 1, 2011 (the "commencement date"), and shall be renewable for an

additional five years, with the consent of the parties as evidenced by a written extension agreement signed by the parties.

Notwithstanding the foregoing, the City and CRA's performance and obligation as tenant to pay under this agreement is contingent upon an annual appropriation by the City and CRA, which will occur no later than \_\_\_\_\_ each year.

In consideration of said leasing and demising, as well as the terms, conditions, stipulations, covenants, promises and agreements hereinafter expressed, it is agreed by and between the parties hereto as follows:

1. **RENT:** Beginning on the commencement date, as and for rent during the term of this Lease Agreement, Tenant shall pay to the Landlord in advance annually a sum equal to \$32,500.00 (computed as \$500 per a minimum of 65 parking spaces, whether or not said 65 parking spaces are in use) plus \$500 for each parking space in use located on the leased premises in excess of 65 spaces. Said annual sum shall be increased annually by the increase in the Consumer Price Index, including the minimum of 65 spaces and spaces in excess of 65 in use. Should the Consumer Price Index fail to increase for a given year, the amount of rent payable shall remain the same as the year immediately prior

and in no event shall the amount of annual rent payable decrease during the term of the Lease. Commencing on the annual anniversary of the commencement of this Lease Agreement, rent shall be payable in advance for the forthcoming year. Any spaces put in use after the anniversary date of this Lease Agreement, in excess of the spaces previously in use, shall be payable on a pro rata basis for the portion of the year the additional spaces are in use and shall be payable in arrears on the following anniversary date. If rent is not paid on or before the fifth day after the annual anniversary of this Lease Agreement, Tenant shall pay a late charge of five percent of the late payment.

2. **RESPONSIBILITY AND USE:** Tenant shall use the demised premises for unpaved surface parking only. In no event shall the premises be used for special events, other than for parking in connection therewith. Recreational vehicles specifically permitted by the City in conjunction with a City event shall be allowed. Otherwise, any parking of recreational vehicles, buses, concessions, large commercial vehicles, heavy equipment, tractor trailers, or any other vehicle that is not a standard passenger vehicle are not permitted. Tenant shall pay and incur full cost of improvements to the property as outlined on Exhibit "B".

Tenant shall pay and assume all maintenance and utility costs for the leased premises during the lease term, including property and liability insurance. Tenant shall preserve, to the greatest extent possible, existing trees, landscape and tree canopies in the construction of the proposed improvements.

**3. DESIGN OF IMPROVEMENTS:** Tenant shall provide for the design and construction of the leased premises based on plans approved by Tenant and Landlord, as shown on Exhibit "B".

**4. TENANT'S INDEMNITY AND WAIVER OF LIABILITY:** Neither the Landlord nor any of its agents have made any representations or promises whatsoever with respect to the demised premises, except as expressed herein. The Landlord shall not be liable to the Tenant for any damage or injury to the Tenant, or Tenant's guests or invitees by reason of any failure of the Landlord to keep the premises safe, and the Landlord shall not be liable for, and Tenant shall indemnify and defend Landlord against, any injury, including those done or occasioned by an Act of God, or by the wind. Under no circumstances whatsoever shall the Landlord be liable to the Tenant for, and Tenant shall indemnify and defend the Landlord against, any damage or injury resulting from any act of negligence or omission of

any other person, for any reason whatsoever. All personal property placed or moved onto the property, including vehicles or items stored therein, shall be at the risk of Tenant or vehicle owner thereof, and Landlord shall not be liable to Tenant for, and Tenant shall indemnify and defend Landlord against, any damages to said personal property. The indemnity provided for herein shall additionally indemnify Landlord for and from any attorney fees or court costs incurred by Landlord in connection with the indemnified acts, including attorney's fees incurred in enforcing the indemnity provisions herein.

**5. GENERAL COVENANTS:** All promises, covenants, and agreements set forth herein shall be binding upon, apply, and inure to the benefit of the heirs, executors, assigns or administrators, respectively of the Landlord and Tenant. The City, under Florida law, shall be the successor in interest to the CRA upon expiration of that agency.

All rights and remedies provided for the benefit of the Landlord are cumulative, and the use of one remedy shall not be taken to exclude or waive the right of the Landlord to make use of another remedy.

The Landlord covenants and warrants being the rightful and lawful owner of the demised property, and has full right, power and authority to enter into this Lease Agreement.

The words "Landlord" and "Tenant", wherever and whenever used herein, though expressed in the singular number, shall describe and apply to all persons, one or more, male or female, trusts, partnerships or corporation, as the case may be.

CRA and City shall be jointly and severally liable for complying with the terms of this Lease.

**6. TERMINATION:** Either party may elect to terminate this lease at any time by delivering written notice of such election to the other party no later than 2 months prior to the date of termination. In the event that the Tenant so terminates this lease, Tenant shall owe all sums due hereunder through the date of termination. Any amount prepaid to Landlord for a portion of the lease term following the date of termination by either party shall be reimbursed to Tenant.

**7. Taxes:** Should any sales tax, ad valorem tax, or other government tax liability arise as a result of this lease, Tenant shall bear responsibility for payment thereof and shall make payment of same promptly when due. If Landlord is required to or does make payment of any tax arising because of this Lease, Tenant shall pay and reimburse Landlord for such expense upon presentation to Tenant of a receipt or other evidence of payment.

8. **INSURANCE:** Tenant must, at Tenant's expense, obtain and maintain during the Lease term the following insurance in form satisfactory to Landlord, with one or more insurers qualified to do business in Florida: Public and comprehensive general liability insurance, including products and completed operations, with minimum limits of \$1 million for injury to one person arising out of a single incident and \$1 million for injuries to more than one person arising out of a single incident, and \$500,000 for property damage. Landlord must be named as additional insured in all policies of insurance. All policies must be delivered to Landlord, together with evidence of premium payment, not less than 10 days before the start of the Lease term. All renewal policies must be delivered to Landlord not less than 30 days before expiration of the policy. No policy of insurance will be subject to cancellation or reduction in amount unless at least 30 days' written notice is given to Landlord.

9. **Assignment and Subletting:** Tenant may not assign, transfer, sublease, or otherwise encumber the property that is the subject of this Lease without written consent of the Landlord.

10. **Attorney's Fees:** In the event of any dispute between the parties regarding this Lease, the prevailing party shall be entitled to recover reasonable attorney's fees.

11. **NOTICE:** All notices required by the law, and by this Lease, to be given by one party to the other shall be in writing and the same shall be served by certified mail or by personal delivery to the addresses as set forth below:

**TENANT**

**COMMUNITY REDEVELOPMENT AGENCY  
210 Sams Avenue  
New Smyrna Beach, Florida 32168  
ATTENTION: Director, Tony Otte**

**LANDLORD**

**CORONADO COMMUNITY UNITED METHODIST CHURCH, INC.  
201 S. Peninsula Avenue  
New Smyrna Beach, Florida 32169**

and

**MARK R. HALL  
COMMUNITY REDEVELOPMENT AGENCY ATTORNEY  
124 Faulkner Street  
New Smyrna Beach, FL 32168**

and to

**CITY OF NEW SMYRNA BEACH  
210 Sams Avenue  
New Smyrna Beach, Florida 32168  
ATTENTION: City Attorney**

IN WITNESS WHEREOF, we have hereunto set our hands and seals on the day and year first above written.

Signed, sealed and delivered  
in the presence of:

TENANT:

(Seal)

CITY OF NEW SMYRNA BEACH,  
a municipal corporation

BY:

\_\_\_\_\_  
ADAM BARRINGER, Mayor

ATTEST:

\_\_\_\_\_  
Johnny Bledsoe, City Clerk

EXECUTED IN THE PRESENCE OF:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS PRINTED NAME

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS PRINTED NAME

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared **ADAM BARRINGER** and **JOHNNY BLEDSOE**, who are known to me to be the Mayor and City Clerk respectively of the City of New Smyrna Beach, who have acknowledged that as such Mayor and as such Acting City Clerk, and for and on behalf of the City of New

Smyrna Beach, each executed the forgoing Agreement on the date and year herein written, pursuant to the authority of the City Commission of the City of New Smyrna Beach, Florida.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of November, 2011.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

CITY OF NEW SMYRNA BEACH  
COMMUNITY REDEVELOPMENT AGENCY

\_\_\_\_\_  
James Kosmas  
CRA Chair

**EXECUTED IN THE PRESENCE OF:**

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS PRINTED NAME

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS PRINTED NAME

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared **JAMES KOSMAS, CHAIRPERSON**, Community Redevelopment Agency, and did execute the foregoing instrument, and acknowledged to and

before me that she executed said instrument for the purpose therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of November, 2011.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

LANDLORD:

\_\_\_\_\_  
William J. Sanders, as President of  
Coronado Community United  
Methodist Church, Inc., a  
Florida Non Profit Corporation

\_\_\_\_\_  
Charles M. Wilson, as Vice  
President of Coronado Community  
Methodist Church, Inc., a  
Florida Non Profit Corporation

EXECUTED IN THE PRESENCE OF:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS PRINTED NAME

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS PRINTED NAME

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared William J.

Sanders and Charles M. Wilson, who produced identification and did execute the foregoing instrument, and acknowledged to and before me that they executed said instrument for the purpose therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of November, 2011.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
MARK R. HALL  
Community Redevelopment Agency Attorney

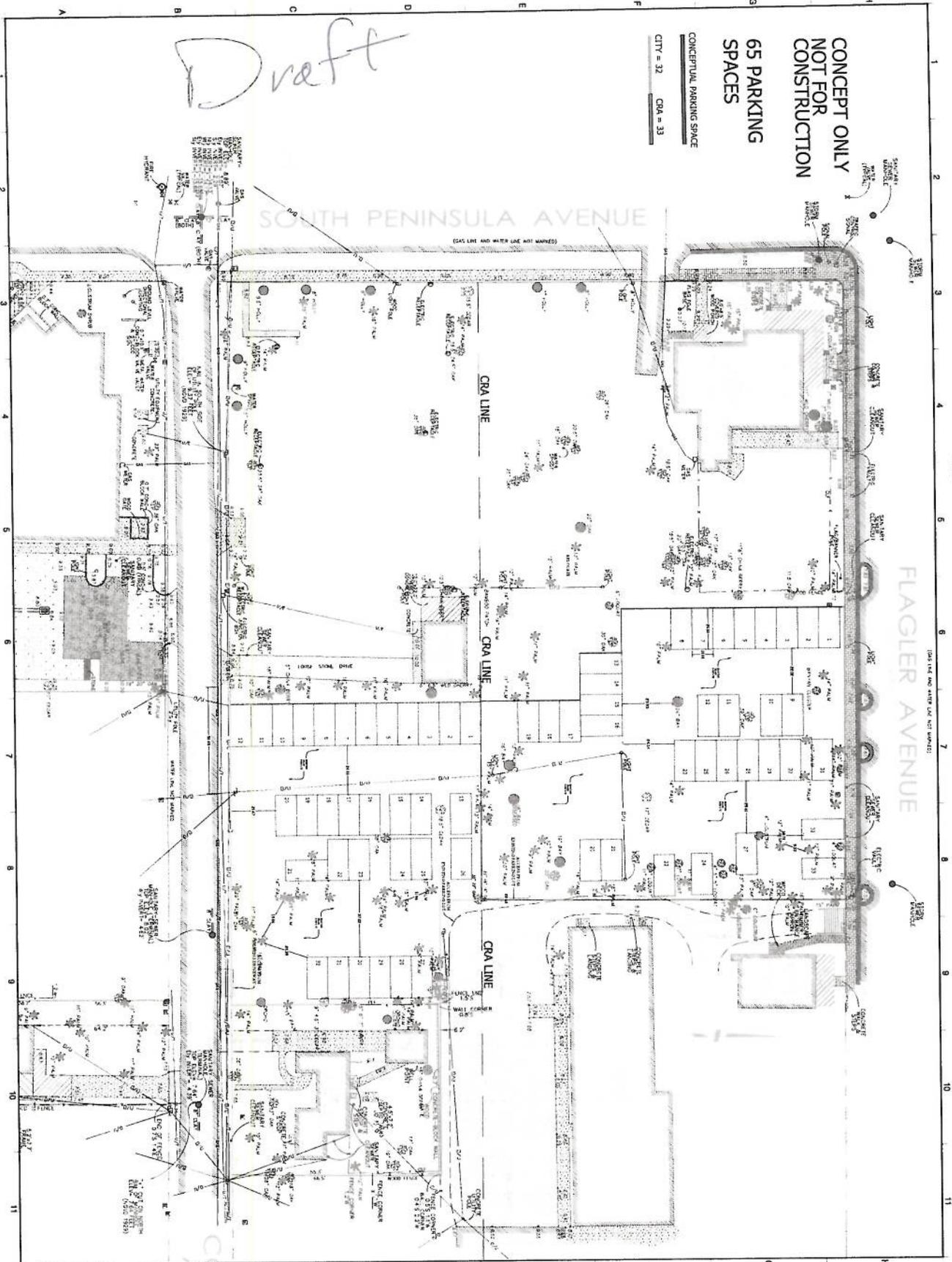
## EXHIBITS

1. Exhibit A and A-1 are not yet ready and will be added when available.
2. Exhibit B: a draft is attached. A note needs to added concerning the decorative fence and its location.

Draft

CONCEPT ONLY  
NOT FOR  
CONSTRUCTION  
65 PARKING  
SPACES

CONCEPTUAL PARKING SPACE  
CITY = 32 CRA = 33



Draft



CITY  
OF  
NEW  
SMYRNA  
BEACH

210 SAGE AVENUE  
NEW SMYRNA BEACH  
FLORIDA 32108

1-888-324-2100

PROJECT NAME  
CORONADO  
COMMUNITY  
UNITED  
METHODIST  
PARKING LOT  
CONCEPT

NOT FOR  
CONSTRUCTION  
Page 55 of 143  
PARKING LOT

DESIGNED BY  
DRAWN BY  
CHECKED BY  
DATE  
DRAWING REVISIONS

DRAWING SCALE



DRAWING TITLE

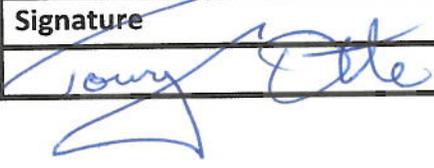
CONCEPT  
PLAN

DRAWING NUMBER

C-2

# ***NEW BUSINESS***

## CRA AGENDA ITEM SUMMARY

<b>Staff Member Making Request:</b> Claudia Soulie		
<b>Meeting Date:</b> November 2, 2011		
<b>Action Item Title:</b> Small-Scale Grant Application: 209 Rush Street – La Mirage		
<b>Agenda Section:</b> Consent _____ Public Hearing _____ Special Items <u>  x  </u>		
<p><b>Summary Explanation and Background</b></p> <p>The applicant is proposing to paint all exterior walls, shutters, doors window frames, fascia and soffits for a total cost of \$2,520. The paint contractor is a local business from New Smyrna Beach.</p> <p>The application has received the necessary points to qualify for consideration and staff recommends approval in the grant amount of \$2,500.</p> <p>NOTE: The applicant is also replacing the material of her awning. This expense is not included in the grant application, but raises a concern about the local vendor stipulation included in the Grant guidelines. The applicant states in her attached letter that she called several local companies and the Sanford company was the only one that responded.</p> <p>Staff requests clarification of the radius the CRA considers to be "local" and if, in circumstances like this, staff is authorized to accept vendors that may be outside of this radius.</p>		
<p><b>Recommended Action/Motion:</b></p> <p>Approve the application for painting in the no-match funding amount of \$2,500.</p>		
<p><b>Funding Analysis:</b> Budgeted <input checked="" type="checkbox"/> If not budgeted, recommend funding account:</p> <p>Account number 120.51502.583001, which currently has a balance of \$370,000.</p>		
<p><b>Exhibits Attached:</b></p> <ol style="list-style-type: none"> <li>1. Package submitted by the applicant</li> <li>2. Score Sheet</li> </ol>		
<b>Reviewed By:</b>	<b>Name</b>	<b>Signature</b>
CRA Director	Tony Otte	
<b>Commission Action</b>		

**Property Improvement Grants  
Funding Evaluation**

Property Address: 209 Rush Street

Did Applicant attend pre-application conference: YES  NO

Does the proposed project substantially comply with the guidelines: YES  NO

**Review for Funding (26 Points Possible)  
(15 Points Minimum Required)**

Circle a Score  
for each category

**Compliance with Guidelines:**

Project substantially meets guidelines  
No character defining features are inappropriately altered: ..... 3 Points

**Location:**

A corner building on Flagler, or Canal Street must do all façade visible to receive credit: --- 5 Points  
Located on Canal St, Flagler Ave, N Causeway or Third Ave: ..... 4 Points  
Other Locations in Grant Area: ..... 3 Points

**Overall Impact / Improvements:**

Condition improves from poor to excellent: ..... 5 Points  
Condition improves from poor to good: ..... 4 Points  
Condition improves from good to excellent: ..... 3 Points  
Condition improves from average to excellent: ..... 3 Points  
Condition improves from average to good: ..... 2 Points

**Quality of Work Proposed:**

Special treatment (removing "slipcover façade", rebuilding original character-defining features, substantial structural renovation, significant landscape improvement, etc): ..... 7 Points  
Overall high quality: ..... 3 Points

**Present Use:**

Commercial / Office: ..... 3 Points  
Current Vacant / reuse: ..... 3 Points  
New INFILL construction on Flagler Ave or Canal St: ..... 4 Points

**Bonus Points:**

Special significance – historically or architecturally important, now or in the past, to the community: ..... 2 Points

**Total** 15

CITY OF NEW SMYRNA BEACH  
COMMUNITY REDEVELOPMENT AGENCY

APPLICATION FORM

SMALL-SCALE IMPROVEMENTS GRANT PROGRAM

(Exterior Improvements – Property owners only)

APPLICANT NAME: Cathleen C. Planson

PROPERTY ADDRESS: 209 Rush Street

TELEPHONE: 386-424-0195 (DAY) 386-299-4896 (EVENING)

EMAIL ADDRESS: c.planson@yahoo.com

**TYPE OF IMPROVEMENT PLANNED:**

Exterior \_\_\_\_\_ Painting  Landscape \_\_\_\_\_ Electrical \_\_\_\_\_  
Signage \_\_\_\_\_ Awning  Parking Area \_\_\_\_\_ Other \_\_\_\_\_

**PROJECT PROPOSAL ON IMPROVEMENTS**

All Small-Scale Improvements Grant Applications must be approved by the CRA prior to work commencing. The following information must be included with the application.

1. Application signed by the applicant, who is the property owner.
2. A detailed summary of the scope of work to be performed.
3. A cost estimate from a local contractor broken down into scope of work line items (costs subject to verification)
4. Color photographs clearly showing existing conditions of the property to be improved.
5. Conceptual plans detailing the scope of work that will be required at the time of application.
6. Samples of all paint and material colors as well as awning materials to be used on the building and signage.
7. Applicant shall provide documentation from Planning Department and Building Department staff that the proposed project appears to meet permit requirements (available after pre-application meeting)

ESTIMATED TOTAL COST OF PROPOSED IMPROVEMENTS: \$ ~~3077.00~~ 2,520.00

ESTIMATED AMOUNT OF GRANT ASSISTANCE REQUESTED: \$ 2500.00

ESTIMATED START DATE: ASAP

ESTIMATED COMPLETION DATE: ASAP

**I UNDERSTAND THAT IN ORDER FOR MY REQUEST FOR GRANT FUNDING TO BE APPROVED, I MUST AGREE TO THE FOLLOWING CONDITIONS:**

1. **To follow the design** recommendations as approved by the Community Redevelopment Agency.
2. **To adhere** to the Application Procedures and Guidelines and the Grant Agreement as specified.
3. To use local contractors and materials from local suppliers to the greatest extent possible and that I may perform work as allowed by applicable codes, but **will not be** compensated for my time.
3. **That I shall incur** all project costs and receive approved grant **reimbursement** only after:
  - A. All improvements have been **completed**.
  - B. **Final Inspection** of the improvements is approved.
  - C. **Proof of Payment** for project costs has been received.
  - D. All City Permits (if applicable) have been **inspected/finalized** by Building staff
4. Funding received under this grant program will be deducted from any future grant applications I may submit to the CRA
5. Additional improvements or changes not approved will not be funded.

I ACKNOWLEDGE THAT I HAVE RECEIVED AND UNDERSTAND THE DESIGN GUIDELINES (if applicable), THE SMALL-SCALE IMPROVEMENT GRANT PROGRAM GUIDELINES AND THE GRANT AGREEMENT.

  
\_\_\_\_\_  
Applicant Signature

CAMILEEN PLANSON  
\_\_\_\_\_  
Print Name

10/19/11  
\_\_\_\_\_  
Date

Date: October 19, 2011  
To: Community Redevelopment Agency  
From: Cathleen Planson - La Mirage  
209 Rush Street  
New Smyrna Beach, FL 32168  
Re: Improvements Grant Program

To The CRA Board:

I appreciate the opportunity to apply for a small scale improvement grant. I would like to replace my awning, as it has become worn and see through. I would also like to repaint . The paint and awning are twelve years old. I have enclosed paint chips for the building trim and accent color. Sunstate Awning was the only company that responded to my phone calls for an estimate. I called all the awning companies in the phone book.

not included in  
grant request any longer

Regards,



Cathleen Planson

**Soulie, Claudia**

---

**From:** Cathleen Planson [ccplanson@yahoo.com]  
**Sent:** Wednesday, October 26, 2011 9:35 AM  
**To:** Soulie, Claudia  
**Subject:** November Meeting

To CRA Board

I regret that I will not be able to attend the meeting on Wednesday November 2.

I unfortunately assumed that the meeting was in the evening and have scheduled client appointments that I can't change.

If there are questions regarding my submitted grant approval, please postpone until the next meeting.

Thank You,  
Cathleen Planson



WET PAINT BRUSH LLC

814 Pine Shores Circle  
New Smyrna Beach, Florida  
32168  
386-689-8949

October 18<sup>th</sup>, 2011

Exterior Bid Proposal

La Mirage  
209 Rush St.  
New Smyrna Beach, Florida  
32168  
386-424-0195

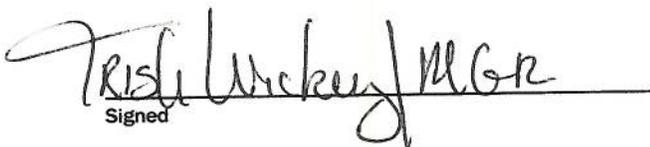
1. Paint all exterior walls
2. Paint all exterior shutters
3. Paint all exterior doors
4. Paint all exterior window frames
5. Paint all exterior fascia and soffit

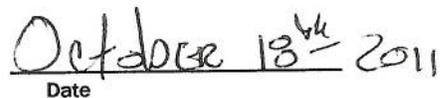
- Exterior porches/floors excluded

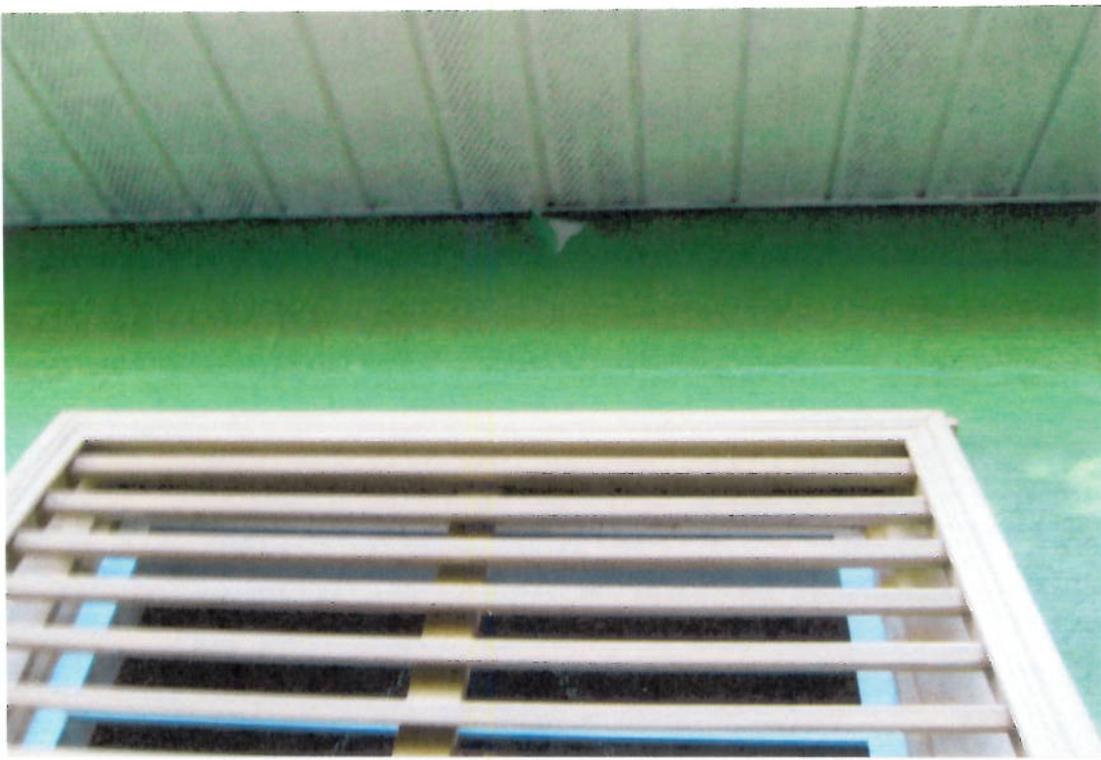
Labor and materials... \$1,750.00  
 Estimated paint..... \$770.00 (22 gallons at \$35.00 per gallon)

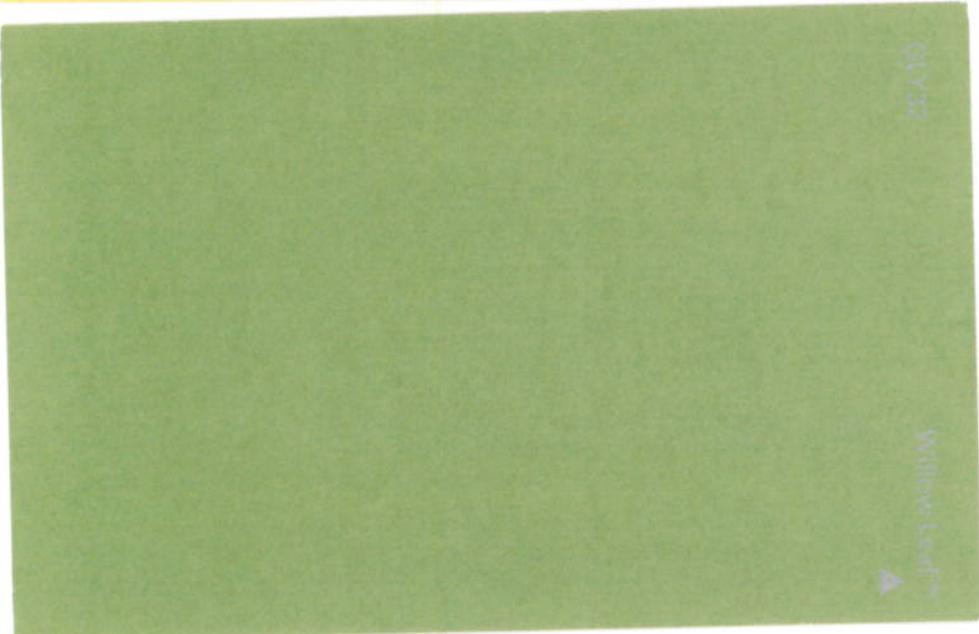
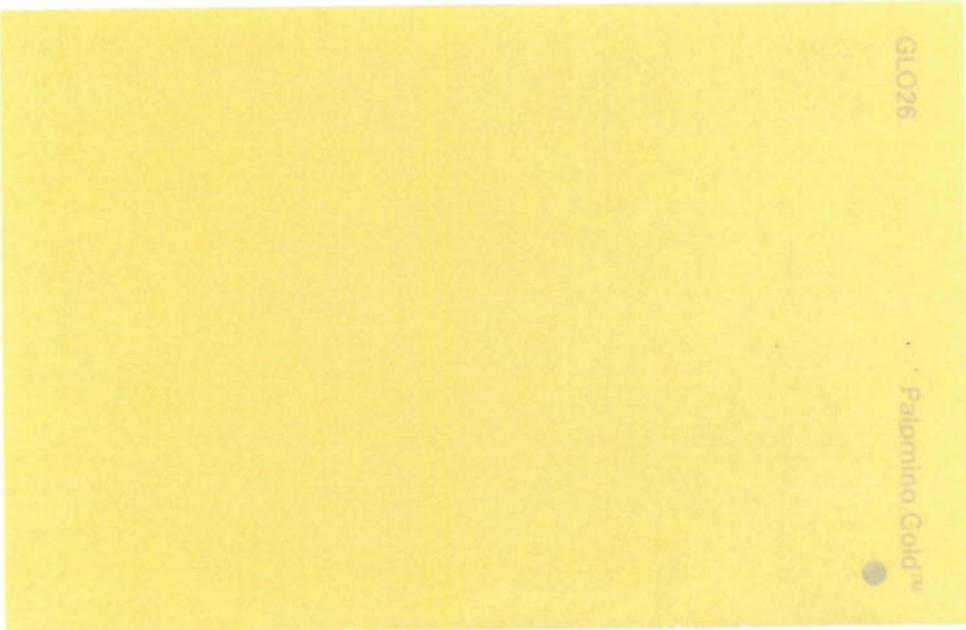
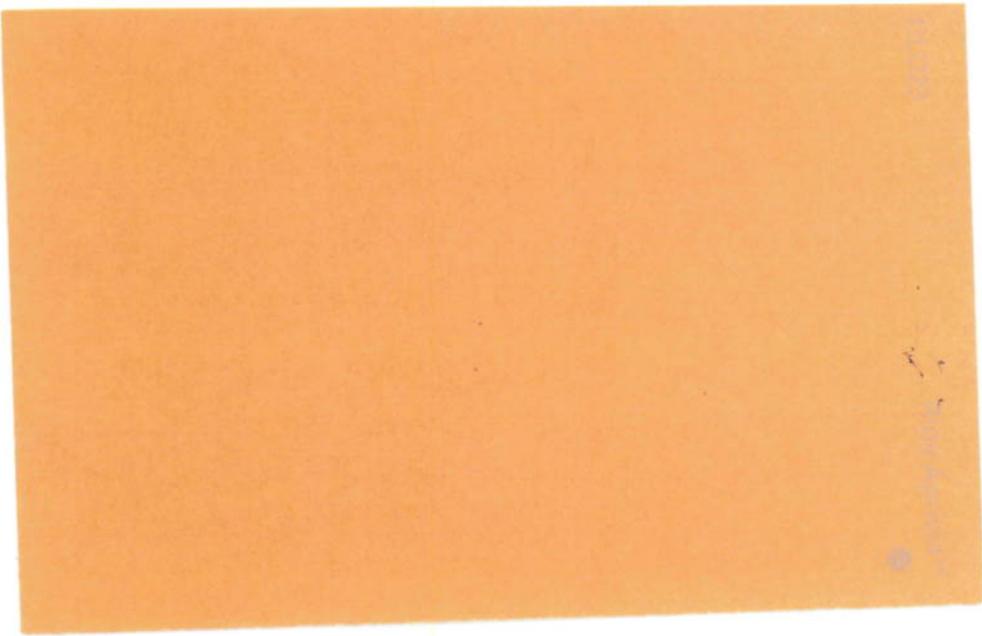
Complete job total: \$2,520.00

- Start date... To be determined by customer
- Balance due upon completion – customer satisfaction

  
 Signed

  
 Date





## CRA AGENDA ITEM SUMMARY

<b>Staff Member Making Request:</b> Claudia Soulie		
<b>Meeting Date:</b> November 2, 2011		
<b>Action Item Title:</b> Small-Scale Grant Application: 135 Canal Street – LTF Deli Touch dba Jason’s Corner		
<b>Agenda Section:</b> Consent _____ Public Hearing _____ Special Items <u>  x  </u>		
<p><b>Summary Explanation and Background</b></p> <p>The applicant is proposing to replace the entrance door off of Canal Street that does not close properly as well as a trim-out of the new front door to match the existing sliding door at a total cost of \$3,169.55. The contractors are local businesses from New Smyrna Beach.</p> <p>The application has received the necessary points to qualify for consideration and staff recommends approval in the grant amount of \$2,500.</p> <p>Note: On October 7, 2009, Jason’s Corner received a Property Improvement Grant in the amount of \$1,585 for their exterior business wall sign.</p>		
<p><b>Recommended Action/Motion:</b></p> <p>Approve the application in the no-match funding amount of \$2,500.</p>		
<p><b>Funding Analysis:</b> Budgeted <input checked="" type="checkbox"/> If not budgeted, recommend funding account:</p> <p>Account number 120.51502.583001, which currently has a balance of \$370,000.</p>		
<p><b>Exhibits Attached:</b></p> <ol style="list-style-type: none"> <li>1. Package submitted by the applicant</li> <li>2. Score Sheet</li> </ol>		
<b>Reviewed By:</b>	<b>Name</b>	<b>Signature</b>
CRA Director	Tony Otte	
<b>Commission Action</b>		

CITY OF NEW SMYRNA BEACH  
COMMUNITY REDEVELOPMENT AGENCY

APPLICATION FORM

SMALL-SCALE IMPROVEMENTS GRANT PROGRAM

(Exterior Improvements – Property owners only)

APPLICANT NAME: JASON'S CORNER LLTF Deli Touch dba)

PROPERTY ADDRESS: 135 CAVAL STR. New Smyrna Bch.

TELEPHONE: 386 424 9878 (DAY) 386 424 9878 (EVENING)

EMAIL ADDRESS: SHELLY NSB @ AOL.COM

**TYPE OF IMPROVEMENT PLANNED:**

Exterior  Painting \_\_\_\_\_ Landscape \_\_\_\_\_ Electrical \_\_\_\_\_  
Signage \_\_\_\_\_ Awning \_\_\_\_\_ Parking Area \_\_\_\_\_ Other

**PROJECT PROPOSAL ON IMPROVEMENTS**

All Small-Scale Improvements Grant Applications must be approved by the CRA prior to work commencing. The following information must be included with the application.

1. Application signed by the applicant, who is the property owner.
2. A detailed summary of the scope of work to be performed.
3. A cost estimate from a local contractor broken down into scope of work line items (costs subject to verification)
4. Color photographs clearly showing existing conditions of the property to be improved.
5. Conceptual plans detailing the scope of work that will be required at the time of application.
6. Samples of all paint and material colors as well as awning materials to be used on the building and signage.
7. Applicant shall provide documentation from Planning Department and Building Department staff that the proposed project appears to meet permit requirements (available after pre-application meeting)

ESTIMATED TOTAL COST OF PROPOSED IMPROVEMENTS: \$ 3,169.55

ESTIMATED AMOUNT OF GRANT ASSISTANCE REQUESTED: \$ 2,500

ESTIMATED START DATE: w/in 30 days of CRA approval

ESTIMATED COMPLETION DATE: \_\_\_\_\_

**I UNDERSTAND THAT IN ORDER FOR MY REQUEST FOR GRANT FUNDING TO BE APPROVED, I MUST AGREE TO THE FOLLOWING CONDITIONS:**

1. **To follow the design** recommendations as approved by the Community Redevelopment Agency.
2. **To adhere** to the Application Procedures and Guidelines and the Grant Agreement as specified.
3. To use local contractors and materials from local suppliers to the greatest extent possible and that I may perform work as allowed by applicable codes, but **will not be** compensated for my time.
3. **That I shall incur** all project costs and receive approved grant reimbursement only after:
  - A. All improvements have been **completed**.
  - B. **Final Inspection** of the improvements is approved.
  - C. **Proof of Payment** for project costs has been received.
  - D. All City Permits (if applicable) have been **inspected/finalized** by Building staff
4. Funding received under this grant program will be deducted from any future grant applications I may submit to the CRA
5. Additional improvements or changes not approved will not be funded.

I ACKNOWLEDGE THAT I HAVE RECEIVED AND UNDERSTAND THE DESIGN GUIDELINES (if applicable), THE SMALL-SCALE IMPROVEMENT GRANT PROGRAM GUIDELINES AND THE GRANT AGREEMENT.

Shelly Ferguson  
Applicant Signature

Shelly Ferguson  
Print Name

10/25/2011  
Date



201 N. Orange Street  
 New Smyrna Beach, FL 32168  
 (386) 428-6678 Fax (386) 427-0898  
 Website [www.indianriverglass.com](http://www.indianriverglass.com)

**PROPOSAL**

Proposal Submitted To: Shelly Furgueron	Phone: 424-9878	Date: 9/29/11
Street:	Job Name: Jason's Corner	
City, State and Zip Code: P	Job Location: Canal St. NSB	

We hereby submit specifications and estimates for:

Replace storefront door with new *Kawneer* custom height storefront door. - Bronze aluminum framing with clear, tempered glass – non-impact. Offset pivots, surface mount closer, Panic hardware.

**\$2,634.55** price includes materials, labor & permit.

*We will remove blinds if they interfere with our window installation. Customer to be responsible to have blinds moved & reinstalled if necessary. Customer agrees to be available for city/county inspectors.*

*We Propose* hereby to furnish material and applicable sales tax – complete in accordance with above specifications, for the sum of: \_\_\_\_\_ dollars (\$ \_\_\_\_\_ )

Payment to be made as follows: 50% deposit, balance upon completion.

ALL PAYMENTS DUE 5 DAYS OF COMPLETION DATE. A late payment fee of 1½% interest per month (18% APR) will be added on past due account.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature: \_\_\_\_\_

**Rob Brownell**

Note: This proposal may be withdrawn by us if not accepted by the following 30 days.

**Acceptance of Proposal** – The above prices, specifications, terms, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: \_\_\_\_\_

I will be responsible for all costs including reasonable attorney fees incurred by Indian River Glass in collection of any delinquent payment.

Signature: \_\_\_\_\_

Date of Acceptance: \_\_\_\_\_

Licensed • Insured  
Charlie Broadway

# INVOICE

## Custom Woodwork & Trim, Inc.

P.O. Box 2292  
New Smyrna Beach, FL 32170  
904/423-2713

DATE \_\_\_\_\_

To: Jason's Corner

DESCRIPTION	AMOUNT
Material + Labor to Trim out Front door To match sliding doors	
Material	260.00
Stain + Varnish	75.00
Install Trim	200.00
Total	535.00





*Samples only*

**Property Improvement Grants  
Funding Evaluation**

Property Address: 135 Canal Street

Did Applicant attend pre-application conference: YES  NO

Does the proposed project substantially comply with the guidelines: YES  NO

**Review for Funding (26 Points Possible)  
(15 Points Minimum Required)**

Circle a Score  
for each category

**Compliance with Guidelines:**

Project substantially meets guidelines ..... 3 Points  
No character defining features are inappropriately altered: ..... 3 Points

**Location:**

A corner building on Flagler, or Canal Street must do all façade visible to receive credit: --- 5 Points  
Located on Canal St, Flagler Ave, N Causeway or Third Ave: ..... 4 Points  
Other Locations in Grant Area: ..... 3 Points

**Overall Impact / Improvements:**

Condition improves from poor to excellent: ..... 5 Points  
Condition improves from poor to good: ..... 4 Points  
Condition improves from good to excellent: ..... 3 Points  
Condition improves from average to excellent: ..... 3 Points  
Condition improves from average to good: ..... 2 Points

**Quality of Work Proposed:**

Special treatment (removing "slipcover façade", rebuilding original character-defining features, substantial structural renovation, significant landscape improvement, etc): ..... 7 Points  
Overall high quality: ..... 3 Points

**Present Use:**

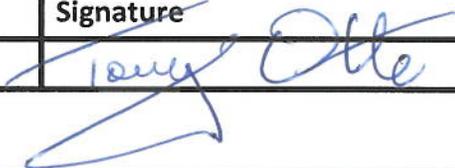
Commercial / Office: ..... 3 Points  
Current Vacant / reuse: ..... 3 Points  
New INFILL construction on Flagler Ave or Canal St: ..... 4 Points

**Bonus Points:**

Special significance – historically or architecturally important, now or in the past, to the community: ..... 2 Points

**Total** 16

## CRA AGENDA ITEM SUMMARY

<b>Staff Member Making Request:</b> Claudia Soulie		
<b>Meeting Date:</b> November 2, 2011		
<b>Action Item Title:</b> Combined Grant Application: 409 Flagler Ave		
<b>Agenda Section:</b> Consent _____ Public Hearing _____ Special Items <u>  x  </u>		
<b>Summary Explanation and Background</b>		
<p>This applicant is proposing to repair/paint damaged stucco in various exterior places to waterproof the building; replacement of awning fabric; removing existing boarded-up windows and replacing them with glass blocks as well as replacing a 42" existing door with a standard 36" door.</p> <p>The cost estimates were submitted as follows.</p> <ul style="list-style-type: none"> <li>• Awning (fabric only)..... \$ 1,624.85</li> <li>• Painting/Stucco work and Carpentry.....\$ 5,200.00</li> <li>• Repair/paint cracks on inside of building...\$ 300.00 (not eligible – not included in total)</li> <li>• Contractor Permit fee estimates.....\$ 300.00</li> <li>• Pressure wash/paint entire structure.....\$ 1,500.00 (optional)</li> </ul> <p>The estimates for the scopes of work total <b>\$8,624.85</b> (CRA funding request \$4,312.43). The applicant was informed that staff will require receipts from the contractors for all work performed and from the Building Department showing the cost for permit fees.</p> <p>Staff has met on-site with the Chief Building official. It was determined that the damage to the interior wall was caused by water seepage from the exterior crack, but that patching the inside is considered cosmetic and not required by code.</p> <p>The application has received the necessary points to qualify for consideration and staff recommends approval. Approval is contingent upon the applicant obtaining the necessary permit(s).</p>		
<b>Recommended Action/Motion:</b>		
Approve the application in the funding amount of \$ 4,312.43.		
<b>Funding Analysis:</b> Budgeted <input checked="" type="checkbox"/> If not budgeted, recommend funding account:		
Account number 120.51502.583001, which currently has a balance of \$370,000.00.		
<b>Exhibits Attached:</b>		
<ol style="list-style-type: none"> <li>1. Package submitted by the applicant</li> <li>2. Score sheet</li> </ol>		
<b>Reviewed By:</b>	<b>Name</b>	<b>Signature</b>
CRA Director	Tony Otte	
<b>Commission Action</b>		

## Property Improvement Grants Funding Evaluation

Property Address: 409 Flagler Ave

Did Applicant attend pre-application conference: YES  NO

Does the proposed project substantially comply with the guidelines: YES  NO

### Review for Funding (26 Points Possible) (15 Points Minimum Required)

Circle a Score  
for each category

**Compliance with Guidelines:**

Project substantially meets guidelines  
No character defining features are inappropriately altered: ----- (3) Points

**Location:**

A corner building on Flagler, or Canal Street must do all façade visible to receive credit: --- 5 Points  
Located on Canal St, Flagler Ave, N Causeway or Third Ave: ----- (4) Points  
Other Locations in Grant Area: ----- 3 Points

**Overall Impact / Improvements:**

Condition improves from poor to excellent: ----- (5) Points  
Condition improves from poor to good: ----- 4 Points  
Condition improves from good to excellent: ----- 3 Points  
Condition improves from average to excellent: ----- 3 Points  
Condition improves from average to good: ----- 2 Points

**Quality of Work Proposed:**

Special treatment (removing "slipcover façade", rebuilding original character-defining features, substantial structural renovation, significant landscape improvement, etc): ----- 7 Points  
Overall high quality: ----- (3) Points

**Present Use:**

Commercial / Office: ----- (3) Points  
Current Vacant / reuse: ----- 3 Points  
New INFILL construction on Flagler Ave or Canal St: ----- 4 Points

**Bonus Points:**

Special significance – historically or architecturally important, now or in the past, to the community: ----- 2 Points

**Total** 18

**CITY OF NEW SMYRNA BEACH  
COMMUNITY REDEVELOPMENT AGENCY**

**APPLICATION FORM**

**COMBINED GRANT PROGRAM**

(Exterior/Interior Improvements and Impact/Permit Fees)

NAME OF APPLICANT: Carol M Woodall (Trustee)

PROPERTY ADDRESS: 407/409 Flagler Avenue

PHONE/CELL: 386 214 6311 (EMAIL) Cms980@aol.com

**TYPE OF IMPROVEMENT PLANNED:**

Exterior  Painting  Landscape \_\_\_\_\_ Electrical \_\_\_\_\_

Signage \_\_\_\_\_ Awning \_\_\_\_\_ Parking Area \_\_\_\_\_ Other \_\_\_\_\_

Interior \_\_\_\_\_ Permit Fees  Impact Fees \_\_\_\_\_ Significant Façade

**PROJECT PROPOSAL ON IMPROVEMENTS**

All Combined Grant Program Applications must be approved by the CRA **prior to work commencing**. (Exception: Professional Design Fees as allowed per Program Guidelines)  
The following information must be included with the application.

	Exterior	Interior	Significant Façade	Impact Fee/Permits
Written Authorization from Property Owner (if not the applicant)	X	X	X	X
<b>Summary</b> of the scope of work to be performed	X	X	X	X
Two (2) cost estimates from licensed professionals (broken down by Scope of work)	X	X	X	
Written Permit(s)/Impact Fee Estimate from the appropriate Departments				X
<b>Conceptual plans and specifications</b> detailing the scope of work. (*Professional design assistance may be obtained prior to CRA approval at the applicant's own risk)	X	X	X	
<b>Samples</b> of all paint and material colors as well as awning materials to be used on the building and signage.	X	X	X	
<b>Square footage</b> for each eligible façade			X	
Proof of ad valorem taxes (NFPs only)	X	X	X	X

ESTIMATED TOTAL COST OF PROPOSED PROJECT: \$ 8,333.<sup>00</sup>

ESTIMATED AMOUNT OF GRANT ASSISTANCE REQUESTED: \$ 4,166.50

ESTIMATED START DATE: after CRA approval

ESTIMATED COMPLETION DATE: \_\_\_\_\_

**I UNDERSTAND THAT IN ORDER FOR MY REQUEST FOR GRANT FUNDING TO BE APPROVED, I MUST AGREE TO THE FOLLOWING CONDITIONS:**

1. **To follow the design** recommendations as approved by the Community Redevelopment Agency.
2. **To adhere** to the Application Procedures and Guidelines and the Grant Agreement as specified.
3. **That I shall incur** all project costs and receive approved grant **reimbursement** only after:
  - A. All improvements have been **completed**.
  - B. **Final Inspection** of the improvements is approved.
  - C. **Proof of Payment** for project costs has been received.
  - D. All City Permits have been **inspected/finalized** by Building staff
4. Additional improvements or changes not approved will not be funded.

I ACKNOWLEDGE THAT I HAVE RECEIVED AND UNDERSTAND THE DESIGN GUIDELINES (if applicable), THE COMBINED GRANT PROGRAM GUIDELINESS AND THE GRANT AGREEMENT.

\_\_\_\_\_  
Applicant Signature

CAROL M Woodall  
Property Owner Signature (if not applicant)

\_\_\_\_\_  
Print Name

CAROL M Woodall  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

lowest estimate

## Renovation With Innovation

P.O Box 141  
New Smyrna Beach, FL 32170  
386-663-5281

To: Carol Woodall  
Address: 407 & 409 Flagler Ave.  
City: New Smyrna Beach  
State & Zip: Florida, 32169

### PROPOSAL

Remove damaged stucco on North side top of structure. Re-stucco with new materials and cap off top of block with galvanized metal cap to ensure no leakage in the future.

Repair all stairstep cracks in the east side of the building and minor repairs on the west side als preventing leaks.

\* Patch cracks in tthe same areas inside the building with drywall mud compound and mesh tape.

Remove 3 windows on west side of building and replace with gl mortared 6' x 6" glass block with trim on inside.

Remove 42" existing door and alter opening to accomodate a new 36" fiberglass 6 panel door with stucco patch and paint.

Awning will be removed at time of painting while leaving the aluminum frame attached to the structure.

\* \$5500 includes all materials and labor. \$300 for pulling permit and permit charges.

\*\* 50% prepayment for materials and partial labor is required. 50% upon completion.

\*\*\* Add \$1500 to pressure wash and paint entire structure. Behr exterior paints and primers will be used.

GRAND TOTAL \$7300 includes all repairs on proposal with painting.

Interior crack caused by exterior water seepage  
cost to repair \$300 (excluded from grand total)

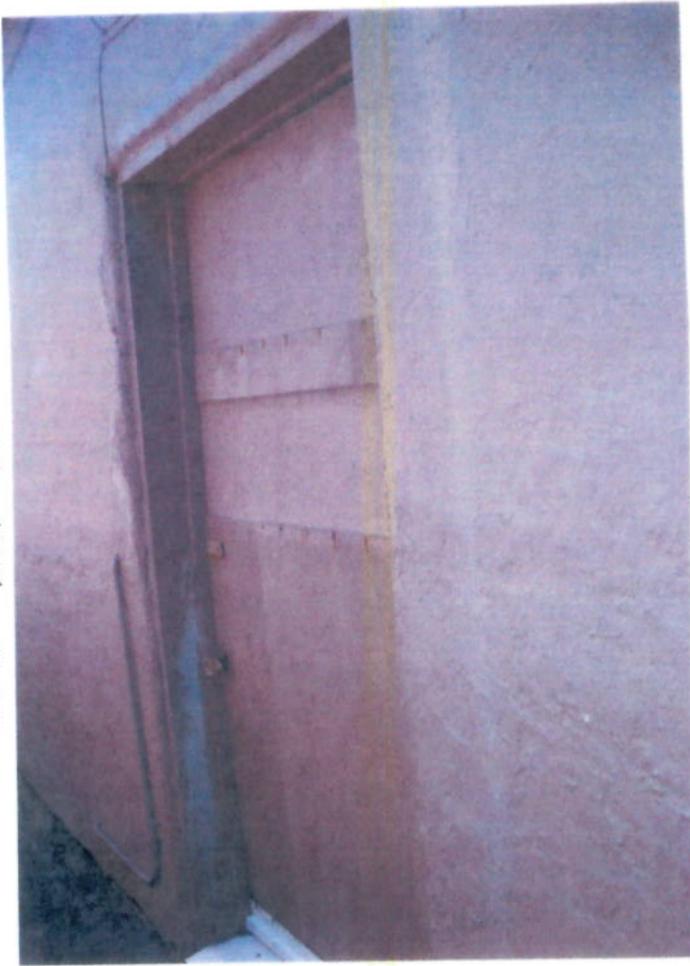
\* not a wode related item

\*Price includes all labor and materials  
\*\*Payment due upon completion

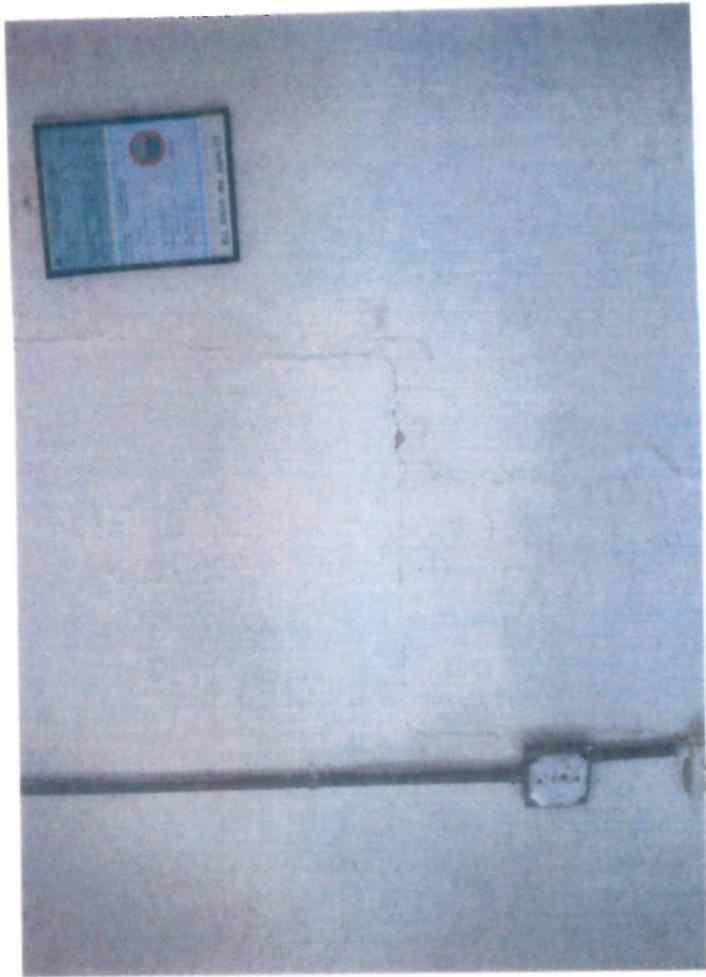
Thank You,  
Michael P. Whitten  
Owner

409 Klages Ave

Exterior Door on West side.



Interior of Robins Nest



Interior of Robins Nest

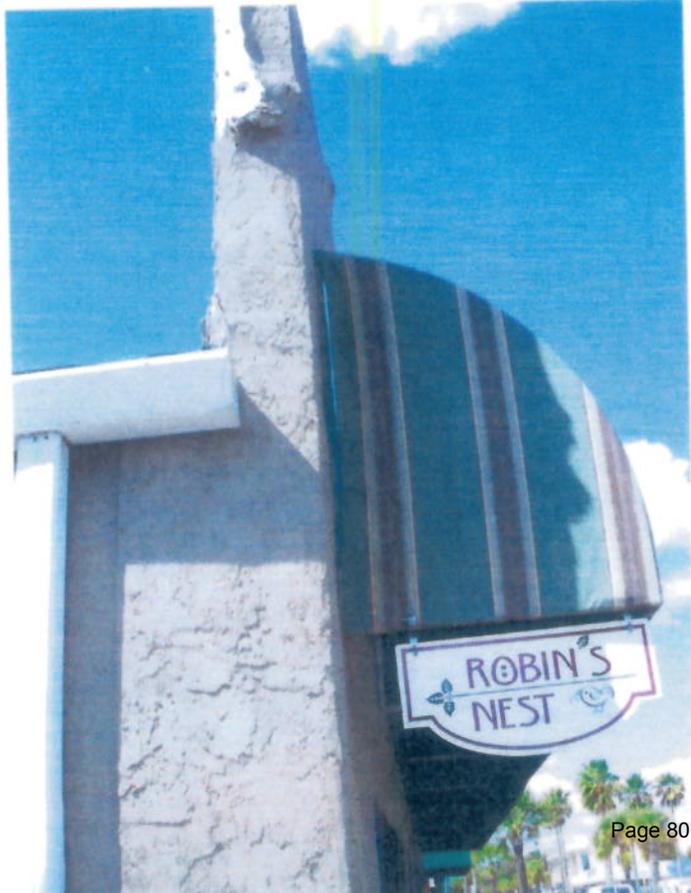


East side Stucco

Exterior Step cracks



Stucco Buckling



Window opening



Window on West side of Building



Window opening





2225 Guava Drive  
Edgewater, FL 32141  
Phone: (386) 426-2373

PO Box 519  
Edgewater, FL 32132  
Fax: (386) 426-2789

### A Sign of Quality

Name	Sapp Realty Inc	Date	10/26/11
Address	102 Louisa Drive	Contact Name	Carol Woodall Cory Sapp
City	Edgewater	Job Location	409 Flagler Avenue
State/Zip	FL 32132		New Smyrna Beach, FL
Phone	386-428-1331	Fax	386-428-1226

**We hereby submit specifications and estimates for:**

Fabricate and install new awning skin for existing frame. Remove existing frame from building and transport to shop. Install new Sunbrella awning material in customer specified color with black binding. \$ 1,295.00

HUV FireAssist material \$ 118.00

Permitting \$ 120.00

We hereby propose to furnish labor and materials, in accordance with the above specifications, for the sum of:  
One thousand five hundred thirty-three dollars and 00/100 Dollars \$ 1,533.00 1624.85  
*(Sales tax is not included in estimate)* \$ 91.85

Payment made as follows:  
50% deposit

Balance due upon installation

**(Completion date of 3 to 4 weeks from deposit date unless otherwise stated in contract)**

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed upon written orders only and will become an extra charge over and above estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Any underground obstructions will be removed on a time plus material basis. Contract prices are good for 90 days. Any contract that remains open for 12 months or more may be subject to storage fees and interest or loss of deposit. Final payment is due at time of install. Non-payment within 30 days after install will result in Contractor's Lien. Final electrical connection will only be made to a dedicated sign circuit within five foot of sign per State Code. Art charges will apply after the second revision. By signing this document, customer agrees that all materials remain the property of B & C Signs, Inc. until final payment is received. In default of any payment by customer, B & C Signs, Inc may take possession of goods without legal process.

**B & C Signs Authorized Signature** \_\_\_\_\_

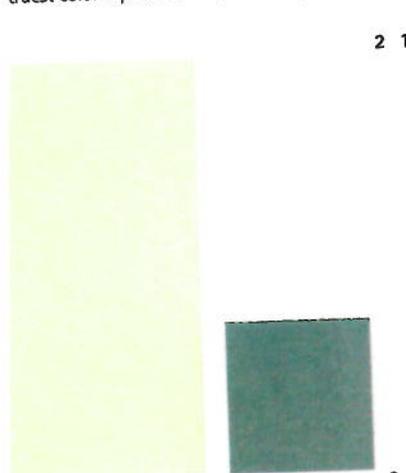
**ACCEPTANCE**

The above prices, specifications, and conditions are hereby accepted. B & C Signs is authorized to do the work as specified. Payment will be made as written above.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

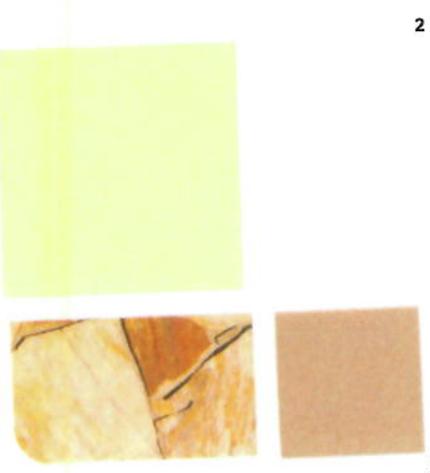
truest color representation, view chip in area and light where the color will be used. When applied, actual paint may differ slightly from color chip and

2 1



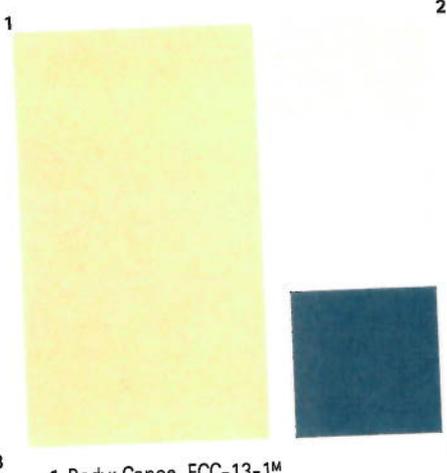
1 Body: Antigua Sunrise ECC-49-1<sup>U</sup>  
 2 Trim: Historic Cream ECC-49-2<sup>U</sup>  
 3 Accent: Forest Moss ECC-49-3<sup>D</sup>

2 1



1 Body: Sunbath ECC-50-1<sup>M</sup>  
 2 Trim: Rustic Cream ECC-50-2<sup>U</sup>  
 3 Accent: Brick Path ECC-50-3<sup>D</sup>  
 Feature: Sandstone Path

2 1



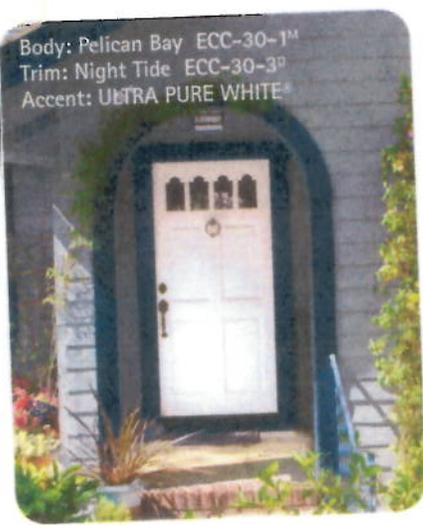
1 Body: Canoe ECC-13-1<sup>M</sup>  
 2 Trim: Quiet Shore ECC-13-2<sup>U</sup>  
 3 Accent: Flowing River ECC-13-3<sup>D</sup>

2 1



1 Body: Amber Leaf ECC  
 2 Trim: Eastern Wind EC  
 3 Accent: Autumn Hills  
 Feature: Terra Cotta R

1 Body: Canyon View ECC-20-1<sup>M</sup>  
 2 Trim: Ranch Acres ECC-20-2<sup>U</sup>  
 3 Accent: Hickory Grove ECC-20-3<sup>D</sup>



1



1 Body: Mission Stone ECC-55-1<sup>U</sup>  
 2 Trim: Adobe White ECC-55-2<sup>U</sup>  
 3 Accent: Olive Sprig ECC-55-3<sup>D</sup>

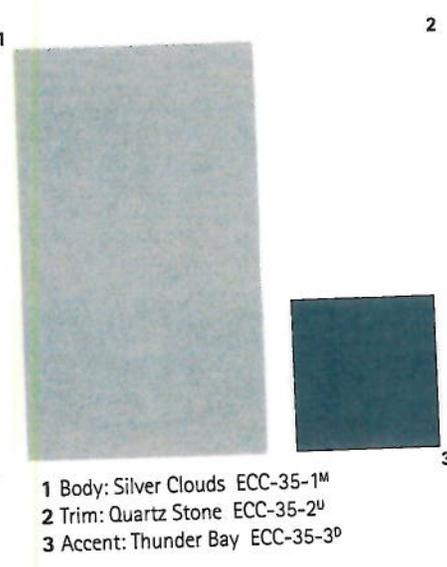
2 1



1 Body: Beach Cabana  
 2 Trim: White Feather  
 3 Accent: Lake View E

1 Body: Desert Dusk ECC-61-1<sup>M</sup>  
 2 Trim: Stonewashed Pink ECC-61-2<sup>U</sup>  
 3 Accent: Evening Fog ECC-61-3<sup>M</sup>

2 1



1 Body: Silver Clouds ECC-35-1<sup>M</sup>  
 2 Trim: Quartz Stone ECC-35-2<sup>U</sup>  
 3 Accent: Thunder Bay ECC-35-3<sup>D</sup>

2 1



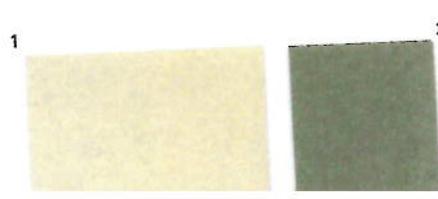
1 Body: Pacific Mist ECC-34-1<sup>U</sup>  
 2 Trim: Boulder Creek ECC-34-2<sup>M</sup>  
 3 Accent: Terra Cotta Sun ECC-34-3<sup>D</sup>  
 Feature: Charcoal Composite Roof

2 1

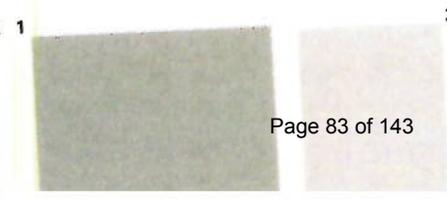


1 Body: Pelican Bay  
 2 Trim: ULTRA PURE  
 3 Accent: Night Tide

1



2 1



2



Body: Arbor Hollow ECC-37-1<sup>U</sup>  
 Trim: Grand Heron ECC-37-2<sup>U</sup>  
 Accent: Freshwater Marsh ECC-37-3<sup>D</sup>

1



*Awning*  
**firesist<sup>®</sup>**  
**HUV**



**STYLE NO.**  
**VICTORIA GREEN** 88000-0000



**STYLE NO.**  
**CRIMSON RED** 88003-0000



**STYLE NO.**  
**TOASTY BEIGE** 88020-0000



**STYLE NO.**  
**FOREST GREEN** 88037-0000



**STYLE NO.**  
**REGATTA** 88051-0000



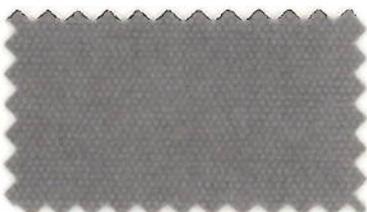
**STYLE NO.**  
**IVORY** 88054-0000



**STYLE NO.**  
**BLACK** 88008-0000



**STYLE NO.**  
**TERRACOTTA** 88022-0000



**STYLE NO.**  
**CHARCOAL** 88049-0000



**STYLE NO.**  
**PARCHMENT** 88052-0000



**STYLE NO.**  
**ADMIRAL NAVY** 88055-0000



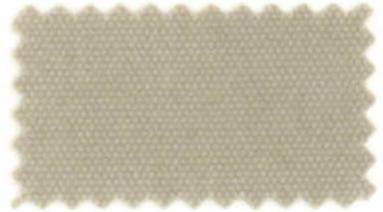
**STYLE NO.**  
**SUNBURST YELLOW** 88002-0000



**STYLE NO.**  
**TEAL BLUE** 88010-0000



**STYLE NO.**  
**BURGUNDY** 88031-0000



**STYLE NO.**  
**SAND** 88050-0000



**STYLE NO.**  
**LODEN** 88053-0000



**STYLE NO.**  
**CHERRY RED** 88056-0000



James S. Coomber  
President

# Coomber Construction, Inc.

QUALITY BUILDING IN FLORIDA SINCE 1972

Custom Homes, Remodeling, Commercial Roofing

620 East 3rd Ave. • New Smyrna Beach, FL 32169 • (386) 428-3833 • Fax (386) 428-3834

General Contractor #CGC058665 • Roofing Contractor #CCC056960

## CONTRACT/PROPOSAL

FOR:

407-409 FLAGLER

NEW SMYRNA BEACH, FL 32169

Coomber Construction, contracts to supply all labor and material necessary to complete the following work:

1. Remove 3 existing windows and door in alley
2. Fill in window openings with glass block and trim interior
3. Place a 3/0 6 panel fiberglass door in old door opening with a 3 inch raised concrete sill under door. Door will have to be cut down to size
4. Remove front awning from building remove and re-stucco down to top of awning and replace awning
5. Repair any other loose stucco on front of building and around repair work
6. Patch cracks on inside of east wall of east unit 409
7. Repaint repaired areas only
7. **ADD \$1500 TO POWER WASH AND PAINT ALL OF BUILDING EXTERIOR**

1. **CONTRACT PRICE:** The Owner shall pay the Contractor **NINE THOUSAND NINE HUNDRED FIFTY\_ Dollars and No/100 (\$9,950.00\_\_)** ("Contract Price"), plus or minus any adjustments for allowance items, plus or minus any adjustments for Change Orders.

2. **METHOD OF PAYMENT:** The Owner shall pay to the Contractor for the performance of the work (the "Contract Price") subject to adjustments, as follows:

Draw 1 \$1,000.00	-	Deposit paid to Contractor upon acceptance of this contract by both parties;
Draw 2 \$2,500.00		Due and payable upon obtaining permit;
Draw 3 \$3,000.00		Due and payable windows & door installed;
Draw 4 \$2,500.00		Due and payable when stucco complete;
Final \$ 950.00		Due and payable upon substantial completion



**U.S. Blinds Fabrications, Inc.**



1725 S. Nova Road-South Daytona, Fl 32119 \* 1104 West Granada blvd-Ormond Beach, Fl. 32174  
 1040 Palm Coast Pkwy-Palm Coast, Fl. 32137

Daytona Toll Free Ormond Palm Coast New Smyrna  
 386-788-7766 1-800-329-7766 386-676-2628 386-445-7766 386-428-7766

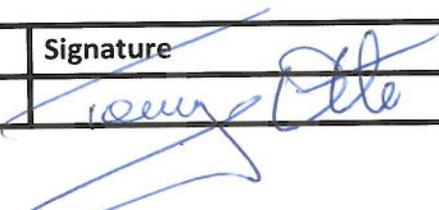
INVOICE #000  
 DATE: OCTOBER 26, 2011

To:Corrie Sapp  
 407-409 Flagler ave.  
 New Smyrna Beach, Fl.  
 386-428-1331  
 CMS980@AOL.COM

Contact:

DESCRIPTION	AMOUNT
<u>Recover stationary awning with sunbrella fabric which to include fire retardant chemicals*</u>	
Approx 36ft x 3ft height x 3ft proj	Fabric 520.00
Labor : takedown awning and deliver to shop, strip awning fabric and dispose, Cut. seam and sew new fabric, Adhere to exsisting frame, redeliver and reinstall awning	1800.00
Fire retardant additive	250.00
Permitting	200.00
SUBTOTAL TAX TOTAL DEPOSIT BALANCE	2770.00 180.05 2950.05

## CRA AGENDA ITEM SUMMARY

<b>Staff Member Making Request:</b> Claudia Soulie		
<b>Meeting Date:</b> November 2, 2011		
<b>Action Item Title:</b> Combined Grant Application: 308 N. Orange Ave		
<b>Agenda Section:</b> Consent _____ Public Hearing _____ Special Items <u>  x  </u>		
<b>Summary Explanation and Background</b>		
<p>Staff was approached by Ms. Marla Nance about converting a building at 308 N. Orange from the previous use as a print shop to professional office space. The project will stretch over two (2) conjoined parcels (306 and 308 N. Orange with separate parcel ID numbers). Both have recently been acquired by Ms. Nance.</p> <p>Ms. Nance submitted two (2) separate applications. One (1) for a <b>Combined Grant</b> to include landscaping, creation of parking areas, Signage, Electrical work and Design Assistance, which are all eligible expenses under this grant program at a total cost of \$30,854.00 with CRA reimbursement requested in the amount of \$15,427.00.</p> <p>The other application is for consideration of a <b>Significant Façade grant</b> to improve three (3) facades by installing/painting of hardie board siding, trim, bead board soffits, replacing of exterior windows and exteriors doors and a storefront door. The cost of these scopes totals 82,650 and the applicant is requesting CRA reimbursement in the amount of \$41,325 under the Significant Façade Grant program.</p> <p>The applicant has been advised that staff does not deem the facades of her building significant to the district as to warrant consideration under the Significant Façade grant and that staff is recommending that the CRA approve the façade work under the Combined Grant program with CRA funding in the amount of \$20,000.</p> <p>The applicant will be present to explain her reasoning as to why she would like to have the CRA consider her applications as submitted (One Combined Grant with a CRA funding amount of \$15,427 and one Significant Façade grant with a CRA funding amount of \$41,325.)</p> <p>The Planning, Engineering and Building Departments have reviewed and conceptually approved the proposal.</p> <p>The application has received the necessary points to qualify for consideration and staff recommends approval of a Combined Grant in the CRA funding amount of \$20,000. Approval is contingent upon the applicant obtaining the necessary permit(s).</p> <p>Should the CRA approve a grant in excess of \$25,000, the application will have to go before the City Commission for ratification.</p>		
<b>Recommended Action/Motion:</b> Approve the application in the CRA funding amount of \$20,000.		
<b>Funding Analysis:</b> Budgeted <input checked="" type="checkbox"/> If not budgeted, recommend funding account: Account number 120.51502.583001, which currently has a balance of \$370,000		
<b>Exhibits Attached:</b> <ol style="list-style-type: none"> <li>1. Package submitted by the applicant</li> <li>2. Score sheet</li> <li>3. Grant guidelines for Significant Facades</li> </ol>		
<b>Reviewed By:</b>	<b>Name</b>	<b>Signature</b>
CRA Director	Tony Otte	
<b>Commission Action</b>		

## Property Improvement Grants Funding Evaluation

Property Address: 308 N. Orange

Did Applicant attend pre-application conference: YES ✓ NO \_\_\_\_\_

Does the proposed project substantially comply with the guidelines: YES ✓ NO \_\_\_\_\_

### Review for Funding (26 Points Possible) (15 Points Minimum Required)

Circle a Score  
for each category

**Compliance with Guidelines:**

Project substantially meets guidelines \_\_\_\_\_

No character defining features are inappropriately altered: ----- (3) Points

**Location:**

A corner building on Flagler, or Canal Street must do all façade visible to receive credit: --- 5 Points

Located on Canal St, Flagler Ave, N Causeway or Third Ave: ----- 4 Points

Other Locations in Grant Area: ----- (3) Points

**Overall Impact / Improvements:**

Condition improves from poor to excellent: ----- 5 Points

Condition improves from poor to good: ----- 4 Points

Condition improves from good to excellent: ----- (3) Points

Condition improves from average to excellent: ----- 3 Points

Condition improves from average to good: ----- 2 Points

**Quality of Work Proposed:**

Special treatment (removing "slipcover façade", rebuilding original character-defining features, substantial structural renovation, significant landscape improvement, etc): ----- 7 Points

Overall high quality: ----- (3) Points

**Present Use:**

Commercial / Office: ----- (3) Points

Current Vacant / reuse: ----- 3 Points

New INFILL construction on Flagler Ave or Canal St: ----- 4 Points

**Bonus Points:**

Special significance – historically or architecturally important, now or in the past, to the community: ----- (2) Points

Total 17



October 12, 2011

Mr. Tony Otte, Executive Director  
City of New Smyrna Beach Community Redevelopment Agency  
210 Sams Avenue  
New Smyrna Beach, FL 32168

RE: 306 & 308 N Orange Ave, New Smyrna Beach, FL 32168  
COMBINED GRANT PROGRAM and SIGNIFICANT FACADE GRANT

Dear Mr. Otte,

We respectfully request your consideration of our application for the City of New Smyrna Beach Community Redevelopment Agency Combined Grant Program for purposes of landscaping and exterior repairs and upgrades to be made to our office located at 308 North Orange Ave, New Smyrna Beach, FL 32168.

This historical building is truly a landmark in downtown New Smyrna Beach, and we want to keep it that way. It is documented in the community's historical records as a former church. The building is a bungalow style. While originating as a church, the use subsequently changed to commercial office space and in more recent years was used as a print shop.

In the attached packet, we have defined our scope of services to be improvement and upgrade of the parking lot, replacement and installation of siding, windows and doors. Our intent with these improvements is to focus on extending the useful life of the building, establishing a viable business location and revitalizing the historical integrity of the building. We feel the proposed materials, design services, and costs provide the best efficiencies for all of these areas while bringing out the historical beauty of the property.

We are applying as a significant façade due to the future operation of three viable businesses from this location. While MTN Resources, LLC is the documented owner of the building, I personally am the single member owner of this LLC. Additionally, I am also the sole owner of Marla T. Nance, CPA, PA (a licensed Florida Certified Public Accounting firm) and Sea-Action Properties and Management, LLC (a Florida licensed Community Association Management Firm). All three of these firms would call this property "home" in New Smyrna Beach, FL.

We are very proud to be afforded the opportunity to operate and conduct our statewide business from the New Smyrna Beach community. We have enjoyed our past three year establishment on Canal Street and look forward to many prosperous years on Orange Avenue.

We thank you in advance for your consideration of this application, as these improvements would help maintain the historical integrity of this property. It's presence in the historical district of New Smyrna Beach represents our community's history and we are proud to be a part of that history.

Thank you,

A handwritten signature in cursive script that reads "Marla Nance".

Marla Nance  
MTN Resources, LLC

## Scope of Services

### **A. PROPOSED PROJECT**

MTN Resources, LLC purchased the subject property at 306/308 N Orange Avenue, New Smyrna Beach, FL 32168 on 9/28/11, which is located within the New Smyrna Beach Community Redevelopment Agency (CRA) District. The location consists of a 2016 square foot office building and an adjoining parking lot on the south side of the property. While the original building was a church, it was subsequently used as a retail/print shop and MTN Resources intends to convert the use to professional office space.

The renovation project consists of exterior, interior, and landscaping upgrades. It is important to us to achieve a quality image and functional office, while preserving the building's unique character and historical integrity. To ensure that our renovation project meets our needs as well as the expectations of the community, we have enlisted the services of a Building Architect and Landscape Design Architect to assist with this effort. Our goal is for the end product to create pride and confidence in the CRA District by improving the visual quality of this location.

### **B. COMBINED GRANT PROGRAM**

#### **1. APPLICANT ELIGIBILITY**

The proposed improvements qualify based on the location of the subject property with the CRA district and per the eligible exterior expenditures listing for: Landscaping, Parking Areas, Signage, Electrical, Screenings, and Design Assistance.

#### **2. FUNDING ELIGIBILITY**

The grant funding availability is up to \$20,000 total per grant. The program requires a 50/50 match. See Summary of Cost Estimates in Section E4.

#### **3. LANDSCAPE DESIGN SERVICES**

Christina Lathrop, with Dix.Lathrop and Associates, Inc., is providing landscape architect services for this project. Ms. Lathrop is an established Landscape Architect in the Orlando area. She has been licensed in the State of Florida (License #LA0001340) since 1989.

#### **4. LANDSCAPE DESIGN**

In accordance with the grant guidelines, the following site improvements have been included in the application proposal in accordance with the architect plan set.

Parking Space – Improve existing parking area and create additional parking spaces, in accordance with Landscape Architect Plans, which provide a safe and pleasant working environment for customers and employees. Includes the establishment of 6 parking spaces plus 1 designated handicap parking space (brick pavers).

**3. DESIGN SERVICES**

Gerard J. Pendergast Architect, PLC is performing building architect services for this project. Mr. Pendergast is an established Architect in the New Smyrna Beach area. He is licensed in the State of Florida (License #AR0013447) since 1990.

**4. BUILDING DESIGN – EXTERIOR**

In accordance with the grant guidelines, the following site improvements have been included in the application proposal.

Siding/Soffits – Installation of Hardie plank siding on the perimeter of the building and Hardie trim for corners and windows; paint, caulk and seal all new Hardie siding, trim and soffit; replace railing; installation of Hardie 2’ on center beaded Cedarmill soffit.

Paint – Paint, caulk and seal all new Hardie siding, trim and soffit. Chosen colors: Benjamin Moore Hawthorne Yellow (HC-4) with trim in Benjamin Moore Navajo White.

Windows – Replace 22 windows per Architect window schedule with Anderson 400 Series windows.

Doors - Replace 3 exterior doors in accordance with Architect plans specifications, including 1 double entrance doorway in wood for front entrance and two solid metal doors for north and south entrances.

**D. PROPOSED PROJECT SCHEDULE**

The following project schedule is being proposed.

10/12/11	Submit application to CRA
11/2/11	CRA Board Meets/Application Approval
11/29/11	City Commission Board Meets/Application Approval
12/1/11	Finalize Contractor Bids/Enter into Contracts
12/12/11	Construction Begins
2/15/12	Substantial Completion
3/30/12	Project Completion

-if over \$25,000

**E. ON-SITE MEETING**

As required by the grant guidelines, an on-site meeting was held at the subject property location on July, 18, 2011, with the following persons in attendance:

1. Tony Otte
2. Claudia Coulie
3. Marla Nance
4. Darrell Nance
5. Kate Rosenberg
6. Mike Knotek

**F. PERMIT(S)/IMPACT FEE ESTIMATE**

Please see Section E6, for correspondence from Gail Henrikson, AICP, dated 10/11/11, indicating that no transportation, police and/or fire impacts are applicable to this project.

## Marla T Nance

---

**From:** Henrikson, Gail <ghenrikson@cityofnsb.com>  
**Sent:** Tuesday, October 11, 2011 9:51 AM  
**To:** Marla T Nance  
**Cc:** Fegley, Kyle; Moore, Marissa; katerosenberg@mtnancecpa.com; Mathen Robert; Soulie, Claudia  
**Subject:** RE: MTN Resources - 308 N Orange Ave, NSB - Landscape Design

Marla:

Kyle is correct that the City Commission has waived transportation impact fees through December 31, 2012. They are also considering an extension of the police and fire impact fees tonight, which would extend the waiver of those fees through December 31, 2012, as well.

With regard to permit fees, I have copied Bob Mathen, Zoning Technician on this email. He will advise you as to what additional information, if any, he requires to provide an estimate of those fees.

This email should suffice for the purposes of the CRA grant to verify that no transportation, police and/or fire impacts are applicable to this project, provided that the permits are pulled by December 31, 2012 and all construction is completed by December 31, 2013.

Please let me know if you have any questions or require any additional information.

Gail

**Gail Henrikson, AICP**  
Planning Manager  
210 Sams Avenue  
New Smyrna Beach, FL 32168  
386.424.2134  
386.424.2148 Fax

---

**From:** Marla T Nance [mailto:marlanance@earthlink.net]  
**Sent:** Tuesday, October 11, 2011 9:42 AM  
**To:** Henrikson, Gail  
**Cc:** Marla Nance; Fegley, Kyle; Moore, Marissa; katerosenberg@mtnancecpa.com  
**Subject:** FW: MTN Resources - 308 N Orange Ave, NSB - Landscape Design

Hi Gail,

In the course of putting together our CRA packet for the proposed project previously discussed with you, we realized that we had not specifically addressed Permit(s)/Impact Fees. The grant application requires "Written Permit(s)/Impact Fee Estimate from the appropriate Departments". I touched base with Kyle Fegley about this item this morning. While indicated that the fees were currently waived he recommended that I make contact with you for a response back to be included in our packet.

Our project scope consists of:

Exterior Renovations - including siding, windows, doors, roof, painting  
Landscaping Renovations – plants, pavers (handicap parking), watering, curb/sidewalk/driveway, signage  
Interior Renovations – flooring, walls, painting, etc.

Our project timeline is as follows.

10/12/11 – submit CRA application  
11/2/11 – CRA application Board meeting/approval  
11/30/11 – finalize contractor estimates/enter into contracts  
12/3/11 – begin construction  
2/29/12 – complete construction

Please let me know if you need any additional information to advise me accordingly on this aspect of our process.

Thank you,  
Marla

*Marla Nance*

### **MTN Resources**

203 Canal Street  
New Smyrna Beach, FL 32189  
407-616-6890  
866-268-9253 Fax  
[mnance@mtnresources.com](mailto:mnance@mtnresources.com)

---

**From:** Fegley, Kyle [mailto:kfegley@cityofnsb.com]  
**Sent:** Friday, September 30, 2011 5:58 PM  
**To:** Marla T Nance  
**Cc:** Chris Lathrop; Henrikson, Gail; Moore, Marissa  
**Subject:** RE: MTN Resources - 308 N Orange Ave, NSB - Landscape Design

Marla,

Based on my discussion with Gail the proposed improvements do not require a site plan review process, but rather will be incorporated into your building permit application, which should allow you to move forward quickly with the overall City approval process. The plans designed by Dix.Lathrop are landscape oriented, thereby leaving me with limited documentation to review. I do have some items that need to be addressed when submitting the building permit application. Please address or incorporate the following items;

1. Each driveway egress must have a stop sign designed in conformance with FDOT standard R1-1, 36". The stop sign must be located 4' in advance of sidewalks, and not be impeded by vegetation (trees).
2. There are no proposed grades, so you will need to show flow arrows or indicate the stormwater runoff (at least the first 1.5") will be distributed into the proposed landscape areas and not directly to the City right-of-way.
3. In your building permit submittal provide some additional input for the construction standards used to improve the proposed parking area. For instance it should be stabilized with a minimum of 6" shellrock compacted to 98% proctor value, and paver bricks will be traffic bearing (H-20), minimum 2-3/8" thick with a 6" limerock/crushed concrete base, etc.
4. You may not trigger SJRWMD permit threshold, but you will need to inquire with them to confirm. I would suggest you obtain an exemption letter through W. Jeremy RiCharde at the District, who can be reached at (407) 659-4864.
5. Proper signage & striping for the ADA handicapped parking space must be installed.

Overall the plans appear to meet our design guidelines, but there will likely be additional input during the departmental reviews associated with the building permit process. If you have any questions regarding my comments, please give me a call and I will happy to provide the necessary guidance.

Thanks,

Kyle W. Fegley, P.E.  
City Engineer  
City of New Smyrna Beach, FL  
ph. (386) 424-2168  
fax (386) 424-2148  
[kfegley@cityofnsb.com](mailto:kfegley@cityofnsb.com)

**From:** Marla T Nance [<mailto:marlanance@earthlink.net>]  
**Sent:** Thursday, September 29, 2011 6:48 PM  
**To:** Fegley, Kyle  
**Cc:** Marla Nance; 'Chris Lathrop'; Henrikson, Gail; Moore, Marissa  
**Subject:** MTN Resources - 308 N Orange Ave, NSB - Landscape Design

Hi Kyle,

My name is Marla Nance and I am the owner of MTN Resources and we closed on our new building yesterday at 308 N Orange Avenue, NSB (formerly M&T Printing). Myself and Chris Lathrop, our landscape architect with DixLathrop, met with Gail Henrikson on Tuesday, September 28, 2011, and left a copy of our concept layout.

I have attached an updated version of that layout to this email.

We have the following questions:

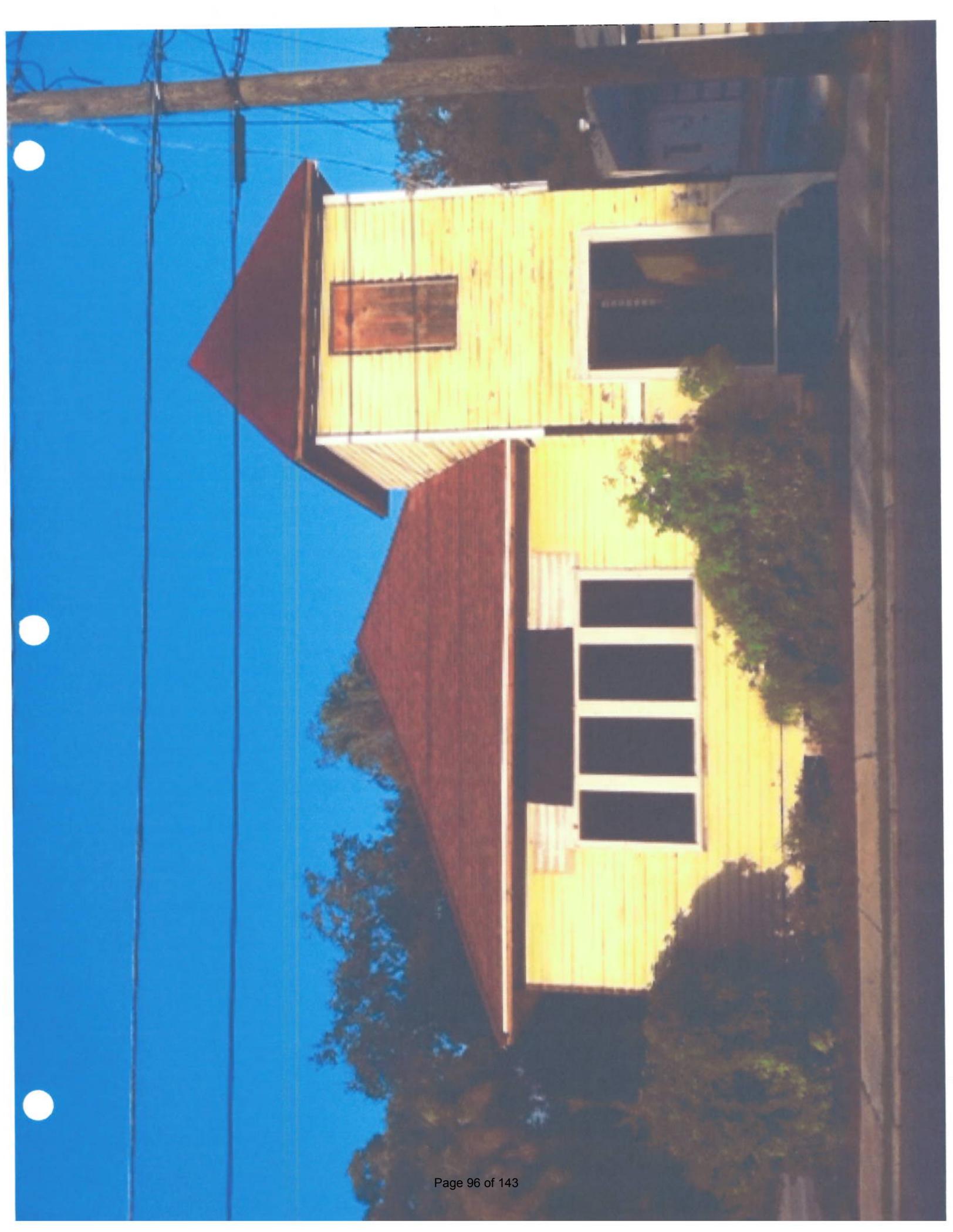
1. What is the site plan/ engineering submission process?
2. We do not believe a SJRWM permit is required, as we are not over the 4000 sf threshold of improved impervious surface area; please confirm our understanding.
3. Do you have any comments regarding the plan layout and the proposed improvements?

Your feedback is greatly appreciated.

Thanks,  
Marla

*Marla Nance*

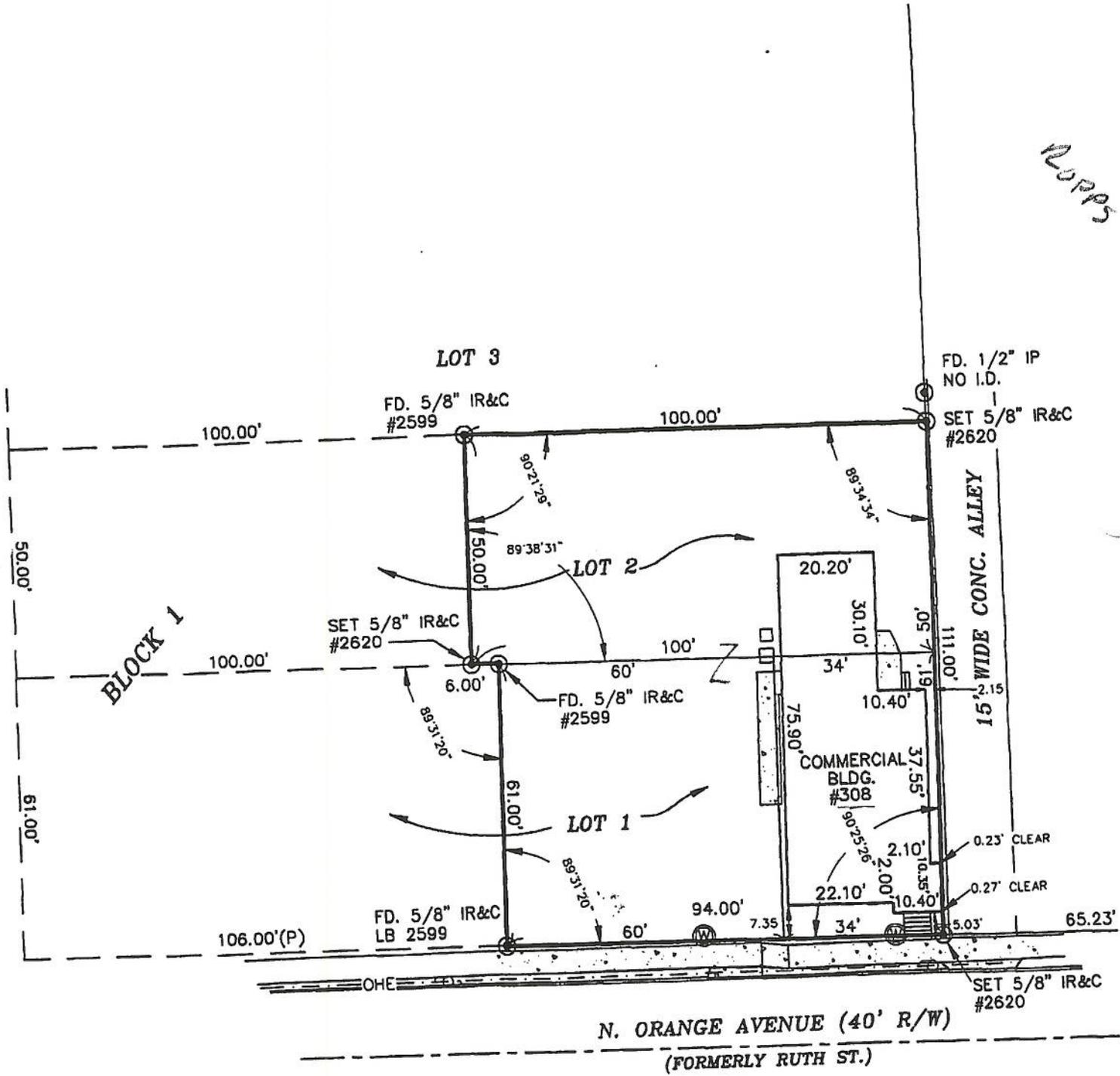
**MTN Resources**  
203 Canal Street  
New Smyrna Beach, FL 32189  
407-616-6890  
866-268-9253 Fax  
[mnance@mtnresources.com](mailto:mnance@mtnresources.com)





20885

WASHINGTON ST. (30' R/W)



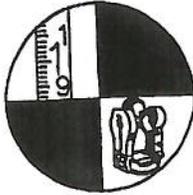
N. ORANGE AVENUE (40' R/W)  
(FORMERLY RUTH ST.)

BOUNDARY SURVEY

PREPARED BY:

A.A. WILBERT JR., LAND SURVEYING, INC.

54-A VINING CT. ORMOND BEACH, FLORIDA 32176-6841  
(386) 676-9058  
L.B. # 4267



LEGAL DESCRIPTION: ( PROVIDED BY CLIENT )

THE NORTH 34 FEET OF LOT 1 AND THE NORTH 60 FEET OF THE SOUTH 166 FEET OF LOT 1, AND THE NORTH 100 FEET OF LOT 2, BLOCK 1, PITZER & NELSEN SUBDIVISION AS PER MAP IN MAP BOOK 1, PAGE 96 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA

THIS PLAT IS HEREBY CERTIFIED TO:

- 1.) M & T PRINTERS, INC.
- 2.) FRIENDS BANK
- 3.) FIRST AMERICAN TITLE INSURANCE COMPANY
- 4.)

THIS PLAT IS HEREBY CERTIFIED AS MEETING THE MINIMUM TECHNICAL STANDARDS (61G17-6, F.A.C.) SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

THE TERM CERTIFIED AS USED IN THIS STATEMENT, IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND FIRM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, IT DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED, FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYORS OPINION.

JOB # 06-6701  
FILE # 06-6701  
FIELD SURVEY DATE: 4/9/06  
SIGNATURE DATE: 4/21/06  
CD BU#: DVD

SEAL

*Andrew A. Wilbert, Jr.*  
ANDREW A. WILBERT, JR. P.L.S. # 2620 VALID ONLY WITH EMBOSSED SEAL  
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

PAGE 1 OF 3 PAGES  
NOT VALID WITHOUT PAGES 2 AND 3

PITZER N NELSON PART LOT 1 & 2

# Combined Grant

## CITY OF NEW SMYRNA BEACH COMMUNITY REDEVELOPMENT AGENCY

### APPLICATION FORM

#### COMBINED GRANT PROGRAM

(Exterior/Interior Improvements and Impact/Permit Fees)

NAME OF APPLICANT: MTN Resources, LLC

PROPERTY ADDRESS: 306 and 308 N Orange Ave., New Smyrna Beach, FL 32168  
386-402-8586 office

PHONE/CELL: 407-616-6890 cell (EMAIL) mnance@mtnresources.com

#### TYPE OF IMPROVEMENT PLANNED:

Exterior X Painting X Landscape X Electrical \_\_\_\_\_

Signage X Awning \_\_\_\_\_ Parking Area X Other \_\_\_\_\_

Interior \_\_\_\_\_ Permit Fees \_\_\_\_\_ Impact Fees \_\_\_\_\_ Significant Façade \_\_\_\_\_

#### PROJECT PROPOSAL ON IMPROVEMENTS

All Combined Grant Program Applications must be approved by the CRA **prior to work commencing**. (Exception: Professional Design Fees as allowed per Program Guidelines)  
The following information must be included with the application.

	Exterior	Interior	Significant Façade	Impact Fee/Permits
Written Authorization from Property Owner (if not the applicant)	X	X	X	X
<b>Summary</b> of the scope of work to be performed	X	X	X	X
Two (2) cost estimates from licensed professionals (broken down by Scope of work)	X	X	X	
Written Permit(s)/Impact Fee Estimate from the appropriate Departments				X
<b>Conceptual plans and specifications</b> detailing the scope of work. (*Professional design assistance may be obtained prior to CRA approval at the applicant's own risk)	X	X	X	
<b>Samples</b> of all paint and material colors as well as awning materials to be used on the building and signage.	X	X	X	
<b>Square footage</b> for each eligible façade			X	
Proof of ad valorem taxes (NFPs only)	X	X	X	X

ESTIMATED TOTAL COST OF PROPOSED PROJECT: \$30,854

ESTIMATED AMOUNT OF GRANT ASSISTANCE REQUESTED: \$ 15,427.00

ESTIMATED START DATE: December 2, 2011

ESTIMATED COMPLETION DATE: February 24, 2012

**I UNDERSTAND THAT IN ORDER FOR MY REQUEST FOR GRANT FUNDING TO BE APPROVED, I MUST AGREE TO THE FOLLOWING CONDITIONS:**

1. **To follow the design** recommendations as approved by the Community Redevelopment Agency.
2. **To adhere** to the Application Procedures and Guidelines and the Grant Agreement as specified.
3. **That I shall incur** all project costs and receive approved grant reimbursement only after:
  - A. All improvements have been **completed**.
  - B. **Final Inspection** of the improvements is approved.
  - C. **Proof of Payment** for project costs has been received.
  - D. All City Permits have been **inspected/finalized** by Building staff
4. Additional improvements or changes not approved will not be funded.

I ACKNOWLEDGE THAT I HAVE RECEIVED AND UNDERSTAND THE DESIGN GUIDELINES (if applicable), THE COMBINED GRANT PROGRAM GUIDELINESS AND THE GRANT AGREEMENT.

Marla T. Nance  
Applicant Signature

\_\_\_\_\_  
Property Owner Signature (if not applicant)

Marla T. Nance  
Print Name

\_\_\_\_\_  
Print Name

10/12/11  
Date

\_\_\_\_\_  
Date





Weeping Yaupon



Gulf Muhly



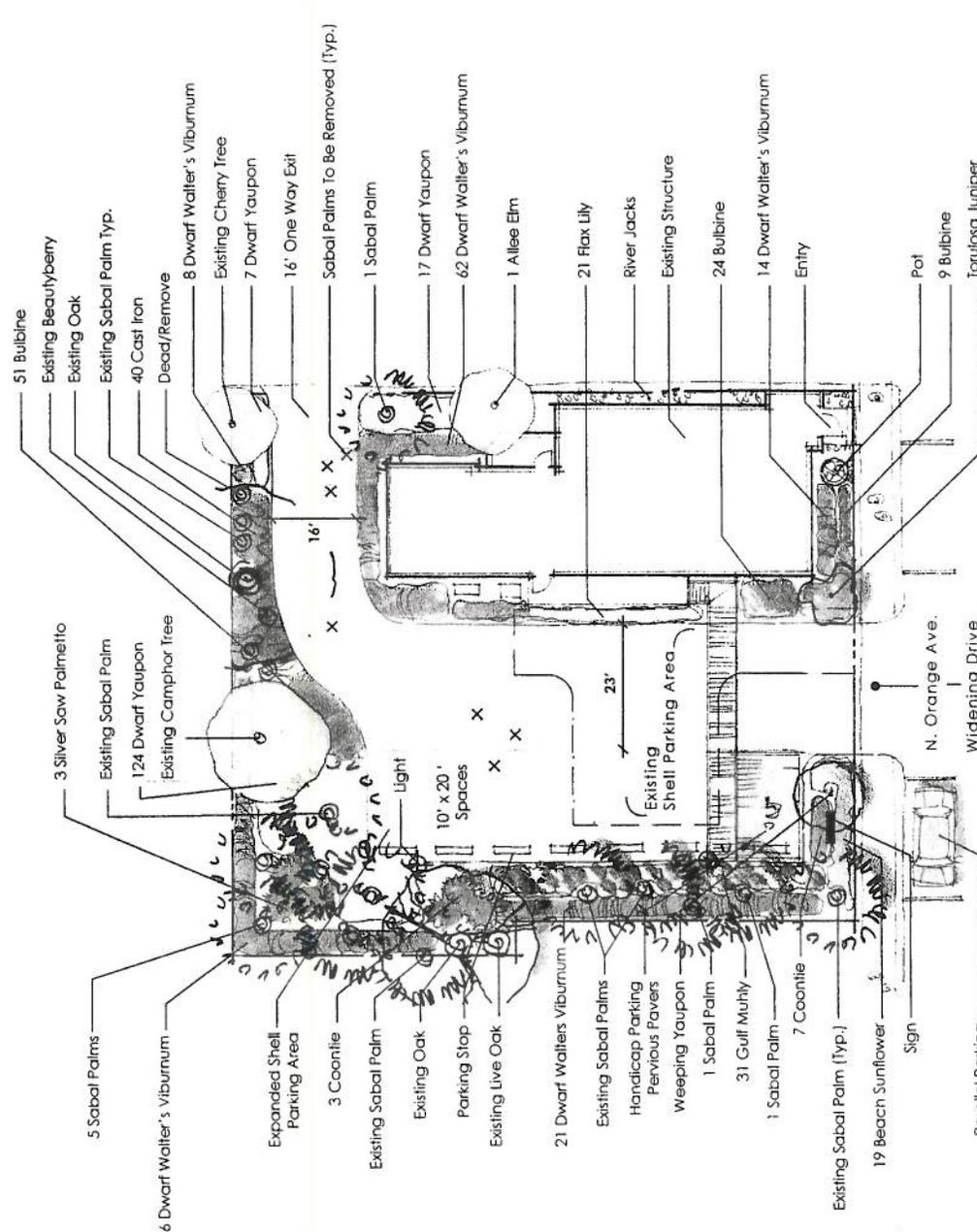
Coontile



Beach Sunflower



Cast Iron



Flax Lily



Hooded Shade Light Fixture



Dwarf Walter's Viburnum



Torulosa Juniper



Bulbine

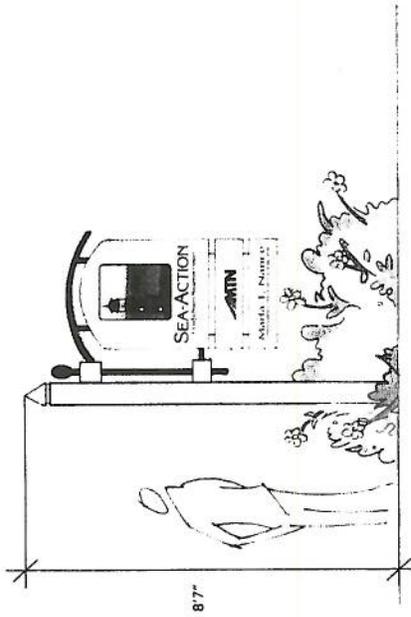


Dwarf Yaupon

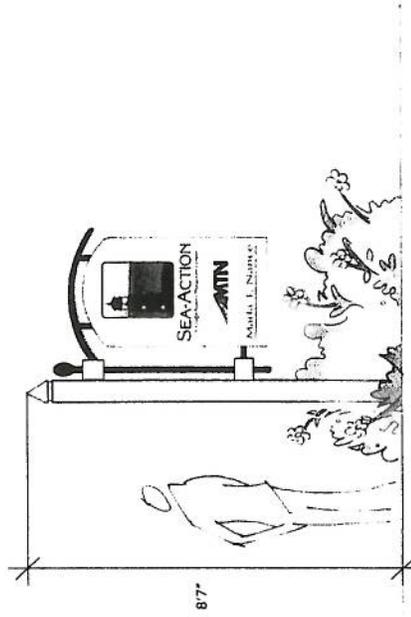


Scale 1" = 10'-0"

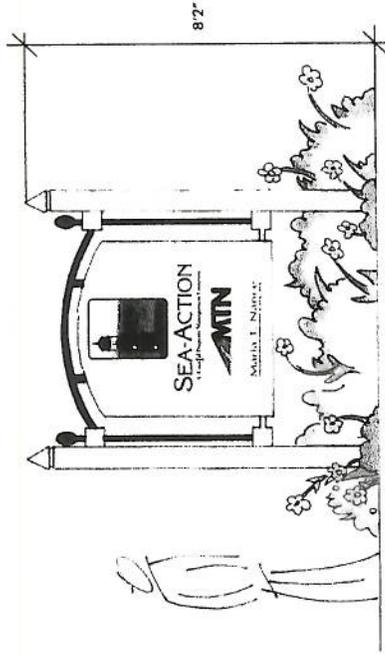
# 308 NORTH ORANGE AVENUE conceptual plan



● Signage Concept A - Elevation  
3/4" = 1'



● Signage Concept B - Elevation  
3/4" = 1'



● Signage Concept C - Elevation  
3/4" = 1'

# Landscaping

Coastal Landscapes  
 PO Box 973  
 New Smyrna Beach, FL 32170  
 386 428 6788  
 mke@coastallandscapesnrb.com  
 CoastalLandscapesnrb.com

## Coastal

10/06/2011

1009

M/N Resources  
 308 North Orange Ave.  
 New Smyrna Beach, FL 32168

Mike

• SITE WORK: Prepare site for new landscaping. Obtain all necessary permits from the City of NSB. Remove 8 specified Sabals that will be encroaching in new shell parking area (Not recommended relocating Sabals). Remove dead Camphor Tree. Trim all existing Sabals to remain. Remove all under brush along West and South property line. Delicately trim existing trees. debris containers.	1	2,500.00	2,500.00
• IRRIGATION: Install three zones of low drip irrigation per Volusia County Water Wise regulations. Department of Health permit. Rain Bird Outdoor Irrigation Controller, Rain Bird Solenoid valves, Back Flow Preventer, Netalm drip tubing, Spray emitters on all plant material.	1	1,500.00	1,500.00
• PLANT MATERIAL	1	0.00	0.00
• 30 gallon Weeping Nippon	1	175.00	175.00
• 25 gallon Cordoba Juniper	1	175.00	175.00
• B&B Sabal Palm - Regenerated with full head	8	300.00	2,400.00
• 60 gallon Aloe Palm	4	250.00	250.00
• 1 gallon Fast Iron Plant	40	6.00	240.00
• 1 gallon Orange Bulbine	84	6.00	504.00
• 1 gallon Flax Lily	21	6.00	126.00
• 1 gallon Beach Sunflower	19	5.00	95.00
• 1 gallon Dwarf Yarrow Holly	21	10.00	210.00
• 1 gallon High Mahoe cross	31	10.00	310.00
• 1 gallon Dwarf Walter's Viburnum	278	10.00	2,780.00
• 1 gallon Coccoloba	10	20.00	200.00
• Pine straw - 3/2 square feet - 165 bales	165	7.00	1,155.00
• HARDSCAPE	1	0.00	0.00
• Install 15' x 28' paver Handicap parking space and install 15' x 8' paver walkway to handicap ramp. Material used will be a standard grey cement pavers 6" x 9" and 6" x 6" in a "T" pattern. Total Square footage is 630.	630	4.00	2,520.00
• Install and compact approximately 4000 square feet of finished concrete. Install 7 parking steps.	1	1,750.00	1,750.00

(Continue to the next page)

- FINISHING
- Install 104 Linear Feet of 6" tall Vinyl Teneing (1.00)
- ELECTRICAL
- Labor for Electrical (Attached is proposal)
- Material cost for fixtures

1	0.00	0.00
1	3,280.00	3,280.00
1	0.00	0.00
1	1,657.00	1,657.00
1	1,000.00	1,000.00

**TOTAL** \$22,807.00

\$ 22,807

Proposal

Concrete work 1st estimate

F & M CONCRETE CONSTRUCTION COMPANY  
1922 Hibiscus Drive  
Edgewater, FL 32141  
(office) 427-6079 (fax) 427-6191

Page 1 of 2  
October 11, 2011  
#2957-2011

To: MTM Resources

Job: same

308 N. Orange Avenue

New Smyrna Beach FL 32169

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

Permits

Driveway entrance widened & Replace sidewalk

Water meter- traffic rated cover

Grading for the shell/Concrete or pavers for handicap or sidewalk including Clearing/Tree removal

Note Pavers are not going to work for handicap or sidewalk crossing the parking lot. When crossing the sidewalk with car the pavers will never stay in place. The handicap parking will have to be striped at well as the sidewalk. How is that going to look?

LABOR and MATERIAL

Permits; Work includes:

1. Obtain permit all plan etc. are not included

Driveway entrance widened & Replace sidewalk; Work includes:

1. Remove & haul off existing concrete including curb at entrance
2. Grade to 6" thick & compact
3. Form perimeter
4. Place 1 #5 rebar at back of entrance transition to crush concrete road base parking
5. Pour & finish 3000 psi concrete w/fiber added
6. Strip form & saw cut as needed

Water meter- traffic rated cover. This item is by UC

Grading for the shell/Concrete or pavers for handicap or sidewalk including Clearing/Tree removal; Work includes:

1. Demo tree & haul off
2. Remove 6" of existing fill & haul off
3. Install & grade 6" of recycle concrete road base
4. Install Concrete 6" thick for handicap & sidewalk
5. Install parking bumper
6. Install handicap signage & stripping

BY OTHERS: ANY AND ALL LABOR AND MATERIAL NOT DESCRIBED HEREIN.  
THIS PRICE IS GOOD FOR 90 DAYS



Sign Estimate



2225 Guava Drive  
Edgewater, FL 32141  
Phone: (386) 426-2373

PO Box 519  
Edgewater, FL 32132  
Fax: (386) 426-2789

### A Sign of Quality

Name	MTN Resources	Date	10/14/11
Address	203 Canal Street	Contact Name	Kate Rosenberg
City	New Smyrna Beach	Job Location	308 North Orange Avenue
State/Zip	FL 32168		
Phone	386-402-8586	Email	katerosenberg@mtnancecpa.com

We hereby submit specifications and estimates for:  
 Fabricate and install one new double-faced aluminum ground sign as per provided \$ 2,285.00  
 specs for CONCEPT C. Sign will have an overall height of 98" with a 48" x 48" area for copy.  
 All posts, decorative accents and sign cabinet will be welded aluminum construction with  
 automotive grade paint in customer specified colors. Sign cabinet will be 4" deep and will have  
 high performance vinyl and digitally printed graphics as per customer approved art.

Fabricate and install one new double-faced sandblasted ground sign as per provided \$ 2,742.00  
 specs for CONCEPT C. Sign will have an overall height of 98" with a 48" x 48" area for copy.  
 All post and decorative accents will be welded aluminum construction with automotive grade  
 paint in customer specified colors. Copy area will be 2" deep high-density urethane sandblasted  
 sign with industrial grade oil based paint to customer specified colors.

Fabricate and install one new double-faced aluminum ground sign as per provided \$ 950.00  
 specs for CONCEPT A. Sign will have an overall height of 103" with a 48" x 24" area for copy.  
 All post, decorative accents and sign cabinet will be welded aluminum construction with  
 automotive grade paint in customer specified colors. Signs for tenant will be 1/8" flat aluminum  
 panels and will have high performance vinyl and digitally printed graphics as per customer  
 approved art.

All sign estimates above can be fabricated with pressure treated wooden posts as a less expensive  
 alternative. All sign estimates above can be manufactured using individual free hanging riders for  
 companies, as in CONCEPT A.

We hereby propose to furnish labor and materials, in accordance with the above specifications, for the sum of:  
 Dollars \$ \_\_\_\_\_

*(Sales tax, permitting and engineering are not included in estimate)*

Payment made as follows:  
 50% deposit

Balance due upon installation

*(Completion date of 2 to 3 weeks from deposit date unless otherwise stated in contract)*

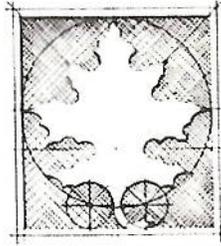
All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed upon written orders only and will become an extra charge over and above estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Any underground obstructions will be removed on a time plus material basis. Contract prices are good for 90 days. Any contract that remains open for 12 months or more may be subject to storage fees and interest or loss of deposit. Final payment is due at time of install. Non-payment within 30 days after install will result in Contractor's Lien. Final electrical connection will only be made to a dedicated sign circuit within five foot of sign per State Code. Art charges will apply after the second revision. By signing this document, customer agrees that all materials remain the property of B & C Signs, Inc. until final payment is received. In default of any payment by customer, B & C Signs, Inc may take possession of goods without legal process.

B & C Signs Authorized Signature \_\_\_\_\_

### ACCEPTANCE

The above prices, specifications, and conditions are hereby accepted. B & C Signs is authorized to do the work as specified. Payment will be made as written above.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_



DIX LATHROP  
AND ASSOCIATES, INC.

August 4, 2011

Marla Nance  
MTN Resources  
203 Canal Street  
New Smyrna Beach, FL 32189

**Re: Landscape Design**

Dear Marla;

Thank you for the opportunity to submit this proposal for your consideration to provide landscape design services for the CRA submittal for your office. We propose the following:

**Landscape & Irrigation Plan**

- A. Visit the site to inventory existing conditions and to meet with you to establish budget and design program. Perform due diligence review to assess what is required for the CRA submittal process (complete).
- B. Prepare schematic conceptual site plan and landscape plans. Attend a meeting with you and the City to review and receive input.
- C. Prepare a final landscape construction plan, including plant list and quantities; a grading plan will also be provided for city submittal if required.
- D. Prepare an irrigation plan.

**We propose to perform these services on a Time Charge Basis with an estimate of \$5,900.**

**Signage**

- A. Prepare a sign sketch/graphic design in keeping with the existing architecture showing the integration of your three businesses into one sign.
- B. Provide signage details for engineering and permitting.

**We propose to perform these services on a Time Charge Basis with an estimate of \$800.**

# Significant Façade

## CITY OF NEW SMYRNA BEACH COMMUNITY REDEVELOPMENT AGENCY

### APPLICATION FORM

#### COMBINED GRANT PROGRAM

(Exterior/Interior Improvements and Impact/Permit Fees)

NAME OF APPLICANT: MTN Resources, LLC

PROPERTY ADDRESS: 306 and 308 N Orange Ave., New Smyrna Beach, FL 32168

386-402-8586 office

PHONE/CELL: 407-616-6890 cell (EMAIL) mnance@mtnresources.com

#### **TYPE OF IMPROVEMENT PLANNED:**

Exterior  Painting  Landscape  Electrical

Signage  Awning  Parking Area  Other

Interior  Permit Fees  Impact Fees  Significant Façade

#### **PROJECT PROPOSAL ON IMPROVEMENTS**

All Combined Grant Program Applications must be approved by the CRA **prior to work commencing**. (Exception: Professional Design Fees as allowed per Program Guidelines)  
The following information must be included with the application.

	Exterior	Interior	Significant Façade	Impact Fee/Permits
Written Authorization from Property Owner (if not the applicant)	X	X	X	X
<b>Summary</b> of the scope of work to be performed	X	X	X	X
Two (2) cost estimates from licensed professionals (broken down by Scope of work)	X	X	X	
Written Permit(s)/Impact Fee Estimate from the appropriate Departments				X
<b>Conceptual plans and specifications</b> detailing the scope of work. (*Professional design assistance may be obtained prior to CRA approval at the applicant's own risk)	X	X	X	
<b>Samples</b> of all paint and material colors as well as awning materials to be used on the building and signage.	X	X	X	
<b>Square footage</b> for each eligible façade			X	
Proof of ad valorem taxes (NFPs only)	X	X	X	X

ESTIMATED TOTAL COST OF PROPOSED PROJECT: 82,650

ESTIMATED AMOUNT OF GRANT ASSISTANCE REQUESTED: \$ 41,325<sup>00</sup>

ESTIMATED START DATE: December 2, 2011

ESTIMATED COMPLETION DATE: February 24, 2012

**I UNDERSTAND THAT IN ORDER FOR MY REQUEST FOR GRANT FUNDING TO BE APPROVED, I MUST AGREE TO THE FOLLOWING CONDITIONS:**

1. **To follow the design** recommendations as approved by the Community Redevelopment Agency.
2. **To adhere** to the Application Procedures and Guidelines and the Grant Agreement as specified.
3. **That I shall incur** all project costs and receive approved grant **reimbursement** only after:
  - A. All improvements have been **completed**.
  - B. **Final Inspection** of the improvements is approved.
  - C. **Proof of Payment** for project costs has been received.
  - D. All City Permits have been **inspected/finalized** by Building staff
4. Additional improvements or changes not approved will not be funded.

I ACKNOWLEDGE THAT I HAVE RECEIVED AND UNDERSTAND THE DESIGN GUIDELINES (if applicable), THE COMBINED GRANT PROGRAM GUIDELINESS AND THE GRANT AGREEMENT.

Marla T. Nance  
Applicant Signature

\_\_\_\_\_  
Property Owner Signature (if not applicant)

Marla T. Nance  
Print Name

\_\_\_\_\_  
Print Name

10/12/11  
Date

\_\_\_\_\_  
Date

# Significant Façade Grant

MTN Resources, LLC  
 New Smyrna Beach  
 Community Redevelopment Agency (CRA)  
 Summary of Proposed Costs - Significant Façade

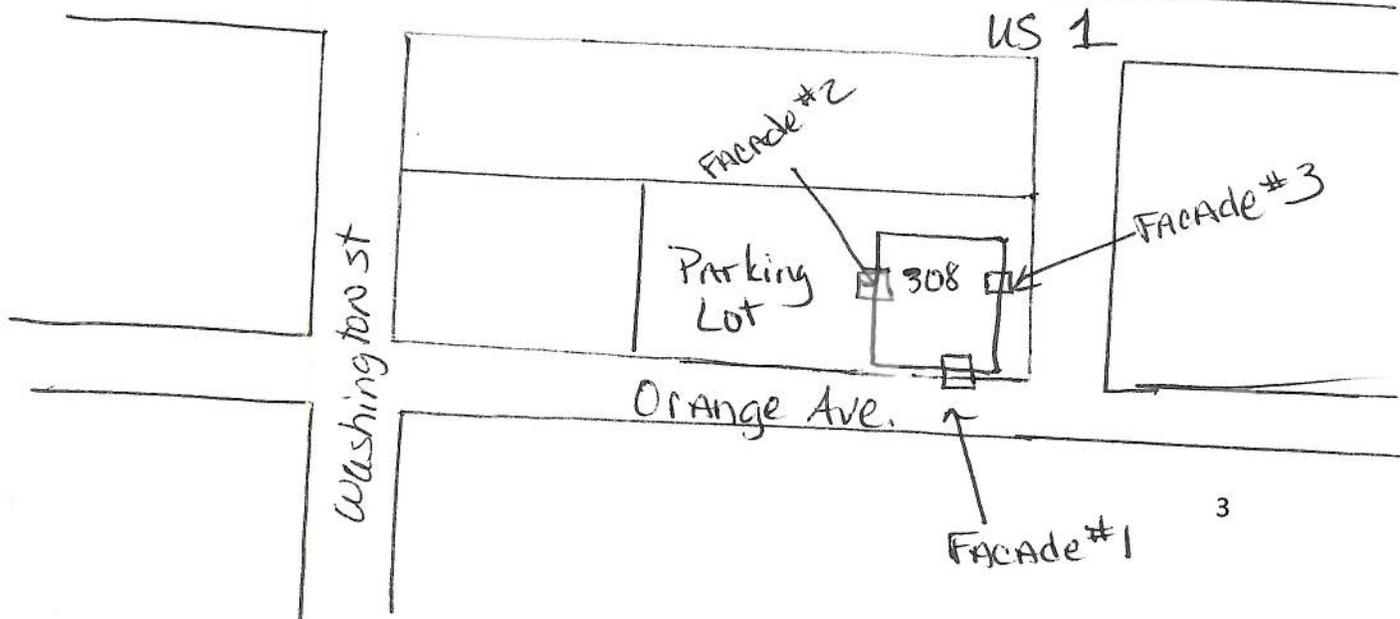
Eligible Services	Windows, Siding and Doors		Building Architect	Best Quote/ Totals
	Platinum Building & Remodeling	Rick A. Eckert, LLC		
<b>Windows and Siding</b> Hardie board 2" siding, trim, bead board soffits, installation, painting; replace exterior windows with Anderson double pane Low E impact resistance windows; replace 2 exterior doors and storefront door	\$ 76,000.00	\$ 91,982.11		\$ 76,000.00
<b>Building Architect</b> Building Architect Services - Gerard Pendergrast - Total Contract \$6,650.00 (limited to 10% of building construction costs - windows and siding)			\$ 6,650.00	\$ 6,650.00
<b>TOTAL</b>				<b>\$ 82,650.00</b>

50/50 Match \$ 41,325.00  
 Requested Funding Assistance \$ 41,325.00

## 1. APPLICANT ELIGIBILITY

This application package includes a funding request for the Significant Façade Grant. Based on the following parameters, we feel this property and the intended business use qualifies based on the established and stated criteria of this funding application, as follows:

- (1) Substantially Visible to the Public – This property is located at 308 North Orange Avenue, New Smyrna Beach and is substantially visible to the public by both walking and driving. It is visible from Washington Street, located one parcel north from the intersection of Washington and North Orange. Additionally, there is an easement to the North of the property that allows for direct access from US 1.3
- (2) Faces a Street or Parking Lot with a Public Building Entrance on that side of the building – There are three entrances to the building, all three of which either face a street or parking lot that is visible to the public.
  - a. Entrance #1 - The front door faces Orange Avenue and directly accessible from this street.
  - b. Entrance #2 – Handicap Access – This access is the designated handicap access. It faces the parking lot and is directly accessible from the parking lot and also visible from Orange Avenue.
  - c. Entrance #3 – This door faces the easement between US 1 and Orange Avenue. This easement is consistently used by thru traffic and is visible from both US 1 and Orange Avenue.



(3) Other Considerations –

a. Multiple Business Location -

Three viable businesses will operate from this single location. As such, the signage will reflect three business logos. While MTN Resources, LLC is the documented owner of the building, Marla T. Nance is the single member owner of MTN Resources, LLC (see Section G1). Additionally, Marla T. Nance, is the sole owner of Marla T. Nance, CPA, PA (a licensed Florida Certified Public Accounting firm) and Sea-Action Properties and Management, LLC (a Florida licensed Community Association Management Firm), see Sections G2 and G3. All three of these firms currently occupy office space jointly at 203 Canal Street, New Smyrna Beach and have occupied that space jointly for the past three years. These businesses would all call 308 N Orange Avenue “home” in New Smyrna Beach, FL.

See the following referenced application sections for copies of Local Business Certificates held by each firm.

- (1) MTN Resources, LLC – Section H1
- (2) Marla T. Nance, CPA, PA – Section H2
- (3) Sea-Action Properties and Management, Inc. – Section H3

**2. FUNDING ELIGIBILITY**

The total requested funding for the Significant Façade Grant is calculated based on the square footage being occupied in the building. Based on grant guidelines, the property would be eligible for the following funding level thru the Significant Façade Grant with a 50/50 match of expenditures.

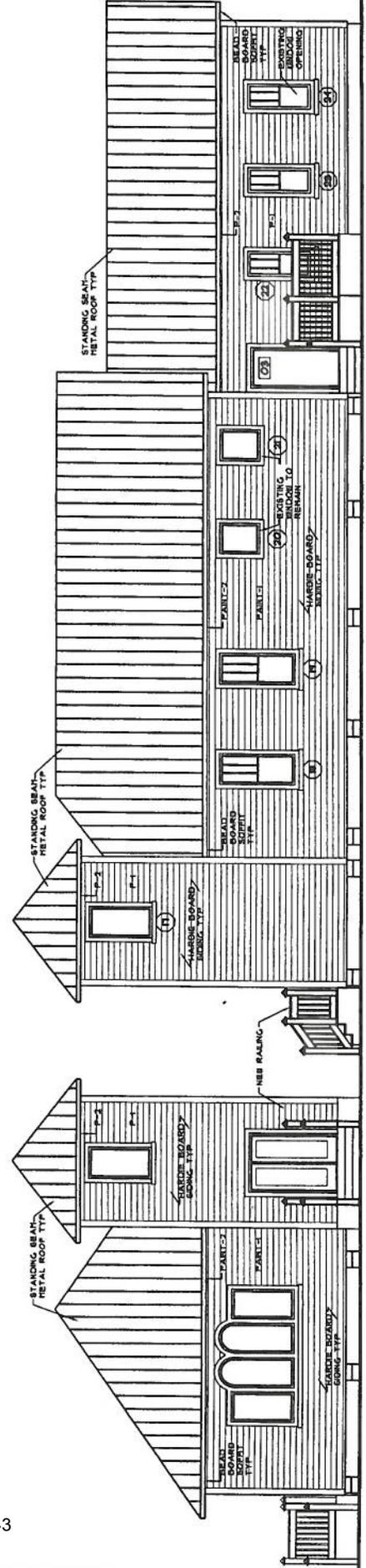
**ELIGIBLE FUNDING:**

Front Façade (Entrance #1) – facing Orange Ave	503 sq/ft*
South Façade (Entrance #2) – Facing parking lot, visible from Orange Avenue and Washington Street	992 sq/ft*
North Façade (Entrance #2) – facing north driveway easement, visible from Orange Avenue and US 1	1035 sq/ft*
<b>TOTAL</b>	2,530 sq/ft
<b>Allowable per sq footage</b>	X \$18.00/sq/ft
<b>TOTAL ELIGIBLE FUNDING</b>	\$45,540.00

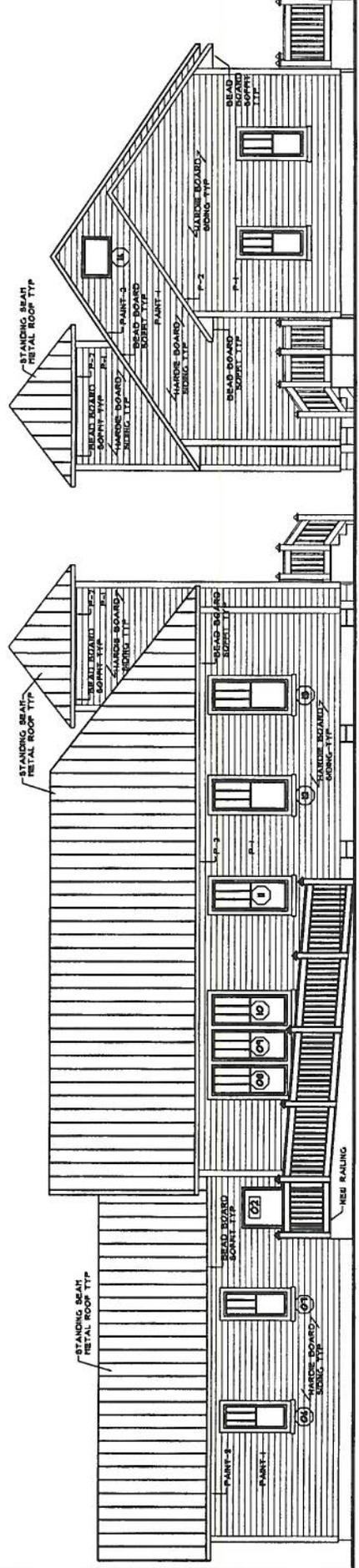
\*Measurements provided by Building Architect

PERMIT SET

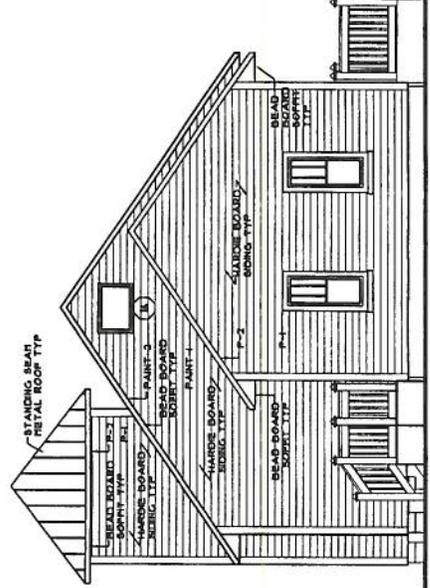
NORTH ELEVATION  
 SCALE: 1/4"=1'-0"



SOUTH ELEVATION  
 SCALE: 1/4"=1'-0"

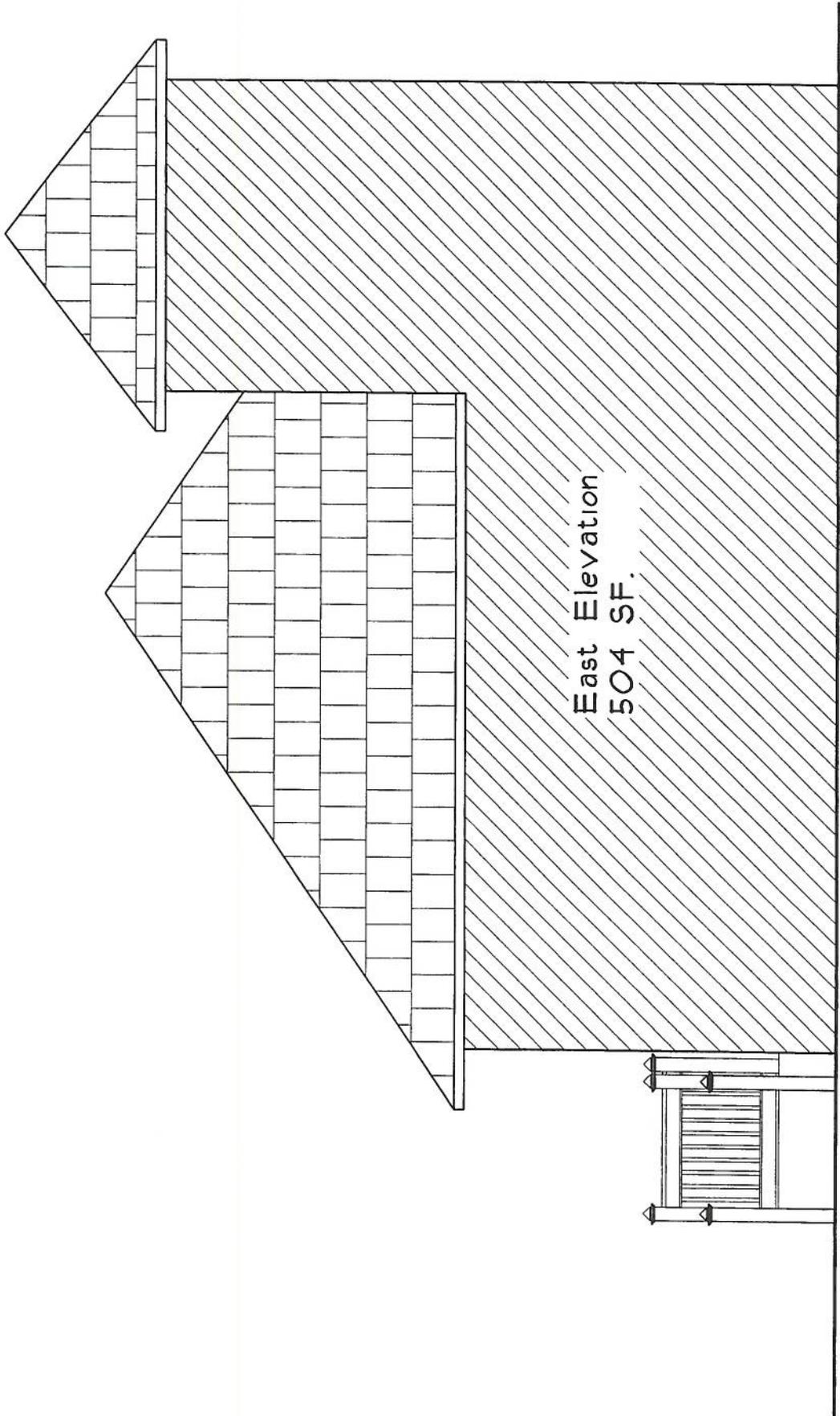


WEST ELEVATION  
 SCALE: 1/4"=1'-0"

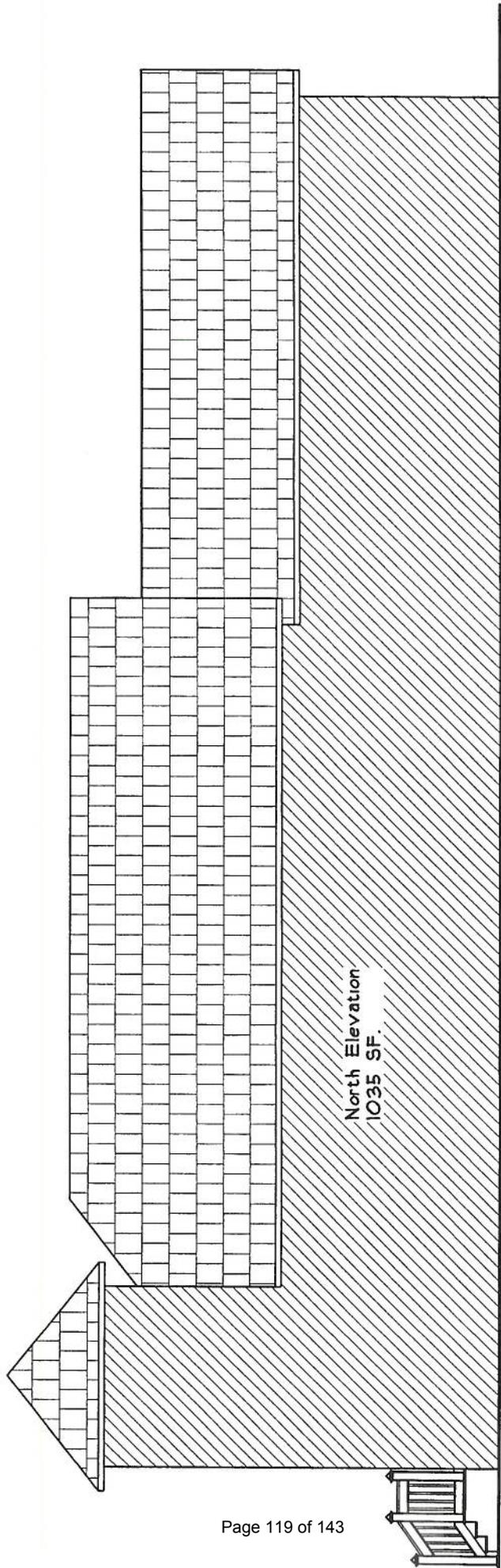


EAST ELEVATION  
 SCALE: 1/4"=1'-0"

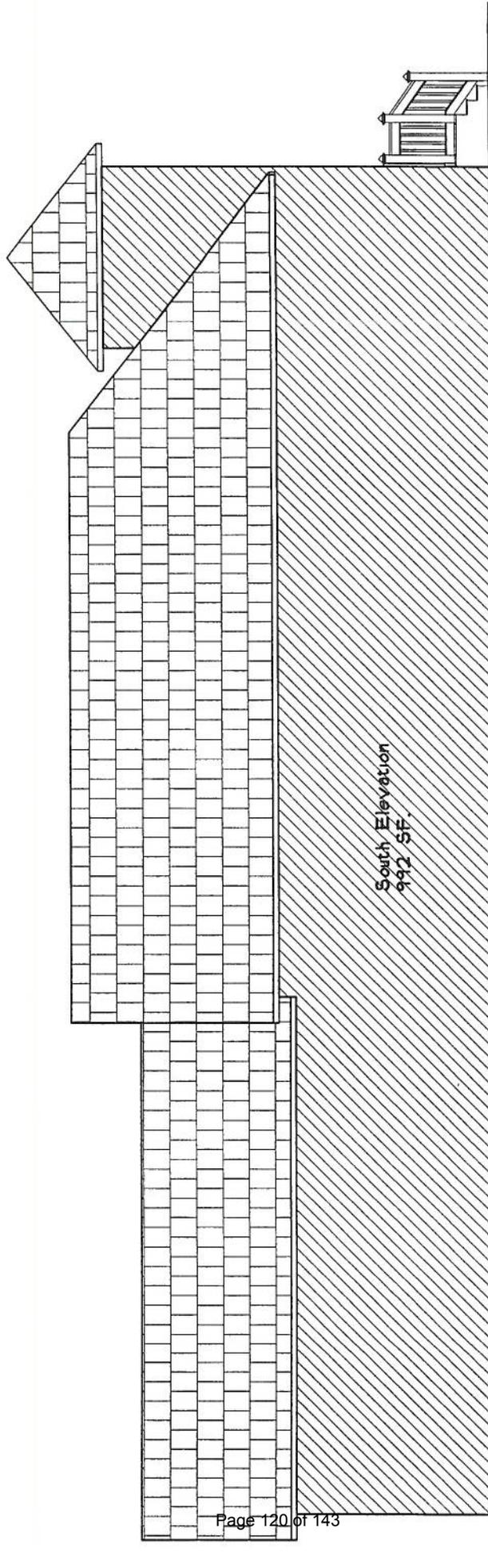




East Elevation  
504 SF.



North Elevation  
1035 SF.



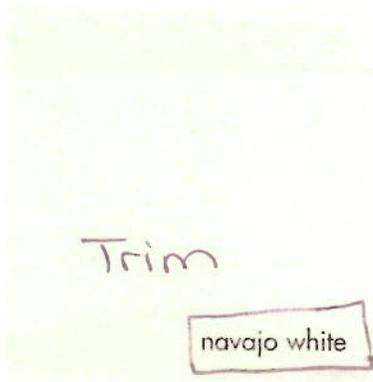
BENJAMIN MOORE®  
COLOR PREVIEW®

HC



BENJAMIN MOORE®  
COLOR PREVIEW®

RM



brilliant white

# Platinum Building & Remodeling, Inc.

208 S Venetian Way, Port Orange, FL 32127

(386) 547-1941 office

(386) 845-0202 fax

[platinumbuilders@cfl.rr.com](mailto:platinumbuilders@cfl.rr.com)

[www.platinumbuilders-remodeling.com](http://www.platinumbuilders-remodeling.com)

## PROPOSAL

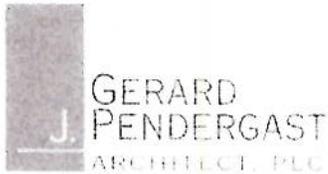
October 11, 2010

Prepared for: MTN Resources  
Proposed Site: 308 Orange Avenue, New Smyrna Beach, FL 32168

We are pleased to hereby submit to supply Labor, Materials, Services, Equipment and Supervision to perform as described in the following scope of work for the project known as "MTN Resources".

### **Existing Building Exterior Renovations per the following specs & plans dated 09-27-11:**

- All permitting included.
- Window framing and installation of Andersen Double Pane Low E Impact Resistance windows with screens, per plan.
- Two existing windows on north elevation to remain. (Will need paneled type storm protection, per code.)
- Framing and installation of two rear 36" wood doors with impact resistant full glass, stainless steel hinges, deadbolt and entry handles.
- Framing and installation of new front double entrance wood doors with full impact resistant glass including hardware, per plan. (Entrance door allowance \$4,000.)
- Installation of 5/16" x 7 1/4" Hardieplank siding over 1/2" OSB plywood on original lap siding with Tyvek moisture barrier, per plan.
- All Hardie trim for corners and windows, per plan.
- Installation and fixtures for two double flood lights at rear of building on timers and photocells.
- Additional switching to exterior lights at door locations, total of six. (Allowance \$500.00 each.)
- Installation of Hardie 2" on center beaded Cedarmill soffit installed on bottom side of existing roof to expose original rafters.
- Damaged original rafters to be repaired or replaced to match original design.
- Newer section of building will be 2" beaded Cedarmill soffit with non structural rafters added to resemble original structural soffit appearance.
- Paint, caulk and seal all new Hardie siding, trim and soffit, color choice per owner.
- Install new pressure treated railing per plan.
- Paint and seal all new railing, per plan, color choice per owner.



## LETTER OF AGREEMENT TO PROVIDE ARCHITECTURAL SERVICES

This Agreement, entered into September 6, 2011 by and between:

Marla T. Nance  
MTN Resources, LLC  
203 Canal Street  
New Smyrna Beach, Florida 32168

Hereinafter referred to as Client, and Gerard J. Pendergast, Architect, PLC, hereinafter referred to as Architect, The Client does hereby employ the Architect to provide Architectural Services for:

308 N. Orange Avenue  
New Smyrna Beach, Florida 32168

The Architect agrees to provide the Client professional services as follows:

Prepare Construction Documents for Bidding and Permitting, based upon the approved schematic drawings. Construction Administration will be provided. Contractor to provide signed/sealed engineered truss drawings and HVAC energy calculations.

### Scope of Work for Construction Documents

- New Interior Office Plan (provided by owner including finishes)
- Repair Building Exterior
- Repair Structural Components
- New Roof Plan
- New or Expanded electrical service.
- New or Expanded HVAC (air conditioning)
- New or Expanded Plumbing
- Site Plan to be prepared by Landscape Architect

### 1. General

- Review documentation provided by others
- Review existing site and building conditions
- Prepare progress documents for design review and coordination
- Incorporate review comments into final documents
- Interior and Exterior photographs

## 2. Scope of Construction Documents

Construction Documents shall include drawings of the building and site.

- First Floor Architectural Plan (including window schedule)
- Exterior Elevations (4)
- Structural Plan (as required)
- Details, Notes, Building Section, Specifications (as-required)
- Mechanical HVAC locations of equipment and supply/return grills.
- Electrical locations of outlets and panels
- Plumbing locations of fixtures and hose bibs.
- Site plan locating area of work.(Landscape Architect to provide site plan)
- List of Building Materials

## 3. Exclusions

- Fire Sprinkler System
- Landscape Plan & Equipment (sprinklers etc.)
- Interior decoration

The compensation to the Architect for the above services shall be Seven Thousand Six Hundred Fifty Dollars and no cents. to be drawn as shown in the attached "Schedule of Compensation" at the hourly rates shown on the attached "Schedule of Fees".

The Client and the Architect agree to the fees, conditions and terms as set forth in the attached "Schedule of Fees, Conditions and Terms". This Agreement, with the "Schedule of Fees, Conditions and Terms", represents the entire and integrated agreement between the Client and the Architect, thus superseding all prior negotiations, representations and agreements.

This agreement is subject to renegotiation if acceptance is not within thirty (30) days from the day and year first written above. We will devote our best efforts to carry out the required work. The results obtained from our recommendations, and documents will be in our judgment based upon the information available to us. In any event, our liability shall not be greater than the amount paid to us for services rendered.

Client:  
Signature:

Marla J. Pendergast

Architect:  
Signature:

**Gerard J. Pendergast**

Date:

9/14/11

Date:

September 14, 2011

## SCHEDULE OF FEES, CONDITIONS AND TERMS

Services shall be billed as follows:

Commencement of Work	\$ 3,425.00	September 19, 2011
Construction Documents CRA	\$ 1,712.50	September 21, 2011
Construction Documents 100%	\$ 1,712.50	September 29, 2011
Bidding & Permitting	\$ 400.00	September 30, 2011
Construction Administration	\$ 400.00	Oct. - Dec. 2011

Dates are estimates; schedule may be adjusted by the approval process.

Any Change Orders after submission of construction documents for the building permit will be billed hourly.

Principal Architect	\$ 180.00 per hour
Sr. Technician	\$ 140.00 per hour
Jr. Technician	\$ 60.00 per hour

## REIMBURSABLE EXPENSES

The client shall reimburse the Architect for the following expenditures made in the interest of the project:

Reproductions and computer plotting costs for drawings, specifications and reports.

Renderings, photographs, scale models and presentation materials, if required.

Postage and delivery charges

\*If additional services are required by a Civil Engineer or Surveyor, the client will be invoiced directly for those services.

## PAYMENTS

Initial payment of Three Thousand Four Hundred Twenty Five Dollars (\$ 3,425) is due and payable upon acceptance of the "Letter of Agreement to Provide Architectural Services".

We shall submit monthly invoices for the services rendered. Interim billings are due within ten (10) days of rendered date. Payments due the Architect and unpaid under this agreement shall be charged a 2% service fee per month. Moreover the Architect shall be entitled to recover all costs actually incurred in collecting overdue accounts, including reasonable legal fees.

Failure of the Client to make required payments shall be cause for suspension of service.

Client Initials\_\_\_\_\_

Architect Initials\_\_\_\_\_

**Screening:** Including all screening of trash receptacles, air conditioning, utility equipment or other unsightly objects or areas with landscape material or with fencing material that complements the building material.

**Parking Areas:** The creation or improvement of off-street, private parking facilities, which provide a safe and pleasant parking environment for customers and employees.

**Design Assistance:** Professional design services related to structural renovation, new construction, signage and landscaping. (Reimbursable up to 10% of the total construction cost). Applicant may choose to obtain professional design assistance prior to CRA approval.

PLEASE NOTE: Professional design assistance is not required for CRA grant approval and the CRA is not responsible for any costs incurred by the applicant for these services, should the application be denied by the CRA or withdrawn by the applicant.

**Impact Fees and Permit Fees:** Including any impact fees or permit fees that are required by City Code as described herein.

\*\*\*\*\*

**Interior:** The interior grant is intended to give financial assistance to applicants to perform general construction improvements or purchase certain fixtures<sup>1</sup> to comply with current city, county and state codes to occupy or expand the building. Funding preference is given to businesses with hours that extend beyond 6:00 pm on weekdays and are open on weekends.

**\*Florida Building and National Electric Code related items include, but are not limited to:**

- Floor repairs and upgrades
- Installation of Heating unit (A/C not eligible)
- 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 can be adjusted during the on-site meeting with the Chief Building Official and Fire Marshal. Certain items, like refrigerators or ice makers, while required by code, are not eligible items for reimbursement under this grant program. **The CRA, at their discretion, reserves the right to reject any item(s) they do not deem eligible.**

<sup>1</sup>Fixtures are a permanent part of the structure and cannot be removed from premises if vacated by business.

The applicant is required to attend an on-site meeting at the property for which the grant is sought with CRA staff and pertinent City Staff as part of the application process. Applicant is responsible for providing access to the interior of the building.

---

---

 **B. Significant Facades Grant**

A significant façade is an exterior wall that:

- is substantially visible to the public, either walking or driving

- faces a street or parking lot with a public building entrance on that side of the building.
- Other considerations to be determined by the CRA.

The amount available for significant façade improvements is determined by a dollar amount set per square foot of façade. In addition, a building may have more than one façade that is eligible for grant funding. The dollar amount available per square foot of the significant façade area is \$18, with a cap of no more than \$60,000 available per significant façade.

Example: The dimensions of the north side of a building are 163 feet (horizontal dimension) by 20 feet (vertical dimension), for a total of 3,260 square feet. With grant funding available at \$18 per square foot of façade area, there would be a maximum amount of \$58,680 available in grant funds for a façade improvement to the north side of this building. The north side qualifies as a significant façade since it faces a parking lot and has public building entrances on that side of the building. This amount falls below the cap amount of \$60,000. Note that in order to be considered for a grant award at that amount, the building owner would have to have a project budget with \$117,360 of eligible expenses, and meet the CRA Design Guidelines for the area.

**City Commission Approval:** If the grant amount exceeds \$25,000, the application must be approved by both the CRA and the City Commission.

### **Ineligible Expenditures**

- Improvements made prior to Grant approval
- Refinancing existing debts
- Non-fixed improvements and certain fixtures
- Inventory
- Sweat equity payments, i.e., reimbursement for applicant’s own labor and performance of renovation work or new construction.
- Business Payroll
- General periodic maintenance
- Work performance that is not consistent with the Design Guidelines for the Areas as adopted by the Community Redevelopment Agency
- Impact Fees and/or permit fees paid prior to Grant approval

### **Application Procedures**

- I. Applications under this Grant Program (Section A and B) are considered for approval by the CRA at their monthly meeting, which is typically held on the first Wednesday of each month. **No work for which reimbursement is sought may begin prior to grant approval by the CRA.**
- II. Applicants seeking funding for commercial property improvements on structures located within the CRA District shall submit a completed application to **CRA staff three (3) weeks prior to the CRA meeting.** Applicants must follow the adopted Grant Application process, including the mandatory pre-application conference and on-site visit in order to be considered for a Grant Award.
- III. Completed Applications shall include the following (summary only, please refer to program guidelines for specificity:

# **REPORTS AND COMMUNICATIONS**

# CRA DIRECTOR'S REPORT

November 2, 2011

## Announcements

- The Florida Department of Transportation (FDOT) will hold a public information meeting regarding the plans for the US 1 and Canal St intersection on Tuesday, November 15, at City Hall. There will be an Open House at 5 pm and a Presentation at 6 pm. The meeting is scheduled to conclude at 7 pm. If there are any questions you can contact Dennisse Zornan, Project Manager, at [Dennisse.zornan@dot.state.fl.us](mailto:Dennisse.zornan@dot.state.fl.us) or call 386-943-5184. You can also view project information at [www.CFLROADS.com](http://www.CFLROADS.com).

## City Commission Items

- A summary of the October 11 and October 25 City Commission meetings is attached.

## Work Priorities

- Administrative Office Building Site:
  - The survey of this site has been completed by a surveyor and is now under review.
  - The City Manager is scheduling a “planning charette” for this site to be conducted by architect Jay Pendergast in January. Mr. Pendergast was selected to do a variety of future architectural projects for the CRA and he is well familiar with the site.
- Former Skatepark/Shuffleboard Court site: The City Manager is also scheduling a “planning charette” for this site, to be conducted in January by Mr. Pendergast. Again, Mr. Pendergast is well familiar with this site.
- Form Based Code – The City Commission held a workshop on October 25 to discuss the draft Form-Based Code. Staff was directed to review the draft code to ensure that it makes development easier rather than more difficult and bring it back for consideration.
- Mary Ave Streetscape – this project is scheduled to be completed by Thanksgiving. The street was paved recently and the reconstruction of the stormwater system is now complete. The remainder of the landscaping work and irrigation is being completed.
- Brownfields:
  - The Dunn site – the FDEP contractor is working on the site the week of October 24 and is scheduled to complete the work by October 28.
  - City staff continues to work with one of the environmental engineering firms to finalize the survey of potential Brownfield sites. There has been a developer inquiry into the former “Hi-Mart” gas station on West Canal Street. (That particular site is also under review as part of the new code enforcement effort by the Building Department staff.)
  - City staff continues to explore possible opportunities for the two properties in the Downing Street, as well as several sites in the airport industrial park.

- City planner Marissa Moore has resigned to return to her alma mater, Iowa State University, seeking a PhD in Sustainable Agriculture. Among other duties, Marissa had been handling the administrative tasks for the Brownfields Assessment grant. The administrative duties will be handled by CRA staff (Tony and Michelle) and the programmatic duties will be handled by one of the consultants, David Goldman of Kimley-Horn.
- Construction projects in design or in the bidding phase: Washington Street Streetscape Phase 1 (Anderson Dixon); Riverside Park Lighting (Quentin L. Hampton), Riverside Park Seawall (Quentin L. Hampton), and Esther Street Park and Stormwater (Parker Mynchenberg).
- Myrtle Ave Streetscape: construction is underway. The CRA funded project will include new sidewalks, curbs, street re-surfacing, and landscaping, from W. Canal to Mary Ave. City funds are being contributed to continue the project further north to Ronnoc Lane.
- Esther Street Park Seawall Project: Construction is scheduled to begin within the first two weeks of November. Please see the attached report..
- Flagler Ave Boardwalk Park Seawall, Restrooms, Parking, and Pavilion: Construction is scheduled to begin within the first two weeks of November. Please see the attached report.
- It is anticipated that once the FDOT intersection improvement plans identify how much Right of Way (ROW) is needed for the intersection improvement projects (both north of W Canal and south of W Canal), Bellamo Herbert will revise their conceptual drawing for landscaping.
- To follow-up the discussion at the September CRA meeting regarding landscaping on the S side of Canal St at US 1, staff has sent the map of the leased property to FDOT's design engineer to determine if that property will still be available after the intersection is improved. The FDOT's engineer's response is that the easement area will no longer be available after construction of intersection improvements, as the curb and pavement will be in that area. Staff expects to clarify that question at the public information meeting on November 15.
- It is anticipated that City staff and FDOT will develop a "local funding program" to arrange for the CRA to pay for any design improvements in the "hardscape" features of the intersection improvements – such as special crosswalks and improved mast arm pole designs (similar to the traffic signal mast arm poles in downtown Deland), as well as special landscaping in the US 1 medians. This agreement will be brought to the CRA and City Commission for approval. CRA staff has been informed that any over-head "gateway" type features in the intersection are prohibited from having words (such as "Welcome to Canal Street") by FDOT regulations. Therefore CRA staff is not pursuing this type of feature at that location and will not include it in the "local funding program."
- Wayfinding – Bellamo Herbert and their sub-consultant, Shaughnessy Hart, are preparing the final sign designs for specific locations to present to FDOT for the second stage (final) approval. This preparation involves incorporating the comments received on the recent final draft proposal. This phase of the work is

anticipated to be complete in the next 30 days, and then the project will go out to bid.

- Marketing
  - Marketing consultant Holly Smith is finalizing banner design. An icon for the Historic Westside is now being developed. At the September 26 Historic Westside Community Meeting it was decided to use a Black Heritage Museum at 314 N. Duss Street as the Historic Westside icon. In addition to banners, the icons for the four areas of the CRA (in addition to the Historic Westside icon, the palm tree for Canal St, surfer for Flagler Ave, and sand dollar for “South Beach” - Third Avenue) will be used on the “second tier” wayfinding signs for facilities such as parking lots.
  - City staff is working with Utilities Commission (UC) staff to obtain approval for placing the banners on UC poles. As some poles are located in FDOT and County ROW, staff is following up with those jurisdictions as well.
  - NSB Waterfront Loop website – a website developer has been hired to develop this website. It is anticipated that the website will be developed using a program that will allow the marketing consultant or CRA staff to maintain the website with current information.
  - Billboard – the Billboard agreement has been finalized and the billboard will be installed in the next two weeks. The NSB Waterfront Loop website address has been removed from the Billboard copy, as it was too busy with other information including directions.
- Arts District Overlay – this item will be reviewed sometime later in this fiscal year.
- CIP – A Capital Improvements information spreadsheet is available on the City’s website, [www.cityofnsb.com](http://www.cityofnsb.com).
- Third Ave and S Peninsula Intersection – CRA staff is developing options for designing landscaping at the Northeast corner of the intersection.
- Votran Bus Stop – Staff continues to work with Votran on plans for moving the Bus Stop from Christmas Park to the east side of Sams Ave just south of Julia St.
- Washington Street Business Incubator: Staff has sent the Hill family representative a letter with several options for moving forward. The family representative has responded and indicates that they are interested in developing the incubator on their own using CRA funds. Staff is going to set up a meeting with the family representative once she returns to the area. Staff is now looking for buildings to lease in the area for the incubator project.



**CITY OF NEW SMYRNA BEACH  
CITY COMMISSION REGULAR MEETING**

**SUMMARY OF ACTION**

**TUESDAY, OCTOBER 11, 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 Department Chaplain Charles Acheson will be present and give the invocation.

No action.

**III. Approval of the Agenda:**

Consent Agenda Item H was removed from the agenda.

**IV. Announcements/Presentations/Recognition:**

A. Proclamation/National Breast Cancer Awareness Month – Presentation of a proclamation to acknowledge October, 2011 as National Breast Cancer Awareness Month. The Fire and Emergency Services Department will also be recognized for their activities in support of the programs provided.

No action.

B. Proclamation/National Community Planning Month – Presentation of a proclamation naming October, 2011 Community Planning Month to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City.

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 the regular meetings held May 10 and May 24, 2011.

Approved per staff recommendation.

- B. Purchasing Card Policy – Approve the Purchasing Card Policy as recommended by staff, which established the basis for the City’s purchasing card program, and is designed to improve efficiency in processing purchases from any authorized vendor that accepts the Visa credit card.

**Approved per staff recommendation.**

- C. Extension of Historic Building Overlay District/532 North Riverside Drive – Approve a six-month extension to the approval granted on April 12, 2011 with conditions, of a Historic Building Overlay District for property at 532 North Riverside Drive, in order to operate an assisted living facility.

**Approved per staff recommendation.**

- D. License Agreement/Marine Discovery Center Signage – Approve entering into a license agreement with the Marine Discovery Center for signage at its new location at 100 Barracuda Boulevard, as recommended by staff with conditions.

**Approved per staff recommendation.**

- E. Bid Award/Esther Street Seawall Project – Approve the award of bid in the amount of \$248,325 to S.E. Cline for the Esther Street Seawall Project, a project included in the CRA budget.

**Approved per staff recommendation.**

- F. Bid Award/Flagler Avenue Boardwalk Improvements – Approve the award of bid in the amount of \$899,495 to A.G. Pifer for the Flagler Avenue Boardwalk Improvements Project, a project included in the CRA budget.

**Approved per staff recommendation.**

- G. Expansion of Professional Services Contract/Donna Gray-Banks – Approve the expansion of the existing professional services contract with Donna Gray-Banks for services as a “community resource” for the historic Westside community, at an annual cost of \$50,000 funded 50% by the general fund and 50% by the CRA.

**Approved per staff recommendation.**

- H. VOTRAN Christmas Park Transfer Point Relocation – Approve a two-phase project to relocate the VOTRAN Transfer Point from its current Christmas Park location, to a location at the eastern side of Sams Avenue, south of Julia Street, at no cost to the City as VOTRAN has committed to fund both phases of the proposed relocation.

**No action. Staff removed the item from consideration.**

- I. Special Events Committee Recommendations – Approve the following special event applications as submitted by the Special Events Committee with approval of each event recommended with associated street closures:

1. Special Event/Grill Master Classic BBQ Festival – Approve the conduct of the Grill Master Classic BBQ Festival event on Thursday, November 10, 2011 from 3 pm to 10 pm, hosted by the Merchants of Flagler Hospitality Group. Further approve the requested street closure of Flagler Avenue between Pine Street and South Atlantic Avenue, during the same time period.

**Approved per staff recommendation.**

2. Special Event/Mayor’s Stand Up Paddle Boarding Cup – Approve the conduct of the Mayor’s Stand Up Paddle Boarding Cup on Saturday November 19, 2011 from 10 am to 1 pm, and setting up for the event on Friday, November 18, 2011 from 6 pm to 8 pm, as hosted by Paddleboard New Smyrna Beach.

**Approved per staff recommendation.**

3. Special Event/New Year's Eve on Flagler Fireworks – Approve the conduct of the Annual New Year's Eve on Flagler on Saturday December 31, 2011 from 9 pm to 9:10 pm, hosted by the Merchants of Flagler Hospitality Group. Further approve the requested street closures of portions of Flagler Avenue and Cooper Street during the time of the fireworks.

**Approved per staff recommendation.**

4. Special Event/Images: A Festival of the Arts – Approve the conduct of the 36th Annual Images: A Festival of the Arts beginning Friday January 27, 2012 and running through Sunday, January 29, 2012 from 9 am to 5 pm each day, hosted by the Atlantic Center for the Arts. Further approve numerous street closures in the downtown area in support of the event from 6 am Friday through 10 pm Sunday.

**Approved per staff recommendation.**

5. Special Event/Relay for Life – Approve the conduct of the Annual American Cancer Society Relay for Life event on Saturday April 21, 2012 through Sunday April 22, 2012 from 7 am Saturday through 8 am Sunday, hosted by the Southeast Volusia County American Cancer Society. Further approve the closure of Riverside Drive from Canal Street to Lytle Avenue for the duration of the event.

**Approved per staff recommendation.**

## **VII. Ordinances – Second Reading and Public Hearings:**

- A. Ordinance No. 02-11/Platted Lots – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the *Land Development Regulations* to allow parcels to be subdivided along platted lot lines, even if the lot does not meet the minimum dimensions required by the current zoning district.

**Adopted as recommended. Staff directed to pursue an intern to conduct an inventory of all parcels affected by the ordinance.**

- B. Ordinance No. 05-11/1700 South Glencoe Road – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the *Comprehensive Plan* by changing the land use designation on approximately 80.63 acres, located north and south of Paige Avenue, and east of South Glencoe Road, Volusia County Urban Low Intensity and Low Impact Urban to City Public Grounds and Building, and Residential Estate land use designations.

**Adopted as recommended.**

- C. Ordinance No. 06-11/1700 South Glencoe Road – Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 80.63 acres located north and south of Paige Avenue, east of South Glencoe Road, from Volusia County Urban Single-Family (R-3) and Transitional Agriculture (A-3) to City Prime Agriculture (A-1), Agriculture (A-2) and Residential Estate (RE) zoning districts.

**Adopted as recommended.**

- D. Ordinance No. 14-11/Dahl-Paige Avenue – Conduct the second reading and public hearing of an ordinance, which if adopted, would change land use on approximately 3 acres located south of Paige Avenue, west of Mission Drive, from Volusia County Urban Medium Intensity to City High Density Residential land use designation.

**Adopted as recommended.**

- E. Ordinance No. 15-11/Dahl-Paige Avenue – Conduct the second reading and public hearing of an ordinance, which if adopted, would rezone approximately 3 acres located south of Paige Avenue, west of Mission Drive, from Volusia County Urban Single-Family (R-3) to City Multi-Family Residential (R-4) zoning district.

**Adopted as recommended.**

- F. Ordinance No. 43-11 – Conduct the second reading and public hearing of an ordinance, which if adopted, would change land use of approximately 1.216 acres of annexed property located north of S.R. 44, between Mission Drive/Wallace Road and Eddie Road from Volusia County Urban Medium Intensity designation to City Commercial land use designation.

**Adopted as recommended.**

- G. Ordinance No. 58-11/Hospitality Future Land Use Category – Conduct the second of two required public hearings of an ordinance, which if adopted, would amend the *Comprehensive Plan* by amending the Hospitality land use category by allowing non-residential and multi-family residential uses.

**Adopted as recommended.**

- H. Ordinance No. 68-11/Tattoo Parlors – Conduct the second of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* to establish regulations regarding the establishment of tattoo parlors within the I-2 zoning district.

**Adopted as amended by staff.**

- I. Ordinance No. 101-11/Pain Management Clinics – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* by creating a definition for Pain Management Clinic and establishing related regulations.

**Continued to the regular meeting to be held January 10, 2012.**

- J. Ordinance No. 102-11/Internet Cafes – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the *Land Development Regulations* by creating a definition for Internet Cafe and establishing related regulations.

**Continued to the regular meeting to be held January 10, 2012.**

- K. CCSL-4-11/Esther Street Beachfront Park Stormwater and Park Improvements – Conduct a public hearing regarding an application submitted by the City of New Smyrna Beach, which if approved, would allow the installation of stormwater improvements, a dune walkover, observation platforms and a sand volleyball court east of the City's Coastal Construction Setback Line (CCSL).

**Adopted as recommended.**

#### **VIII. Public Participation:**

**No action.**

#### **IX. Ordinances – First Reading:**

- A. Ordinance No. 100-11/Police Officer's Retirement Plan – Conduct the first reading of an ordinance, which if adopted, would amend and restate the City Municipal Police Officer's Retirement Plan.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

- B. Ordinance No. 103-11/Off-Street Parking Regulations – Conduct the first reading of an ordinance, which if adopted, would amend Land Development Regulations by increasing the maximum allowed distance for off-site parking in the Mixed Use (MU) zoning district from 1,000 feet to 1,500 feet.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

- C. Ordinance No. 104-11/Second Amendment to the Regency PUD – Conduct the first reading of an ordinance, which if adopted, would amend the Master Planned Unit Development Agreement with New Smyrna Regency, LLC, and Wal-Mart Stores East, LP, for approximately 43 acres, located northwest of the intersection of S.R. 44 and I-95, in order to modify signage, architectural and landscaping requirements for future development.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

- D. Annexation: Hall/389 Otter Boulevard – Conduct the first reading of the following ordinances, which if adopted, would annex, and assign City land use and zoning of approximately 0.83 acres generally located east of Otter Boulevard, south of Pioneer Trail and north of S.R. 44, as requested by John Hall, owner.

1. Ordinance No. 105-11 – Annexing approximately 0.83 acres located at 389 Otter Boulevard.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

2. Ordinance No. 106-11 – Amending the Comprehensive Plan by changing land use on approximately 0.83 acres of annexed property at 389 Otter Boulevard from Volusia County Urban Low Intensity to City Low Density Residential land use designation.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

3. Ordinance No. 107-11 – Rezoning approximately 0.83 acres of annexed property at 389 Otter Boulevard from Volusia County Suburban Single Family Residential (R-1) to City Single Family Residential (R-1) zoning classification.

**Approved on first reading. The second reading and public hearing of the item was scheduled for the regular meeting on October 25, 2011.**

## **X. Administrative Items/New Business:**

- A. Resolution No. 41-11/Police and Fire Impact Fees – Consider the adoption of a resolution, which if adopted, would extend the suspension of the imposition of police and fire impact fees for non-residential construction permitted before December 31, 2012 and constructed before December 31, 2013.

**Adopted as recommended.**

- B. Resolution No. 42-11/Historic Westside Neighborhood Plan – Consider the adoption of a resolution, which if adopted, would adopt the Historic Westside Neighborhood Plan.

**Adopted as recommended.**

- C. Resolution No. 44-11/Volusia ECHO Water Access Acquisition Applications – Consider the adoption of a resolution, which if adopted, would authorize the City Manager to execute an application to the Volusia ECHO Grant Program for grant moneys to fund the acquisition of properties to provide public access to the Atlantic Ocean and Halifax/Indian River.

**Adopted as recommended.**

- D. Volusia ECHO Grants-in-Aide Application/Pioneer Trail and Otter Boulevard - Consider authorizing staff to prepare and submit a grants-in-aid application to the Volusia ECHO Committee for consideration regarding future acquisition and development of property located in the vicinity of Pioneer Trail and Otter Boulevard for recreational use. If approved, staff further requests authority to obtain property appraisals of two parcels identified in the ECHO application.

Approved per staff recommendation.

**XI. Boards and Commissions:**

No action.

**XII. City Manager's Report:**

No action.

**XIII. City Clerk's Report:**

No action.

**XIV. City Attorney's Report:**

No action.

**XV. Adjournment: 9:01 p.m.**



**CITY OF NEW SMYRNA BEACH  
CITY COMMISSION REGULAR MEETING**

**SUMMARY OF ACTION**

**TUESDAY, OCTOBER 25, 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 Department Chaplain Beverly Richardson will be present and give the invocation.

**No action.**

**III. Approval of the Agenda:**

**No action.**

**IV. Announcements/Presentations/Recognition:**

Recognition of Promoted Firefighters – Recognition of the recent promotions of the following Fire and Emergency Services Department members: Battalion Chief Shawn Vandemark, Lieutenant Roy Hodgins, and Driver/Engineers Tom Bull and Mike Greene. Also recognize new employee, Firefighter/EMT Brandon Hazelwood.

**No action.**

**V. Mayor and Commission Reports:**

**Commission discussed for future consideration, the creation of a Student Advisory Council consisting of local high school and middle school students.**

**Staff directed to address the following issues: stop sign down at Brooks and Roper Street and related parking concerns; speeding on Mary Avenue and Brooks Street; and, a general need for tree trimming.**

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

- A. Amendment of Lease Agreement/Black Historical Museum and Historical “Shot Gun” Home – Approve the first amendment to the lease agreement between the City and the Black Historical Museum, approved September 13, 2011 to include the reimbursement of all utility charges, excluding telephone bills.

**Approved.**

- B. Landfill Disposal Fees – Approve the issuance of a blanket purchase order, in the amount of \$664,968, payable to Volusia County for payment of landfill disposal fees.

Approved.

- C. Groundworks Purchase Order – Approve the issuance of a blanket purchase order, in the amount of \$40,400, payable to Groundworks for payment of the Magictouch Date Palm Rejuvenation Program.

Approved.

- D. Annual Pistol Range Agreements – Approve entering into an agreement with the City of Casselberry, Florida, for the utilization of City pistol range facilities.

Approved.

- E. Sole-Source Vendor Equipment Repair/Fire Department ARFF Vehicle – Approve the sole-source vendor repair of the Aircraft Rescue and Firefighting (ARFF) Vehicle assigned to the fire department at a not to exceed cost of \$24,000, payable to Florida Detroit Diesel of Orlando, Florida.

Approved.

- F. Special Events Committee Recommendations – Approve the following special event applications as submitted by the Special Events Committee with approval of each event recommended with associated street closures:

1. Special Event/Inlet Shores HOA Halloween Trick or Treating – Approve the conduct of the Halloween Trick-or-Treating event on Monday, October 31, 2011 from 5:30 pm to 9:30 pm, as hosted by the Inlet Shores Homeowners Association. Further approve the requested street closure of Inlet Shores Drive east of the Mangrove subdivision, during the same time period.

Approved.

2. Special Event/Light Up Flagler Avenue – Approve the conduct of the annual Light Up Flagler Avenue event on Friday, December 2, 2011 from 5 pm to 8 pm, as hosted by the Merchants of Flagler Hospitality Group. Further approve the requested street closure of Flagler Avenue from Peninsula to Buenos Aires, during the same time period.

Approved.

3. Special Event/Norwood's Holiday Food and Wine Festival – Approve the conduct of the Annual Norwood's Holiday Food and Wine Festival on Friday and Saturday December 2 and 3, 2011 from 7 pm to 9:30 pm on Friday and 1 pm to 5 pm on Saturday, as hosted by Norwood's Restaurant and Wine Shop. Further approve the requested street closure of 2nd Avenue from Goodwin Avenue to Cooper Street, on December 3, 2011 from 10 am to 6 pm.

Approved.

## VII. Ordinances – Second Reading and Public Hearings:

- A. Ordinance No. 100-11/Police Officer's Retirement Plan – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend and restate the City Municipal Police Officer's Retirement Plan.

Adopted.

- B. Ordinance No. 103-11/Off-Street Parking Regulations – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend Land Development Regulations by increasing the maximum allowed distance for off-site parking in the Mixed Use (MU) zoning district from 1,000 feet to 1,500 feet.

Adopted.

- C. Ordinance No. 104-11/Second Amendment to the Regency PUD – Conduct the second reading and public hearing of an ordinance, which if adopted, would amend the Master Planned Unit Development Agreement with New Smyrna Regency, LLC, and Wal-Mart Stores East, LP, for approximately 43 acres, located northwest of the intersection of S.R. 44 and I-95, in order to modify signage, architectural and landscaping requirements for future development.

Adopted.

- D. Annexation: Hall/389 Otter Boulevard – Conduct the second reading and public hearing of the following ordinances, which if adopted, would annex, and assign City land use and zoning of approximately 0.83 acres generally located east of Otter Boulevard, south of Pioneer Trail and north of S.R. 44, as requested by John Hall, owner.

1. Ordinance No. 105-11 – Annexing approximately 0.83 acres located at 389 Otter Boulevard.

**Adopted.**

2. Ordinance No. 106-11 – Amending the Comprehensive Plan by changing land use on approximately 0.83 acres of annexed property at 389 Otter Boulevard from Volusia County Urban Low Intensity to City Low Density Residential land use designation.

**Adopted.**

3. Ordinance No. 107-11 – Rezoning approximately 0.83 acres of annexed property at 389 Otter Boulevard from Volusia County Suburban Single Family Residential (R-1) to City Single Family Residential (R-1) zoning classification.

**Adopted.**

- E. Ordinance No. 108-11/Sign Regulations – Conduct the first of two required public hearings of an ordinance, which if adopted, would amend the Land Development Regulations by updating the City sign regulations.

**First of two required public hearings conducted. Second and final public hearing scheduled for November 8, 2011. Staff directed to obtain similar ordinances from other municipalities regarding how flashing signs were regulated.**

- F. Ordinance No. 111-11/Comprehensive Plan Amendment No. 7-11/Colony Park East/S.R. 44 – Conduct a public hearing of an ordinance to determine whether to transmit a proposed ordinance to the State Department of Community Affairs for review, which would amend the Comprehensive Plan by changing the land use designation on approximately 41 acres, located north of S.R. 44 and east of Colony Park Road from Volusia County Commercial and Urban Medium Intensity to City S.R. 44 PUD land use designation.

**Adopted.**

**VIII. Public Participation:**

**Staff directed to draft a letter to Volusia County supporting the enhancement and/or addition of pedestrian crosswalks along South Atlantic Avenue. Staff directed to schedule meetings with representatives of Volusia County, the Volusia County TPO and State Department of Transportation in an effort to discuss alternatives to the removal of crosswalks along South Atlantic Avenue, in the name of safety.**

**IX. Ordinances – First Reading:**

- A. Ordinance No. 109-11/Levels-of-Service Standards – Conduct the first reading of an ordinance, which if adopted, would amend the Land Development Regulations to allow for the revision of level-of-service standards regarding sanitary sewer concurrency and potable water facility concurrency.

**Approved on first reading. Second reading and public hearing scheduled for November 8, 2011.**

- B. Ordinance No. 110-11/Budget Amendment – Conduct the first reading of an ordinance, which if adopted, would amend Ordinance Nos. 40-10, 61-10, 65-10, 03-11, 17-11, 26-11, 36-11, 56-11 and 75-11, current expenses and capital outlay required by the City of New Smyrna Beach, during the fiscal year ending September 30, 2011.

**Approved on first reading. Second reading and public hearing scheduled for November 8, 2011.**

**X. Administrative Items/New Business:**

- A. Sugar Mill Landings HOA/No Parking Signs – Consider approval of the installation of “No Parking” signs at the intersection of Mount Olympus and the following streets; Gibrather, Carthage and Sicily, all within the Sugar Mill Landings subdivision.

**Approved.**

- B. Variance Application Fees Waiver Request/1422 Southard Avenue – Consider the request of applicant Shawn Buchanan to waive application and advertising fees related to a variance application regarding property at 1422 Southard Avenue.

**Denied.**

- C. Opportunity Site Grant/Pennysaver Building – Consider approval of the opportunity site grant award to property known as the “Pennysaver” building. Property owner Robert Wiley has requested a two-phased opportunity site grant award in the amount of \$400,000 with \$175,000 awarded in phase one and the balance in phase two.

**Approved.**

- D. Gates and Signage/City Marina – Consider the approval of the installation of gates and signage at the municipal marina on Riverside Drive in order to improve security, at an estimated cost of \$6,600.

**Approved.**

- E. Addition to Scope of Work/North Myrtle Avenue Improvements Project – Consider the approval of an addition to the scope of work for the North Myrtle Avenue Improvements Project in order to allow paving from Enterprise to Ronnoc Streets, at a cost of approximately \$59,792.48 and payable to D2 Paving.

**Approved.**

- F. Central Fire Station Architectural Firm - Consider the approval of ranking of firms for the Central Fire Station Architectural Request for Qualifications, in accordance the guidelines of the Consultant Competitive Negotiation Act. Also, consider approval of the selection of the firm Hawkins, Hall and Ogle Architects from all firms reviewed for contract negotiations.

**Approved.**

- G. Waiver of Application Resubmittal Time Limit/KGI Properties – Consider approval of waiving the application resubmittal time limit, which if approved, would allow the resubmittal of an application to change land use designation on property located east of the intersection of South Atlantic Avenue and Maralyn Avenue from Commercial to Hospitality.

**Approved.**

**XI. Boards and Commissions:**

- A. Fire Pension Board – Appoint/reappoint a regular member to a two-year term to expire November 1, 2013. Also, accept the election results for a regular member to represent fire department employees, for appointment to a two-year term to expire November 1, 2013.

**No action. Item removed from agenda for consideration at a future meeting.**

- B. Historic Preservation Commission – Consider the appointment of Nora Jane Gillespie as a regular member to fill a vacancy with a term to expire May 14, 2014. The Southeast Volusia Historical Society has nominated Ms. Gillespie for appointment.

**Appointed Nora Jane Gillespie as a member to a term to expire May 14, 2014.**

- C. Planning and Zoning Board – Appoint/reappoint three regular members to three-year terms to expire October 31, 2014. The terms of current members Jessie Clark, Travous Dever and Ian Ratliff will expire October 31, 2011.

**Reappointed members Jessie Clark, Travous Dever and Ian Ratliff to three-year terms to expire October 31, 2014.**

- D. Resolution No. 45-11/Appointment of Vice Mayor – Adopt a resolution appointing a vice mayor to serve in the absence of the mayor for a period of one year, commencing November 8, 2011.

**Adopted naming Zone 1 Commissioner Judy Reiker as Vice Mayor effective November 8, 2011.**

**XII. City Manager's Report:**

**Approved the payment of \$50,000 to the Department of Transportation for the distribution of funds from the recent sale of two water taxi vessels.**

**XIII. City Clerk's Report:**

**No action.**

**XIV. City Attorney's Report:**

**No action.**

**XV. Adjournment:**

**8:30 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 October 25, 2011, pending approval of the official minutes of the meeting.

---

**Johnny R. Bledsoe, CMC, City Clerk**



**COMMUNITY REDEVELOPMENT AGENCY**  
CITY OF NEW SMYRNA BEACH  
210 SAMS AVENUE  
NEW SMYRNA BEACH, FLORIDA 32168



## Status Report of CRA Construction Projects

November 2, 2011

### Mary Ave Streetscape Project – N Myrtle Avenue to US1:

This project consists of the following improvements:

- Complete reconstruction of the stormwater system
- Complete reconstruction of the roadway with curb and gutter and nested on-street parking, 4FT sidewalk on the south side and 8FT multi-use trail on the north side, landscaping, and irrigation
- Decorative streetlights
- Improvements through the Florida East Coast Railway (FECR) right-of-way will be constructed in a separate phase of work

#### Progress to date:

- Reconstruction of the stormwater system is now complete
- Reconstruction of the roadway is now complete
- Streetlights and electrical is 95% complete
- Irrigation is 95% complete
- Landscaping is 50% complete
- This project is expected to be finished before Thanksgiving

### Washington St Streetscape – N Myrtle Ave to US1:

This project is currently in design, which is expected to be complete by mid November 2011.

#### Progress to date:

- The 100% roadway plans have been submitted and are under one last review by staff
- Utility Coordination Letters have been sent to the various Utility Agencies

### Esther St Park Improvements Project:

This project will be constructed in 3 phases including reconstructing the seawall, stormwater improvements to the area, and new park facility.

#### Progress to date:

- The seawall project was awarded to SE Cline Construction for \$248,325 and the pre-construction meeting will be held October 25, 2011 with an anticipated Notice to Proceed date of November 1, 2011
- The stormwater features and new park facility are in design and a FDEP 319h Grant has been submitted for.

### Riverside Park Improvements Project:

The design for this project was completed and approved and has been advertised for bidding. The bid opening date will be November 15, 2011. Design elements for this project include reconstructing the seawall and wooden boardwalk, and replacing the park lighting.