



Community Redevelopment Agency

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

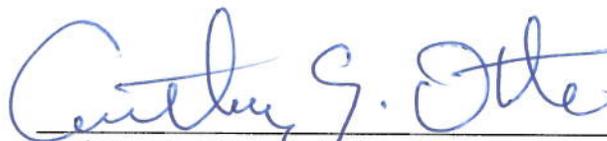
January 6, 2012

MEMORANDUM

James Kosmas, Chair
James Peterson, Vice Chair
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, January 11th, 2012 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, JANUARY 11, 2012 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 Meeting December 7, 2011

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. Combined Grant – 407 Downing Street
B. Discussion of Opportunity Site Program

7. NEW BUSINESS

A. Opportunity Site Grant Application – 524 Canal Street

8. REPORTS AND COMMUNICATIONS

A. Director's Report	D. Commissioner Report
B. CRA Attorney's Report	E. Tracking report
C. Capital Projects 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

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**MINUTES OF THE
CITY OF NEW SMYRNA BEACH
COMMUNITY REDEVELOPMENT AGENCY
MEETING OF DECEMBER 7, 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
Doug Hodson
James Peterson
Chad Schilsky
John Kinney**

Also present were CRA Director Tony Otte; CRA Administrative and Program Specialist Claudia Soulie, and CRA Attorney Mark Hall. Commissioner Melissa Latty arrived at 2:55 pm. Commissioner Tom Williams was not present as he had turned in his resignation effective 12/2/11.

CONSENT AGENDA

A. Approval of Minutes – Regular CRA Meeting November 2, 2011

Mr. Hodson made a motion to approve the Minutes as written; seconded by Mr. Kinney. Motion carried on roll-call vote 5-0.

B. CRA 2012 Meeting Schedule

Mr. Kinney made a motion to approve the CRA 2012 Meeting Schedule with the exception that the December meeting is to be held on December 5, 2012; seconded by Mr. Hodson. Motion carried on roll-call vote 5-0.

Mr. Kosmas thanked everybody in the audience for coming to this CRA meeting. He stated that he wanted to set the public record straight in regards to recent actions pertaining to a CRA grant he had received in 2009. Mr. Kosmas continued that he does not agree with the findings of the CRA and City Attorneys, that having received a grant while serving on the CRA constitutes an ethical conflict; and that the attorney Mr. Kosmas had retained was of the same opinion as Mr. Kosmas. Mr. Kosmas stated that he has since returned the entire funds awarded to him in 2009, but wants to be clear that by making such a refund he, in no way, acknowledges any wrongdoing whatsoever and continued to state that his actions were legal and ethical. Mr. Kosmas felt that just the very act of questioning the legality of his grant has already subjected him to scrutiny from the media and general public.

Mr. Kosmas elaborated that he would continue to serve on the CRA despite the recent events.

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Mr. Schilsky stated that he would not be able to stay for the duration of the meeting, as the Grand Opening for one of his new restaurants was scheduled for today, but he felt that it was important to also make a statement. (Mr. Schilsky was awarded a grant for his restaurant on Flagler Ave. in 2011, but never requested or received reimbursement as he later withdrew his grant request). Mr. Schilsky continued that he felt that this situation was handled poorly. He stated that he followed proper procedures for his grant and that he had gone through the proper channels. Mr. Schilsky felt that volunteers on City Boards should have the same rights as any other community member and completely disagrees with the decision that Board members are not allowed to apply for grants. Mr. Schilsky stated that the responsibility should not rest with him and Mr. Kosmas, as they followed every procedure that was in place. Mr. Schilsky continued that he is very passionate about New Smyrna Beach and that he had made a decision to stay on the CRA despite the recent actions. Mr. Schilsky was hopeful that something is to be learned from this situation.

Mr. Schilsky left at 2:20 pm.

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.

Mr. George Richford, Owner of the DolphinView Restaurant at 107 Riverside Dr. (who had recently been awarded a Large Grant) updated the CRA on the progress his project by showing a brief slideshow. Mr. Richford thanked the CRA for their support.

**

Mr. Eric Lumbert, Paddleboard NSB, whose organization had recently been awarded CRA funding to aid in the advertising needs for their first-time paddleboarding event held in November, thanked the CRA for their support and updated the CRA of the event turnout. Mr. Lumbert felt that it was a very successful event due largely to the CRA's support.

**

Mr. Jim Russell, 235 N. Causeway, stated that he is representing the owners for Sale/Lease of 132 Canal Street (proposed location for The Hub). Mr. Russell continued that they are in discussions with representatives from The Hub to finalize the lease and he informed the CRA that the owners of the building were in favor of the CRA modifying its current Rent assistance program (agenda item under Old Business B.)

**

Ms. Ellen Darden, President of NSB Board of Realtors spoke out in support of modifying the current CRA Rent assistance program. Ms. Darden also stated that she is in favor of The Hub as an effort to revitalize the downtown district.

**

Mr. Bill Preston, Board of Directors member of The Hub, asked all those in the audience in favor of The Hub to please stand and show their support (a large number of people present at the meeting stood up). Mr. Preston urged the CRA to consider expanding the current rent assistance program.

Hearing no further requests, Mr. Kosmas closed the Public Participation portion.

OLD BUSINESS

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A. Event Insurance

No quorum – Withdrawn by staff

B. Discussion of Expansion on the Independent Business Rental Move in Program

Mr. Otte recapped that representatives of an organization known as the Hub have been discussing the possibility of obtaining CRA funding for their project for months. The concept is to open small, leasable spaces for a variety of art endeavors, including spaces for artists to create and sell art, a small theatre for art films, an area for dance lessons, etc. The building space may also include one or more conventional businesses, such as a coffee shop and a restaurant.

Mr. Otte stated that the representatives of the Hub project are now requesting that the CRA modify and expand the current Independent Rental Assistance Move-in Program to better fit the needs of The Hub project. Mr. Otte summarized points from the current CRA “rent incentive” type program and stated that the proposed expanded program would resemble some aspects of a “Rent Subsidies” program from Boca Raton, which would allow for a higher assistance amount than the CRA’s current program. Mr. Otte continued that staff requests discussion on this item.

A brief discussion ensued about the program being per tenant or per project.

Mr. Kosmas stated that he would like find out the reason why Boca Raton requires a business to be in existence for two (2) years in order to qualify for their program and why the business has to be a Target industry as identified by the State of Florida. Further, he feels the need to have an accurate financial feasibility analysis for a proposed business.

Mr. Peterson inquired if this program fits within the criteria of the CRA’s enabling statutes. Mr. Hall stated that he feels comfortable discussing the program at this point.

Mr. Hodson commended staff on the preparation of a very comprehensive program development summary and also raised the questions about the 2 year requirement, which would certainly eliminate every business under 2 years old. Mr. Hodson felt that if the CRA felt that a business was worthy of supporting, why wait for 2 years to do so. Mr. Hodson would like to find out what the ramifications would be to not have this “2-year” stipulation in the guidelines.

Mr. Kinney stated that he was in favor of The Hub and felt that the CRA should find a way to support it. Mr. Kinney continued that the CRA needed to be able rely on CRA and City counsel to determine what the CRA was allowed to offer to stay within the law. Mr. Hall stated that the proposed new rental program will require a thorough legal review and that the County legal counsel would also be contacted. Mr. Hall further informed the CRA that a joint CRA/City Commission meeting has been scheduled for January 18, 2012, where this program would be discussed further and suggested having the district’s County Council member present at this meeting.

149 Mr. Kosmas stated that the CRA had to offer development incentives to entice
150 revitalization and felt that the CRA Commissioners will need direction from the City and
151 the County before making any money commitments. Secondly, Mr. Kosmas questioned the
152 reason as to why such substantial revisions to the existing rental move in program needed
153 to be made. Mr. Kosmas felt that the current CRA program may already offer the assistance
154 that The Hub is seeking.

155
156 Ms. Sally MacKay commented on the 2 year stipulation in the Boca Raton program and
157 stated that New Smyrna Beach is branded as one the 100 best artistic communities in the
158 United States and that the Board of Directors has been in touch with CRA staff for the last
159 2 years. Ms. MacKay further summarized who the potential tenants are and how The Hub
160 would benefit the downtown.

161
162 Mr. Kosmas stated that he was in favor of pursuing to assist The Hub, but not in favor of
163 providing large amounts of rental subsidies to artist businesses whose financial feasibility
164 had to be determined.

165
166 Commissioner Latty arrived at 2:55 pm.

167
168 Ms. Joyce Pierce Riddle, 137 Sea Street felt that the modification of the existing program
169 would allow one master tenant to apply for a grant versus coming forward individually,
170 which could potentially be more costly. Ms. Pierce Riddle also was of the understanding
171 that the prospective tenants are established businesses that just want to move their
172 enterprise to a central location.

173
174 Mr. Peterson felt that some modifications may need to be made to the existing program, as
175 currently no applications had been brought forward.

176
177 Mr. Kosmas stated that the CRA would like to defer further discussion and actions on this
178 agenda item to the January 18th, 2012 Joint CRA/CC meeting.

179
180 Ms. Latty stated that she may have a conflict of interest in this matter, as she has shown the
181 property to a client that may become a tenant. Mr. Hall informed that this was good
182 information to disclose, but no voting action was going to take place today.

183
184 Mr. Kosmas called for a short recess.

185
186 Meeting re-convened at 3:20 pm.

187
188 **NEW BUSINESS**

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190 A. Bid Award for Flagler Ave Stormwater pipelining– Miller Pipeline

191
192 Withdrawn by staff

193
194 B. US1 at Canal Street - Proposal to Design Hardscape Improvements – Metric
195 Engineering

196

197 Mr. Otte stated that as part of the FDOT improvements to US1 and Canal Street, staff had
198 asked Metric Engineering to submit a proposal to incorporate a gateway feature design at the
199 intersection. The proposal, in the amount of \$38,544.85, includes Hardscape Aesthetics,
200 Structural Design (Mast Arm) and Project Management & Coordination. This proposal
201 piggybacks on the FDOT Contract with Metric Engineering.

202
203 Mr. Otte stated that this design feature, if approved, would go into the FDOT bid package,
204 but that there was no specific date as to when construction would start, as FDOT currently
205 only had funds budgeted for the design and not the construction of this project.

206
207 A brief discussion ensued about the high cost for a design that may or may not get
208 constructed; possibly doing the design work in-house and getting drawings of the CRA
209 portion of this intersection. Staff stated that they would bring the requested items back at a
210 future CRA meeting.

211
212 The CRA took no action on this item.

213 214 C. Washington St Streetscape Sidewalk Project - Options on FEC Portion

215
216 Mr. Otte stated that the Washington St Streetscape project is close to 100% design. In the
217 meantime, the improvement at the FEC pedestrian crossing is up for discussion. The cost of
218 construction for this portion is approximately \$500,000 and that includes sidewalks on both
219 sides of the streets with the proper safety pedestrian features. TPO funds may be available,
220 but are not guaranteed. Staff is requesting discussion on installing sidewalk on the north side
221 only including the FEC pedestrian crossing at an estimated cost of \$300,000 and applying for
222 a TPO grant for the sidewalk on the south side and construct when funding is available.

223
224 The CRA asked for graphic drawings and a better breakdown of the cost figures. No action
225 was taken and staff will bring back more information at the next CRA meeting.

226 227 D. Small Scale Improvements Grant –

228 229 1. 214 N. Orange Street – Napa Auto Parts

230
231 Mr. Otte stated that the applicant is proposing to landscape his property by trimming Oak
232 trees and Sabal Palm trees; parking lot repairs as well installation of plants and mulch at a
233 total cost of \$2,770. The contractor is a local business from New Smyrna Beach.

234
235 The application has received the necessary points to qualify for consideration and staff
236 recommends approval in the grant amount of \$2,500 contingent that permits are obtained.

237
238 **Mr. Peterson made a motion to approve the Small Scale improvement grant for 214 N.**
239 **Orange Street; seconded by Mr. Hodson. Motion carried on roll-call vote 5–0.**

240 241 E. Combined Grant –

242 243 1. 600 W. Canal Street – Kim’s Food and Gas, Inc.

245 This applicant is proposing improvements to the parking lot and business sign as well as
246 painting of the building. The estimates for the scopes of work total \$11,277 (CRA funding
247 request \$5,638.50). The applicant was informed that staff will require receipts from the
248 contractors for all work performed and from the Building Department showing the actual
249 cost for permit fees.
250

251 Staff has met on-site with the applicant and pertinent City personnel and the scope of work
252 was conceptually accepted.
253

254 The application has received the necessary points to qualify for consideration and staff
255 recommends approval. Approval is contingent upon the applicant obtaining the necessary
256 permit(s).
257

258 A brief discussion ensued if an environmental assessment was required if a gas station was
259 paving over underground gas tanks. Mr. Appenzeller informed the CRA that the gas tanks
260 had been removed some time ago and that he also has paperwork documenting that his
261 property had been inspected.
262

263 **Mr. Hodson made a motion to approve the Combined grant for 600 Canal Street;**
264 **seconded by Mr. Peterson. Motion carried on roll-call vote 5-0.**
265

266 3. 306/308 N. Orange Street
267

268 Mr. Kosmas asked that this item be moved ahead of 208 Magnolia Street as he would not be
269 able to vote and Mr. Hodson had to leave by 4:00 pm and that this action would ensure a
270 proper quorum. All agreed.
271

272 Mr. Otte stated that staff was approached by Ms. Marla Nance with a proposal to convert a
273 building at 308 N. Orange from the previous use as a print shop to professional office space
274 to house her three (3) separate, long-standing enterprises. The project will stretch over two
275 (2) conjoined parcels (306 and 308 N. Orange) which have separate parcel ID numbers. Both
276 have recently been acquired by Ms. Nance. The application was placed on the November 2,
277 2011 CRA agenda, but Ms. Nance decided to withdraw her application during the Public
278 Participation portion of that meeting, so no action was taken by the CRA Commissioners.
279

280 Ms. Nance has now submitted three (3) separate applications under the Combined Grant
281 program on behalf of the businesses that are to be housed in the new location. Ms. Nance
282 feels that, based on the current Combined Grant Guidelines, tenants as well as the property
283 owner are allowed to apply for exterior/interior assistance (see excerpt below):
284

285 *Eligible Applicants: Applicant eligibility depends on the proposed use of funds, as follows:*

- 286 • *Exterior Improvements: Property owner or tenants with property owner consent.*
 - 287 • *Interior Improvements: Property owner or tenants with property owner consent.*
- 288

289 The scope for this project includes only exterior work like landscaping, creation of parking
290 areas, Signage, electrical work, design assistance, installing/painting of hardie board siding,
291 trim, bead board soffits, replacing of exterior windows and exteriors doors, as well as a
292 storefront door. The cost of these scopes totals \$128,654.70 and the applicant is requesting
293 CRA reimbursement in the amount of \$60,000 (\$20,000 per tenant business and
294 owner/tenant) under the Combined Grant program. The total cost includes \$25,200 for a new

295 roof, which is not specifically allowed nor prohibited in the CRA Grant Guidelines. Staff
296 does not feel that a new roof should be an eligible expense, thus reducing the cost for eligible
297 items to \$103,454.70.

298

299 Upon review of the Grant guidelines and consulting with the CRA Attorney, staff is
300 recommending that the CRA approve only one of the Combined Grant applications with
301 CRA funding in the amount of \$20,000. It has been determined that, with tenant businesses
302 being owned by the property owner, they cannot be considered “bonafide” applicants for the
303 program. Therefore, only one (1) grant is recommended.

304

305 The applicant was present to explain her reasoning as to why she would like to have the CRA
306 consider her applications as submitted (Three Combined Grants with a CRA funding amount
307 of \$20,000 each) and stated that the three businesses are separate entities that could be
308 located anywhere.

309

310 The Planning, Engineering and Building Departments have reviewed and conceptually
311 approved the proposal. It is anticipated that, based on City practices, the Planning
312 Department will recommend the applicant do a Unity of Title Agreement to join the two
313 parcels together, or just combine them under one tax ID # (simpler than the Unity of Title).

314

315 The project has received the necessary points to qualify for consideration and staff
316 recommends approval of one (1) Combined Grant in the CRA funding amount of \$20,000.
317 Approval is contingent upon the applicant obtaining the necessary permit(s) and meeting all
318 Planning and Building Department requirements.

319

320 Mr. Peterson felt that the CRA had defined what comprises a business and stated that Ms.
321 Nance’s businesses were longstanding enterprises and was in favor of approving all three
322 grants. Mr. Hodson agreed.

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324 Ms. Marla Nance, applicant, gave an update on her existing businesses and the length that
325 each of those businesses has been in existence. Ms. Nance clarified that MTN Resources is
326 the owner of the property, but not the owner of the other two businesses.

327

328 Mr. Kosmas made Ms. Nance aware that the one application would be approved as an owner
329 and two as tenants, which will preclude her (as the owner) from receiving future CRA grants.

330

331 A brief discussion ensued and the CRA agreed to approve Ms. Nance’s three applications as
332 submitted, including the cost for the roof. Further discussion ensued if the applications had to
333 go before the City Commission. Mr. Kosmas informed Ms. Nance that staff would check into
334 that option and get back with her.

335

336 Mr. Kosmas abstained from voting as he had an apparent conflict of interest.

337

338 **Mr. Peterson made a motion to approve the Combined grant applications for 306/308**
339 **N. Orange Street, including the new roof; seconded by Ms. Latty. Motion carried on**
340 **roll-call vote 4–0. Mr. Kosmas abstained.**

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342 Mr. Hodson excused himself at 4:10 pm.

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2. 208 Magnolia Street – Fender Mender

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This applicant is proposing to construct a new wall that will match his existing building with electrical roll-up bay doors and shutters to protect the east side of the “outdoor” bay from inclement weather. Additionally, the applicant feels that this wall would make the area more aesthetically pleasing in the evening, as closing it will block the view to the work areas.

The estimate for the scope of work totals **\$43,750** (CRA funding request capped at **\$20,000**). The applicant was informed that staff will require receipts from the contractor for all work performed. Staff has met on-site with the applicant and pertinent City personnel and the scope of work was conceptually accepted.

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).

Mr. Kosmas elaborated on the CRA’s purpose with these grants and inquired how certain projects tie in with the CRA’s goal of eliminating blight.

Mr. Peterson made a motion to approve the Combined grant applications for 208 Magnolia Street; seconded by Ms. Latty. Motion carried on roll-call vote 3–1 with Mr. Kosmas casting the dissenting vote.

F. Opportunity Site Designation Request –

1. 426 Canal Street

Mr. Otte stated that CRA Staff was approached by Mr. Richard Rosedale, who is proposing to construct a new building at the corner of Canal and S. Orange Streets. This lot used to house a building that had to be demolished due to damage suffered in a 2008 fire. This project would entail a two (2) story building and Mr. Rosedale envisions Retail, Restaurant or office on the first floor and office space on the second.

Mr. Otte continued that the applicant is asking for a designation as an Opportunity Site program, as he feels that this corner is a prominent location on Canal Street and an important entrance to S. Orange Street with its recently completed Streetscape. Furthermore, Mr. Rosedale feels that the current vacant lot is very unsightly.

Staff agreed that the proposed project would fill an unsightly corner on Canal Street and recommended that the CRA consider Mr. Rosedale’s request to have 426 Canal Street added to the list of Opportunity sites.

Mr. Rosedale was present and gave a brief summary why he felt this property should be considered an opportunity site. Mr. Rosedale also showed pictures of what was previously on this site.

Mr. Kosmas gave his interpretation of what he felt an opportunity site should be and was concerned of the direction that this program was taking.

392 A brief discussion ensued about whether or not this property should be added as an
393 opportunity site. Some Commissioners felt that it should be up to the City Commission to
394 determine if a property should be added to the list of Opportunity sites.
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396 **Mr. Peterson made a motion to add 426 Canal Street to the list of opportunity sites;**
397 **seconded by Ms. Latty. Motion failed on roll-call vote 2–2 with Mr. Kosmas and Mr.**
398 **Kinney casting the dissenting votes.** (please refer to page 9 line 425 for additional
399 information about this agenda item).

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2. 529-533 Washington Street

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Mr. Otte stated that the building at 529 Washington Street is located at the NW corner of Washington and Dimmick and presently houses a barbershop. In the past this was a mixed use building housing a number of businesses including the barbershop as well as a restaurant, dance hall, and beauty salon and residential dwelling unit. CRA staff and Attorney have been working with the family who owns the building on a concept of having the CRA pay for renovating the building and then lease the building back for the value of the improvements. The CRA hired an architect for this purpose.

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Mr. Otte continued that the family has recently notified CRA staff that their plans have changed and that they now wish to proceed on their own to develop a “Westside Cultural Arts and Business Cooperative Center, Inc”. The family wishes to apply for CRA funding under the Opportunity Site Grant Program for funds to renovate the building and then use it for the program as described, which includes spaces to be leased to small businesses and both visual artists and performing artists. Due to the prominence of the building in the Historic Westside, staff recommends that it be designated as an Opportunity Site.

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Mr. Kosmas felt that this will be a great opportunity for the Westside and felt that this type of project is a great example for an opportunity site.

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Ms. Latty made a motion to approve add 529/533 Washington Street to the list of Opportunity sites; seconded by Mr. Peterson. Motion carried on roll-call vote 4–0.

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Mr. Kinney inquired of Mr. Hall if he could reconsider his vote for item F. 1. Opportunity Site designation for 426 Canal Street. Mr. Hall stated that this would be allowed and the CRA agreed to revisit this item prior to the end of the meeting. (please refer to page 11 line 519 for the final action pertaining to this agenda item).

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G. Riverside Park Improvements Project – Utility Commission cost for Lighting

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Mr. Otte stated that the Riverside Park Improvements Project contains lighting that will be installed by the contractor and also by the Utilities Commission. The contractor will install the new fishing pier lighting, the entrance bollards, and the up-lighting for the 2 monuments.

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Mr. Otte continued that the Utilities Commission has agreed to install and maintain the remaining park lighting, which includes the main lighting along the boardwalk and within the interior of the park at a cost of \$104,581.18. Staff recommends approving the Utilities Commission costs.

441 **Mr. Kinney made a motion to approve the Utilities Commission costs; seconded by Ms.**
442 **Latty. Motion carried on roll-call vote 4-0.**

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444 H. CRA Grants Conflict

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446 Mr. Hall commented on his memo dated 11/22/2011 about issuing of grant money to CRA
447 Commissioners. The memo requests adopting a bright-line policy prohibiting current CRA
448 Commissioners or staff members from applying for or receiving grant money from the CRA
449 on which they sit. Mr. Hall stated that the City Commission had already adopted the
450 recommended action at their meeting on November 29, 2011. This verbiage would be
451 included in the current CRA Grant guidelines.

452

453 Mr. Otte explained that this action stemmed from a County Council Member's question
454 during the November 3, 2011 CRA presentations, if any CRA Commissioners had received
455 grants, and if so than this needed to be looked into.

456

457 A discussion ensued about this type of policy potentially discouraging very able business
458 owners and residents from becoming CRA Commissioners, which would have a negative
459 effect on the CRA.

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461 **Mr. Peterson made a motion to deny adopting the policy; seconded by Ms. Latty.**
462 **Motion carried on roll-call vote 4-0.**

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464 L. Riverside Park Bids

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466 Mr. Otte stated that a total of four (4) bids were received for the Riverside Park Seawall Pier
467 and Lighting Replacement Project and staff is recommending awarding the contract to C&L
468 Landscape, Inc. in the amount of \$912,725.

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470 **Mr. Kinney made a motion to approve staff's recommendation; seconded by Ms. Latty.**
471 **Motion carried on roll-call vote 4-0.**

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474 REPORTS AND COMMUNICATIONS

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A. Director's Report

Mr. Otte stated that

- the Capital improvement project budget had to be adjusted by \$655,428 and gave updates on completed, proposed and started Capital projects.
- A joint CRA/City Commission meeting will be held on January 18, 2012 at 4:00 pm in the City Hall Commission Chambers.

B. CRA Attorney's Report

Mr. Hall stated that he had nothing new to report expect for the fact that he, Mr. Otte and Mr. Peterson had decided not to meet on the subject of special event funding as suggested at a previous CRA meeting.

C. Capital Projects Report

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No discussion

D. Commissioner Report

Ms. Latty asked for an update on the status of the hotel on Flagler Ave. Mr. Otte stated that he had been in touch with the Developer's representative and that this representative would make a presentation at that January 2012 CRA meeting.

Mr. Kosmas inquired how Public records requests and questions are being addressed. Mr. Hall stated that Public records requests are being handled and disseminated to the proper department by the City Clerk. Mr. Hall is of the opinion that all requests are being handled satisfactorily.

Regarding the hotel project on Flagler Ave, Mr. Kosmas asked for a summary of outstanding post-closing contract obligations, if any. Mr. Hall stated that all closing requirements had been met and clarified that the incentives would only be dispensed when the hotel has been built and has received its certificate of occupancy, but would create that summary as requested.

Ms. Brangaccio stated that both the CRA and City Attorney were present at the closing and that the City no longer owns the properties and that this is now a private construction project.

No further comments from the Commissioners.

E. Tracking Report

The commissioners had no comments or questions.

Mr. Hall stated that, as a point of order earlier in the meeting, Mr. Kinney had requested to reconsider his vote made for item F.1. Opportunity Site designation request for 426 Canal Street where he had originally voted in favor of denying the request. Mr. Hall asked Mr. Kinney if he wanted to change his vote.

Mr. Kinney moved to reconsider his vote on this item; seconded by Ms. Latty. Motion carried on roll-call vote 4-0.

Mr. Hall turned over the floor to Chairman Kosmas for further consideration of this agenda item.

Mr. Kosmas entertained a motion to approve adding 426 Canal Street to the list of opportunity sites.

Mr. Peterson made a motion to add 426 Canal Street to the list of opportunity sites; seconded by Mr. Kinney. Motion carried on roll-call vote 3-1 with Mr. Kosmas casting the dissenting votes.

Mr. Kosmas thanked staff for putting together this CRA agenda. Hearing no further comments, Mr. Kosmas entertained a motion to adjourn.

539

540 **ADJOURNMENT**

541

542 **A motion was made to adjourn; all agreed. Meeting adjourned at 5:42 pm.**

OLD BUSINESS

CRA AGENDA ITEM SUMMARY

Staff Member Making Request: Claudia Soulie																
Meeting Date: January 11, 2012																
Action Item Title: Combined Grant Application: 407 Downing Street																
Agenda Section: Consent _____ Public Hearing _____ Special Items <u> x </u>																
Summary Explanation and Background																
<p>History: On September 7, 2011 the applicant submitted an application proposing to convert the first floor of the existing residential duplex building into a professional office space. The second floor would remain as a residential space.</p> <p>The CRA, during this meeting, denied the applicant's request for a grant with the reasoning that part of the work had already started. They also had questions about the contractor estimates. The CRA, however, proposed to reconsider another application under a new permit.</p> <p>Since that time, the applicant has closed out the original residential permit and has been in touch with the Building Department to get pricing for a new commercial permit. The applicant has further submitted a new application to include two estimates for pavers, fencing/screening, irrigation and two fire rated windows. Staff contacted the Chief Building official, who confirmed that the windows are required by code, since the permit was changed from residential use to commercial use. None of the work proposed in the application has started.</p>																
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 40px;">Dirt/Site Work.....</td> <td style="text-align: right;">\$1,600</td> </tr> <tr> <td style="padding-left: 40px;">Pavers.....</td> <td style="text-align: right;">\$6,520</td> </tr> <tr> <td style="padding-left: 40px;">Landscaping/Irrigation.....</td> <td style="text-align: right;">\$3,299</td> </tr> <tr> <td style="padding-left: 40px;">Fencing/Screening.....</td> <td style="text-align: right;">\$3,273</td> </tr> <tr> <td style="padding-left: 40px;">Fire Rated Windows.....</td> <td style="text-align: right;">\$3,833</td> </tr> <tr> <td style="padding-left: 40px;">Building Permit Fee.....</td> <td style="text-align: right;"><u>\$ 565</u></td> </tr> <tr> <td></td> <td style="text-align: right;">\$19,090</td> </tr> </table>			Dirt/Site Work.....	\$1,600	Pavers.....	\$6,520	Landscaping/Irrigation.....	\$3,299	Fencing/Screening.....	\$3,273	Fire Rated Windows.....	\$3,833	Building Permit Fee.....	<u>\$ 565</u>		\$19,090
Dirt/Site Work.....	\$1,600															
Pavers.....	\$6,520															
Landscaping/Irrigation.....	\$3,299															
Fencing/Screening.....	\$3,273															
Fire Rated Windows.....	\$3,833															
Building Permit Fee.....	<u>\$ 565</u>															
	\$19,090															
<p>The applicant has also submitted documentation for various impact and capacity fees as well as design assistance (totaling \$23,310). Staff feels that these items, while normally allowed as eligible expenses, should not be included in the grant request, since there is no clear delineation of what portions of the costs pertain to the original or the proposed new permit.</p> <p>The application has received the necessary points to qualify for consideration and staff recommends approval of the revised cost estimate in the amount of \$19,090 (CRA reimbursement amount of \$9,545).</p>																
Recommended Action/Motion:																
Approve the application in the funding amount of \$9,545.																
Funding Analysis: Budgeted <input checked="" type="checkbox"/> If not budgeted, recommend funding account:																
Account number 120.51502.583001, which currently has a balance of \$229,005.23.																
Exhibits Attached:																
1. Package submitted by the applicant 2. Score sheet																
Reviewed By:	Name	Signature														
CRA Director	Tony Otte															
Commission Action																
																

Property Improvement Grants Funding Evaluation

Property Address: 407 Downing 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

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

APPLICATION FORM

COMBINED GRANT PROGRAM

(Exterior/Interior Improvements and Impact/Permit Fees)

NAME OF APPLICANT: Dennis J. Haycock

PROPERTY ADDRESS: 407 Downing Street

PHONE/CELL: 386-527-9991 (EMAIL) djhaycook@bellsouth.net

TYPE OF IMPROVEMENT PLANNED:

Exterior X Painting _____ Landscape X Electrical _____

Signage _____ Awning _____ Parking Area X Other Screening

Interior _____ Permit Fees X Impact Fees X 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
Summary 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
Conceptual plans and specifications detailing the scope of work. (*Professional design assistance may be obtained prior to CRA approval at the applicant's own risk)	X	X	X	
Samples of all paint and material colors as well as awning materials to be used on the building and signage.	X	X	X	
Square footage for each eligible façade			X	
Proof of ad valorem taxes (NFPs only)	X	X	X	X

ESTIMATED TOTAL COST OF PROPOSED PROJECT: \$ 129,943.00

ESTIMATED AMOUNT OF GRANT ASSISTANCE REQUESTED: \$ 20,000.00

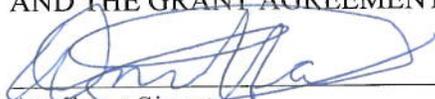
ESTIMATED START DATE: 1/23/12

ESTIMATED COMPLETION DATE: 4/15/12

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

Property Owner Signature (if not applicant)

Dennis J. Haycook
Print Name

Print Name

1/5/12
Date

Date

Budget 1/4/2012
 Version
 Project Name :
 Project No. :
 Report Date :

Addendum C
 407 Downing St.
 Project Estimate

Cost Code	Item Description	Labor	Burden	Material	Tax	Subcontract/		Total Project
						Other	Total	
10102	Permits							
	original residential	0	0	0	0	1,516		1,516
	comercial*	0	0	0	0	565		565
10102	Impact fees*							
	law	0	0	0	0	0		0
	police	0	0	0	0	0		0
	utility	0	0	0	0	8,852		8,852
	city transportation	0	0	0	0	1,362		0
	county transportation	0	0	0	0	5,020		5,020
10102	PLANS	0	0	0	0	9,438		9,438
10118	temporary toilets	0	0	0	0	300		300
10500	dumpster	0	0	0	0	1,500		1,500
10115	Temp Water	0	0	0	0	150		150
10113	Temp Electric	0	0	0	0	750		750
10108	daily cleanup	1,152	410	0	0	0		1,562
10109	Final Cleanup	0	0	0	0	450		450
20301	Dirtwork	0	0	0	0	2,400		2,400
21901	Pavers	0	0	0	0	6,520		6,520
21200	Handicap ramp	1,080	257	0	0	0		1,337
28000	Landscape & Irrigation	0	0	0	0	3,299		3,299
27100	fencing / screening	0	0	0	0	3,273		3,273
81000	Rough Carpentry	2,160	688	3,000	195	0		6,043
63300	Cabinets	648	206	2,133	139	0		3,126
72000	insulation	0	0	0	0	3,765		3,765
74000	Metal Roofing	2,160	688	3,000	195	0		6,043
74000	Siding	3,240	1,032	5,400	351	0		10,023
81000	Doors/Hardware	600	371	2,824	184	0		3,978
87000	Interior Trim	800	494	870	57	0		2,221
83000	Access Doors	30	19	300	20	0		368
89500	windows	0	0	0	0	0		0
89500	fire rated windows	334	206	3,958	257	0		4,755
90025	Drywall	0	0	774	50	800		1,624
90025	Drywall Fire rated separation	0	0	862	56	980		1,898
90070	Wood Flooring	1,080	257	2,643	172	0		4,152
90090	Interior Paint	810	193	600	39	0		1,642
101010	Exterior Paint	1,200	286	800	52	0		2,338
101018	Handicap Bathroom Access	120	29	225	15	0		388
101025	Fire Extinguishers	15	5	75	5	0		100
123020	Blinds	0	0	0	0	680		680
150100	Plumbing	0	0	0	0	4,144		4,144
150600	HVAC	0	0	0	0	4,675		4,675
160100	Underground Electrical Service	0	0	0	0	1,600		1,600
160100	Electrical Interior Service Split	0	0	0	0	1,500		1,500
160100	Electrical Interior	0	0	0	0	2,350		2,350
160100	Exit / emergency lights	0	0	0	0	650		650
Totals		15,429	5,139	27,463	1,785	66,539		114,994

Items Eligible for Grant
 Exterior
 Total

565
 waived
 waived
 8852
 waived
 5020
 9438
 1600
 6520
 3299
 3273

not eligible as these charges also pertain to a project that had already started

4755

3833

GC OH 13% 14,949

TOTAL 129,943

Grant Amount Requested 20,000

43,322
 5,632
 48,954
 20,000

19,090
 19,090
 9,545

Total eligible cost

\$ 19,090 (50% \$ 9,545)

Landscaping Irrigation

BIG VALUE GARDEN CENTER

768 NORTH NOVA ROAD
DAYTONA BEACH, FL 32114-1742

(386)252-2534

FAX #

(386)252-3611

e-mail

bvge1@aol.com

PROPOSAL #

430



LANDSCAPING DESIGN AND INSTALLATION-LICENSED IRRIGATION CONTRACTOR
COMPLETE NURSERY AND GARDEN CENTER SINCE 1959
FLORIDA CERTIFIED LANDSCAPE CONTRACTOR

D.J. HAYCOOK CO. REED HADLEY 431 NORTH CAUSEWAY NEW SMYRNA BEACH, FL 32169		12/21/2011	
		Project/Job	
		407 DOWNING STREET	
		ARCHITECT	
OFFICE	FAX	DATE OF PLANS	
386-427-8222	386-427-9982	REVISION DATE	
QTY	SIZE	DESCRIPTION	Total
1	8'X8'	LIGUSTRUM - JAPONICUM	350.00
6	3 GAL	SAW PAL METTO - SERENOA REPENS	90.00
43	3 GAL	SPARTINA BAKERI - SAND CORDGRASS	215.00
28	1 GAL	COONTIE FERN - ZAMIA PUMILA	224.00
10	3 GAL	CARDBOARD FERN - ZAMIA MARITIMA	150.00
1,500	SQ FT	ST. AUGUSTINE SOD	570.00
15	CY YD	PINE BARK	350.00
		LANDSCAPE TOTAL \$1949.00	0.00
		DESIGN BUILD IRRIGATION WITH DRIP ZONE TO MEET COUNTY COMPLIANCE ON RECLAIMED WATER SUPPLY	1,350.00
Total			\$3,299.00
All charges due upon completion of work unless otherwise stated. A 1.2% late fee will be added to past due accounts monthly. Late payment voids any and all guarantees, warranty void from damage caused by flooding, fire, freezing temperatures, winds over 50 miles per hour, lightning, vandalism, or negligence on the part of the owner. In the event collection is necessary, the purchaser agrees to pay all of the costs of collection including attorney's fees.			
Authorized Signature: _____			
Note: This proposal may be withdrawn by us if not accepted within <u>30</u> days.			
ACCEPTANCE OF PROPOSAL. The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outline above. Date of Acceptance: _____			
Signature _____		Signature _____	

Landscaping / Irrigation

Eco Outdoors

Environmental Group, Inc.

386.409.0182 Telephone

386.428.3094 Fax

Project Name:
407 DOWNING STREET

Plant Schedule

<u>Sym</u>	<u>Qty</u>	<u>Common Name</u>	<u>Specifications</u>		
LL	1	Ligustrum	8'x8' multi	Plant Price	\$1,146.63
SR	6	Saw Palmetto	1 Gal.		
SB	43	Cord Grass	3 Gal.		
ZP	28	Coontie Palm	1 Gal.		
CP	10	Cardboard Palm	3 Gal.		
				Mulch Price	\$623.10
	15	Yards of Pine Bark Mulch			
				Sod Price	\$596.40
	1400	Sqft of Floratam			
				Irrigation Price	\$1,549.00
		Irrigation System			

*Note:

Grade to be received within + or - 1/10th of a foot of finished landscape grade, soil admendments, and drainage to be done by others

All areas should be free of weeds and debris upon our arrival.

Tree protection of existing trees by others.

Irrigation meter or well to be insralled by others.

3914
\$ 3915.13



5115 Old Winter Garden Road
Orlando, Florida 32811
407-295-7093 Fax 407-292-8550

December 21, 2011

D J Haycook Construction
Attn: Reed Hadley

Reference: Downing Site

Dear Reed,

I am pleased to offer the following quotation on fencing as referenced above.

To furnish and install 139 LF of 6' high white PVC privacy fencing including 1 – 4' wide single swing gate = \$2,982.00

To furnish and install 139 LF of 6' high tan PVC privacy fencing including 1 – 4' wide single swing gate = \$3,273.00

+ 200 permit
\$ 3,473.00

Add \$200.00 for permit, if required.
Add 2% for bond.

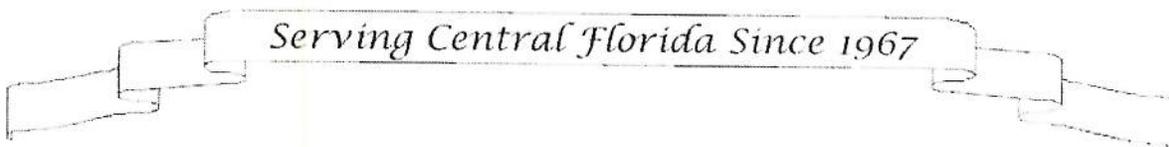
Price valid for 30 days

EXCLUDES: Removal of existing fence, clearing, grading and staking of fence line

Thank you,
All-Rite Fence Co., Inc.

Don Stripling

Commercial Sales
don@allritefence.com



Stokes Quality Services, LLC

Mike and DeAnne Stokes

4294 Falling Leaf Drive New Smyrna Beach, Fl 32168

Phone (386) 409-7242 Cell (386) 547-7021 Fax (386) 409-7242

Proposal

Date: December 23, 2011

DJ Haycock Construction Co.
431 North Causeway
New Smyrna Beach, Fl 32169

Project Name: Downing Street, NSB

Proposal to supply all necessary labor, equipment and material for the completion of Site Work for the above described project as described below:

1. Excavate, Grade and remove excess fill from the Downing Street site.

Total Proposal:

\$1,600.00

Dirt/ Site work

The estimate from Stokes + the one from AllPhases fence are less than the estimate from Serene Powers, which includes Powers + Site work on the same estimate.

Pavers

ALLPHASES FENCE

ESTIMATE

1300 West Canal Street
New Smyrna Beach, FL 32168
386.423.9898/386.423.9221 fax
www.fenceandpavers.com

Date	Estimate #
12/22/2013	E1861

allphasesllc@yahoo.com

Name / Address
DJ. HAYCOCK CONSTRUCTION CO. 431 N. CAUSEWAY NSB, FL 32169

Description	Qty	L/M	Rate	Total
INSTALLATION OF 1630 SF OF PAVERS PRODUCT: HANSON Color: GREY BASE STYLE: 5x6/6x9 PATTERN: T-Pattern BORDER: 6x9 BORDER COLOR: GREY BASE Price is based on contractor leaving proper rough grade of 8' below final grade Price includes ⁶ / ₈ " compacted crushed base Standard concrete curb Sand swept joints <i>Important</i>	1,630		4.00	6,520.00
Total				\$6,520.00

Pavers

Price includes material and labor; price based on normal installation. AllPhases reserves the right to charge additional fees in the event of unforeseen circumstances, i.e. roots, trees, hard digging (large stones, etc.) AllPhases shall not be responsible for any irrigation, gas electrical or any other utility or unmarked underground obstacles in the fence lines. Deposits are Non-Refundable, make all checks payable to AllPhases LLC
PRICES ARE GOOD FOR 30 DAYS FROM THE DATE OF THIS QUOTE. 50% DOWN PAYMENT REQUIRED.

Quotation

Windows

1 of 2

Quote # 19740.00

Prepared By: Don Maryott

Date: 12/9/2011

D. V. Fyre-Tec, Inc.

P.O. Box 278

Wayne, NE 68787

Phone: 800-377-3261

Fax: 402-375-4261

www.fyre-tec.com

Date Faxed: 12/9/2011

Follow Up: _____

Customer: DJ Haycock Construction Co.

Ph/Fax: 386-427-8222 -

Address: 431 N. Causway

Project: Not Supplied

Cty/St./Zip: New Smyrna Beach FL 32169

Contact: Reed Hadley

Glazing:	1/4" Misco:	Clear	Obscure	Baroque	
	X Firelite:	X Standard	Premium	Plus	
	Special				
Screen:	No	X Yes	Fiberglass	Aluminum	
Installation Kit:		X Subframe or	Fin		
	X Standard Color:	Iceberg White	Black	Clay Sand Tan	
		Fashion Gray	Std. Bronze	Silver ET-2383	
	Non-Standard Color:	Spartan Bronze	Hartford Grn.	Primer	
		Brown	Almond	TBD	
Mark	Qty	Series	Nominal (Rough opening) Size (w x h)	Config:	Ext.
	1	925P	36" x 60" Single Hung	1 over 1	Included
	1	925P	36" x 48" Single Hung	1 over 1	Included
	2		Fiberglass Mesh Screens		Included
	1		Add for Standard Firelite to the above windows		Included
	0				
	0				
	0				
	0				
	0				
	0				
	0				

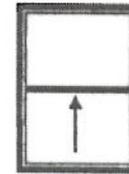
All 900, 925 and 950 Series Windows (including H & P) are UL Rated

→ Net with 3/16" Std. FireLite: **\$3,288.00**

Carefully read **ALL** the following **NOTES**:

- 1) Terms: 20 % with P.O., Net CIA / COD (fees NOT included)
- 2) Lead Time: 6 to 8 Weeks.
- 3) Quoted FOB - Wayne, NE (freight NOT included)
- 4) All Windows Quoted at Nominal (Rough Opening) Size.
Actual Frame Size = Nominal Less 3/4".
- 5) Quotation Valid for 60 Days.
- 6) All Prices Based Upon Fyre-Tec's Std. Specifications.
- 7) ANY REVISIONS MAY INCUR A PRICE CHANGE.
- 8) 1-Hour Fire Rated & UL Labeled.

Config:



1 over 1

ATTACHED FREIGHT

TAX

DISH LABOR
Page 29 of 119

670 545
3,958
257.27
4,215.27
540
4,755.27
3,833

2 of 2

D. V. FYRE-TEC, INC.

Phone: (402) 375-3261
1-800 377-3261
Fax: (402) 375-4261

P.O. Box 278 / 701 Centennial Rd.
Wayne, NE 68787-0278

www.fyre-tec.com
fyretec@inebraska.com

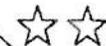
12/9/2011

Freight Estimate For Quote #: 19740.00

Cost For Budget Calculations Only



Due to the current fluctuations in fuel surcharges, the actual freight expense will have to be calculated at the time of shipping.



This estimate is for standard freight services based on the information we were supplied at the time of this quote. The charges assessed will be based on the rates in effect at the time of the actual shipment. Any and all accessorial charges will need to be added.

Rates are based on our tariff rates and discounts with UPS Freight & FedEx Freight. If your company has an account with either of these carriers your discount will supercede ours.

The standard COLLECT freight estimate for cargo to:

New Smyrna Beach, FL zip code 32169 and weighing
approximately 320 #'s would be: \$ 450.00 .

Actual weight will be determined upon completion of the packaged product.

Below are a few examples of the accessorial charges that will need to be added to the above freight estimate if their services are required (charges can vary between truck lines):

Advance Delivery Notification Fees: \$40.00 - not eligible

Construction Site/Residential Delivery/Schools/
Churches/Military Bases: \$95.00

Fee To Collect COD Payment: 6 - 7% Of Invoice Amount
(85.00 Minimum Fee) - not eligible

(These potential fees are charged by and payable to the truck line.)

\$ 270 -
\$ 545

Reed Hadley

From: Alan Edelberg [aedelberg@americanbuildsupply.com]
Sent: Friday, December 09, 2011 3:53 PM
To: 'Reed Hadley'
Subject: RE: office

Read this sitting down!!!

Brief quote - Details on Monday

Frye-Tec 925 H

Single Hung -- 3/16" FireLite glazing

One 3 x 5

One 3 x 6

1 Hr rated

Total: Installed complete \$5,688.00

Lead time 6 - 8 weeks

Alan Edelberg
Manager, Commercial Glazing
American Builders Supply, Inc.
2801 W Airport Blvd.
Sanford, FL 32771
Tel: 407 321 3667
Fax 321 257 0304
Cel 407 436 6425



City of New Smyrna Beach

01-06-2012

CRA
201 Sams Ave
New Smyrna Beach, FL 32168

RE: Dennis J Haycook
407 Downing St
New Smyrna Beach, FL 32168

Application# 2011-2394
Application date: 07-26-2011

A permit application has been applied and approved for a commercial interior and exterior remodel including site work and landscaping.

The permit fee for the above permit application is \$1927.30

Building permit fee:	\$290.28	
Water management:	\$275.00	
Transportation Impact fee:	\$1362.02	- not reimbursable per staff's recommendation
Total:	\$1927.30	\$565.28

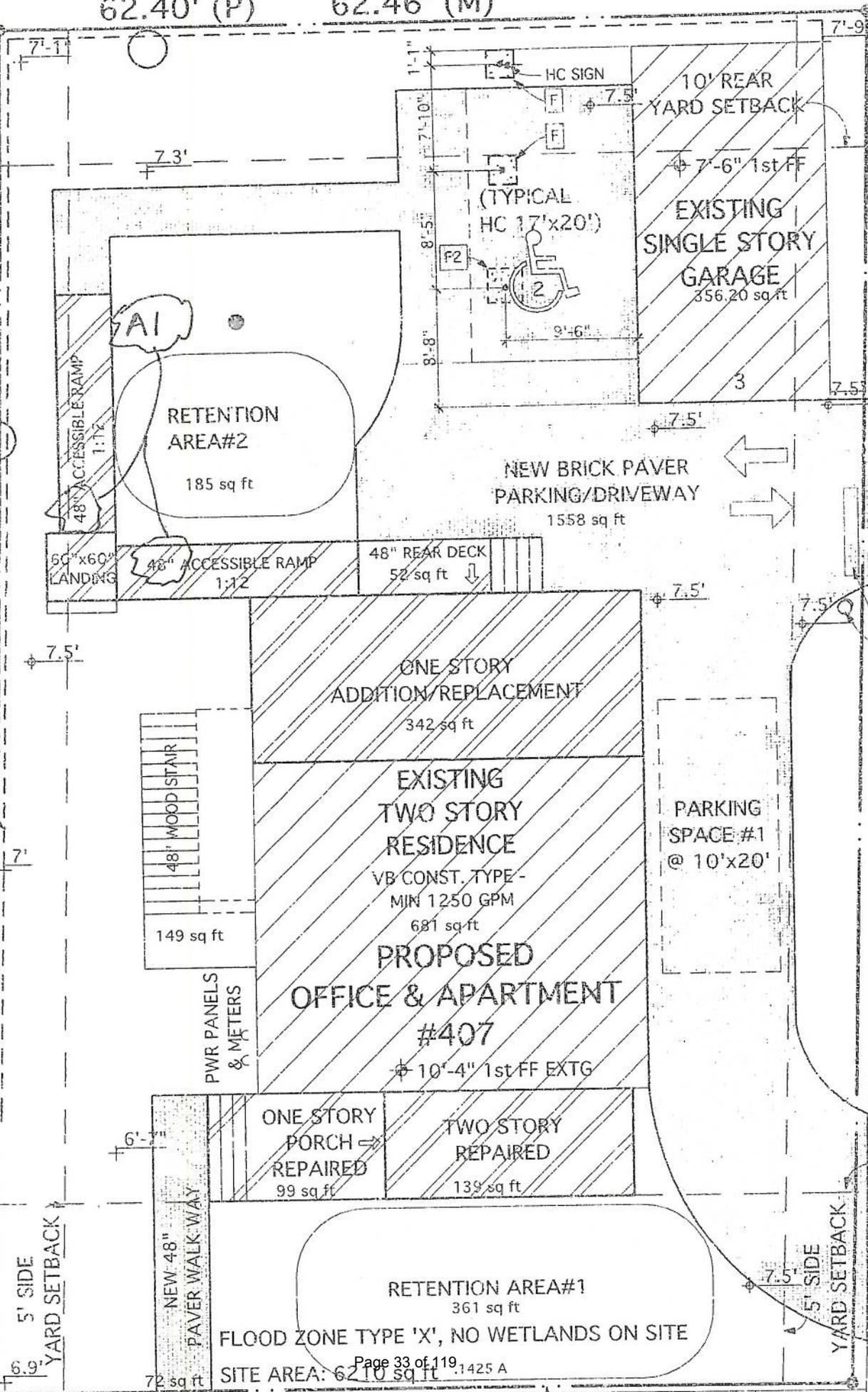
Robert Mathen
Zoning & Permit Tech
City of New Smyrna Beach
386-424-2141
386-424-2143 fax

62.40' (P) 62.46' (M)

100.01' (M)

100.00' (P)

6' SIDE YARD REPLACEMENT FENCE



FLOOD ZONE TYPE 'X', NO WETLANDS ON SITE

SITE AREA: 6210 sq ft

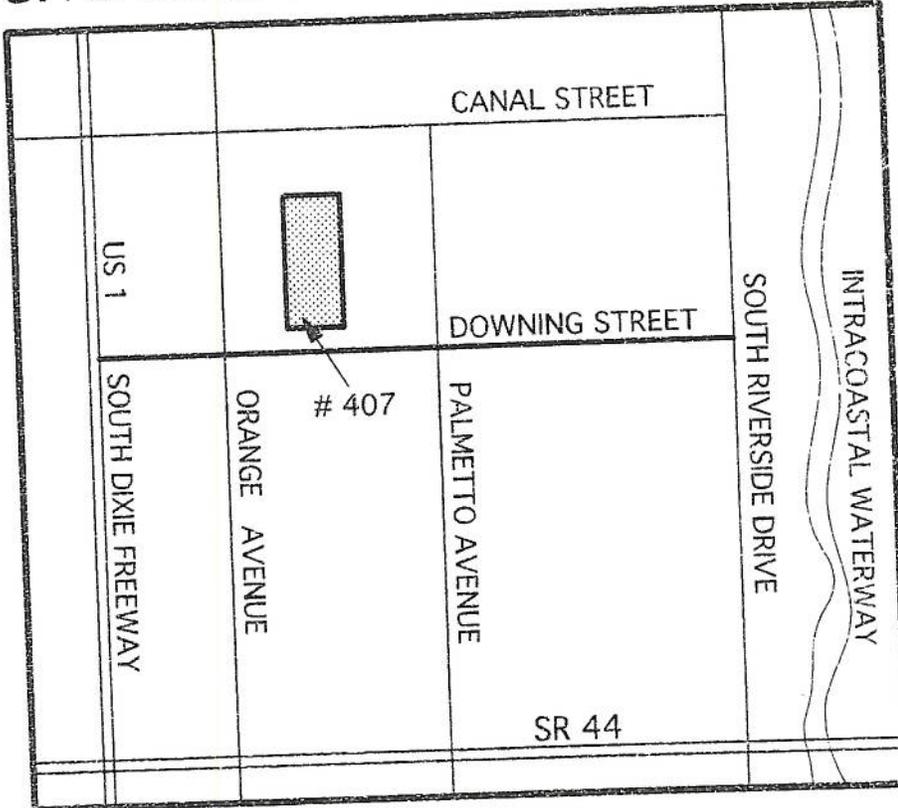


FLORIDA

Florida 32170-2253

t: 386.314.6397

SITE LOCATION



NOT TO SCALE

Resubmittal 6-14-11

PLANNING DEPARTMENT
FINAL PLAN REVIEW COMMITTEE APPROVAL

PLAN REVIEW COMMITTEE DATE 6-3-11

CASE NUMBER SP-2-11

City Engineer [Signature] 6/16/11

Building Official [Signature] 7-6-11

City Horticultural M. Moore 7/17/11

City Planner Carolyn Song 6-20-11

Utilities Comm. Randy & Walter 6/16/11

Fire Department Michael B. Borse 6/17/11

Police Dept. [Signature] 07/01/11

Public Works Supr. [Signature] 7/14/11

EXISTING
ONE STORY
OFFICE BUILDING

NO

Items submitted by applicant, but not included in grant request.

Kent Davis Engineering
225 Canal Street
New Smyrna Beach, FL 32168

STATEMENT OF CHARGES

Date December 22, 2010

Invoice number 201072

Client Dennis Haycook
New Smyrna Beach, FL
386-527-9991

Job Renovation and Addition to House at 407 Downing Street
New Smyrna Beach, FL

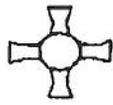
WORK PERFORMED TO DATE

Prepare plans for renovation and addition. Sign and seal 4 sets.

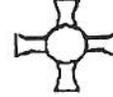
Engineer	3 hrs	\$450.00
Drafting	16 hrs	\$960.00
Prints	12 sheets	\$ 48.00

Total due \$1458.00

THANK YOU



Kent Davis Engineering, LLC
225 Canal Street
New Smyrna Beach, FL 32168
386-427-2674



STATEMENT OF CHARGES

Date February 3, 2011

Invoice number 201072D

Client Dennis Haycook
New Smyrna Beach, FL
386-527-9991

Job Renovation and Addition to House at 407 Downing Street
New Smyrna Beach, FL

WORK PERFORMED

Prepare plans for renovation and addition. Sign and seal 4 sets.
Paid previously \$1458.00. + \$174.00

January 14 billing

Engineer	0 hrs	\$ 0.00
Drafting	2 hrs	\$120.00
Prints	6 sheets	<u>\$ 24.00</u>
	total	\$ 144.00

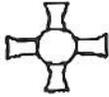
January 25 revisions for new footings, reinforce sill, etc

Engineering		no charge
Drafting		no charge
Prints	4 sheets	\$16.00

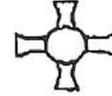
Total due \$160.00

THANK YOU

fx 427-9982



Kent Davis Engineering, LLC
225 Canal Street
New Smyrna Beach, FL 32168
386-427-2674



STATEMENT OF CHARGES

Date February 22, 2011

Invoice number 201072E

Client Dennis Haycook
New Smyrna Beach, FL
386-527-9991

Job Renovation and Addition to House at 407 Downing Street
New Smyrna Beach, FL

WORK PERFORMED

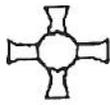
Prepare plans for renovation and addition. Sign and seal 4 sets.
Paid previously \$1458.00. + \$174.00 + \$160.00 = \$1792.00

February 22 billing (north wall framing alternative, front porch)

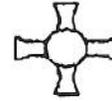
Engineer	3 hrs	\$450.00
Drafting	2 hrs	\$120.00
Prints	5 sheets	<u>\$ 20.00</u>
	total	\$ 590.00

Total due \$590.00

THANK YOU



Kent Davis Engineering, LLC
225 Canal Street
New Smyrna Beach, FL 32168
386-427-2674



STATEMENT OF CHARGES

Date April 14, 2011

Invoice number 201072F

Client Dennis Haycock
New Smyrna Beach, FL
386-527-9991
FX 427 9982

Job Renovation and Addition to House at 407 Downing Street
New Smyrna Beach, FL

WORK PERFORMED

Prepare plans for renovation and addition. Sign and seal 4 sets.
Paid previously \$1458.00. + \$174.00 + \$160.00+\$590 = \$2382.00

April 14 billing (enclose and reframe old front porch, new front porch)

Engineer	1 hrs	\$150.00
Drafting	9 hrs	\$540.00
Prints	9 sheets	\$ 36.00
	total	\$ 726.00



Total due **\$726.00**

THANK YOU

Kent Davis Engineering, LLC
205 Parktowne Boulevard Suite 3
Edgewater, FL 32132
386-314-0007

STATEMENT OF CHARGES

Date July 20, 2011

Invoice number 201151

Client Dennis Haycook
New Smyrna Beach, FL
386-527-9991

Job Renovation and Addition to House at 407 Downing Street
New Smyrna Beach, FL

WORK PERFORMED

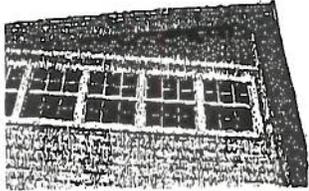
Provide 8 sets of sealed plans for permitting.

Office time	1 hr	\$ 60.00
Prints	32 sheets	<u>\$ 128.00</u>
	total	\$ 188.00

Total due \$188.00

THANK YOU

THOMAS
FREDERICK
WHEELER



a full service design firm
specializing in residential

RECEIVED

MAY 13 2011

DJ HAYCOOK CONST

INVOICE 1 - HAYCOOK OFFICE BUILDING, 407 Downing Street, NSB

23 HOURS @ \$60/HR : \$1380.00

REIMBURSABLE EXPENSES : \$85.84

INVOICE TOTAL : \$1465.84

see reverse side for detailed billing

P. O. Box 2253
New Smyrna Beach
Florida 32170-2253
386.314.6397
e: thomaslwheeler@hotmail.com
www.thomaslwheeler.com

THOMAS
FREDERICK
WHEELER



a full service design firm,
specializing in residential

RECEIVED

JUN 15 2011

DJ HAYCOOK CONST CO

INVOICE 2 - HAYCOOK OFFICE BUILDING, 407 Downing Street, NSB

13 HOURS @ \$60/HR : \$780.00

REIMBURSABLE EXPENSES : \$52.82

INVOICE TOTAL : \$832.82

see reverse side for detailed billing

P.O. Box 2253
New Smyrna Beach
Florida 32170-2253

386.314.6397

e: thomasfwheeler@hotmail.com

www.thomasfwheeler.com

THOMAS
FREDERICK
WHEELER



a full service design firm.
specializing in residential

INVOICE 3 - HAYCOOK OFFICE BUILDING, 407 Downing Street, NSB

66 HOURS @ \$60/HR : \$3960.00

REIMBURSABLE EXPENSES : \$57.77

INVOICE TOTAL : \$4017.77

see reverse side for detailed billing

P. O. Box 2253
New Smyrna Beach
Florida 32170-2253

386.314.6397

at: thomasfwheeler@hotmail.com

www.thomasfwheeler.com



County of Volusia

Growth and Resource Management Department

Building and Zoning Division

123 West Indiana Avenue · DeLand, Florida 32720
 Telephone (386) 736-5924, X2087 Fax: (386) 943-7096
 Daytona Beach (386) 257-6000, X2087
 New Smyrna Beach (386) 423-3300, X2087
<http://www.volusia.org/permitcenter>

VOLUSIA COUNTY COMMERCIAL IMPACT FEE SCHEDULE

April 1, 2008

NOTE: Impact fee rates are in review

Fire impact fee is assessed for the unincorporated county and the cities of Lake Helen, Oak Hill and Pierson, with an annual adjustment (Consumer Price Index) on May 1 of each year. Projects located in these areas will be assessed fire impact fee of \$0.15 per sq.ft. of building area.

THOROUGHFARE ROAD IMPACT FEES

Retail:	Unit	May 1, 2004	Feb. 1, 2005	Feb. 1, 2006	Feb. 1 2007
Retail: Less than 10,000	sq. ft.	\$4.45	\$4.74	\$5.04	\$5.35
Retail: 10,000 - 99,000	sq. ft.	\$2.88	\$3.07	\$3.26	\$3.47
Retail: 100,000 - 1,000,000	sq. ft.	\$2.56	\$2.73	\$2.90	\$3.08
Retail: Greater than 1,000,000	sq. ft.	\$3.09	\$3.29	\$3.49	\$3.71
Quality Restaurant	sq. ft.	\$6.73	\$7.16	\$7.62	\$8.09
High-Turnover Restaurant	sq. ft.	\$8.81	\$9.38	\$9.97	\$10.59
Fast Food Restaurant	sq. ft.	\$19.14	\$20.37	\$21.66	\$23.01
CBD Sandwich Shop	sq. ft.	\$3.98	\$4.23	\$4.50	\$4.78
Quick Lubrication	Bays	\$3,200.41	\$3,405.40	\$3,620.64	\$3,846.65
Auto Care	sq. ft.	\$3.08	\$3.27	\$3.48	\$3.70
New and Used Car Sales	sq. ft.	\$4.38	\$4.66	\$4.96	\$5.27
Tire Store/Auto Repair	Bays	\$2,298.36	\$2,445.58	\$2,600.15	\$2,762.46
Supermarket	sq. ft.	\$5.66	\$6.02	\$6.40	\$6.80
Convenience Store	sq. ft.	\$14.29	\$15.20	\$16.17	\$17.17
Convenience Store w/Gas Pumps	sq. ft.	\$12.14	\$12.92	\$13.73	\$14.59
Convenience/Gas/Fast Food	sq. ft.	\$22.89	\$24.36	\$25.90	\$27.51
Home Improvement Store	sq. ft.	\$3.00	\$3.19	\$3.39	\$3.60
Pharmacy/Drugstore w/Drive Thru	sq. ft.	\$2.41	\$2.56	\$2.73	\$2.90
Furniture Store	sq. ft.	\$0.53	\$0.56	\$0.60	\$0.63

Industrial:	Unit	May 1, 2004	Feb. 1, 2005	Feb. 1, 2006	Feb. 1 2007
Light Industrial	sq. ft.	\$1.02	\$1.08	\$1.15	\$1.22
Manufacturing	sq. ft.	\$0.56	\$0.60	\$0.64	\$0.68
Warehouse	sq. ft.	\$0.72	\$0.76	\$0.81	\$0.86
Mini-warehousing	sq. ft.	\$0.36	\$0.38	\$0.41	\$0.43

Non-Residential:	Unit	May 1, 2004	Feb. 1, 2005	Feb. 1, 2006	Feb. 1 2007
Hotel	Room	\$1,049.52	\$1,118.29	\$1,190.49	\$1,266.31
Motel	Room	\$564.74	\$602.13	\$641.40	\$682.63
Nursing Home	Beds	\$179.86	\$192.04	\$204.83	\$218.26

c:\...hb\impacts\updated formula\Web Impact Fee Schedule.xlscommercial

Office & Financial:	Unit	May 1, 2004	Feb. 1, 2005	Feb. 1, 2006	Feb. 1 2007
Office under 10,000	sq. ft.	\$3.59	\$3.82	\$4.07	\$4.32
Office over 10,000	sq. ft.	\$1.92	\$2.05	\$2.18	\$2.31
Corporate Headquarters Bldg.*	sq. ft.	\$1.23	\$1.31	\$1.39	\$1.48
Medical Office	sq. ft.	\$4.62	\$4.92	\$5.23	\$5.56
Hospital	sq. ft.	\$2.07	\$2.21	\$2.35	\$2.49
Bank w/Drive thru	sq. ft.	\$9.12	\$9.70	\$10.31	\$10.96
Bank w/no Drive thru	sq. ft.	\$3.78	\$4.03	\$4.28	\$4.55

* A corporate headquarters building must have at least 12,000 square feet and contain one tenant

Recreational:	Unit	May 1, 2004	Feb. 1, 2005	Feb. 1, 2006	Feb. 1 2007
General Recreation	prk.sp./ campsite	\$639.26	\$680.20	\$723.19	\$768.34
Major Sports Facility	prk.sp.	\$388.09	\$412.94	\$439.05	\$466.45
Local Park	prk. sp.	\$292.79	\$311.54	\$331.23	\$351.91
District Park	prk. sp.	\$435.11	\$462.98	\$492.24	\$522.96

Miscellaneous:	Unit	May 1, 2004	Feb. 1, 2005	Feb. 1, 2006	Feb. 1 2007
Movie Theater	Screen	\$7,819.19	\$8,320.03	\$8,845.91	\$9,398.08
Church	sq. ft.	\$1.01	\$1.07	\$1.14	\$1.21
Day Care	sq. ft.	\$3.65	\$3.89	\$4.13	\$4.39

$$11.2 \times 4.32$$

$$= 5019.84$$

DEVELOPER CONTRIBUTIONS TO UTILITY INFRASTRUCTURE*

TOTAL NUMBER ERU'S & PTU'S:

WASTEWATER Supply	<u>2</u> per ERU x \$ <u>373.87</u>	= \$ <u>747.74</u>
WATER Supply	<u>2</u> per ERU x \$ <u>435.40</u>	= \$ <u>870.80</u>
RECLAIMED WATER Supply	<u>N/A</u> per ERU/PTU x \$ <u>N/A</u>	= \$ <u>N/A</u>
ELECTRICAL Supply	<u>2</u> per ERU x \$ <u>631.80</u>	= \$ <u>1,263.60</u>

* Distances, water-related line size, and costs will be determined from published studies or existing infrastructure maps applied to meet code, standards, and UC requirements and use most recent costs for supply. Electrical distances, load ratings, and costs will be determined from published studies or existing infrastructure maps applied to meet code, standards, and UC requirements and use most recent costs for transmission and subtransmission supply circuits. The UC's utility cost infrastructure plan will be used to calculate the costs per ERU/PTU and exclusively reserves the right to change such plan for future applications. Rates may be adjusted by the UC after one year initially and as often as yearly thereafter.

TOTAL DEVELOPER CONTRIBUTIONS TO UTILITY INFRASTRUCTURE*

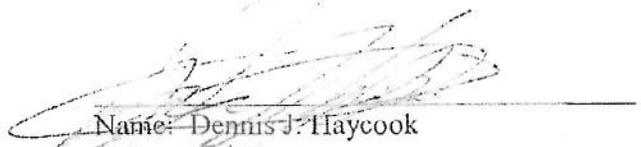
= \$ 2,882.14

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed in their respective name, by their proper officers and their seals to be affixed this _____ day of _____, 2011.

Signed, Sealed and
Delivered in the presence of:

FOR THE DEVELOPER:

Company Name: D. J. HAYCOOK
CONSTRUCTION
COMPANY


Name: Dennis J. Haycock
Title: President

(CORPORATE SEAL)

CRA AGENDA ITEM SUMMARY

Staff Member Making Request Tony Otte

Meeting Date: January 11, 2012

Action Item Title: Discussion of Opportunity Site Program

Agenda Section: Consent _____ Public Hearing _____ Special Items x

Summary Explanation and Background

The Opportunity Site Program was approved by the City Commission on August 23, 2011 (please see attached copy). The program is called for in the CRA Master Plan Update, page 45, with a list of "Opportunity Sites" with the following notation:

"There are numerous opportunity sites for redevelopment within the CRA. Strategic initiatives like incentives, partnerships and facilitation will be key to realizing their highest and best use." The plan does not include stated criteria for inclusion on the "opportunity site" list. The list of these sites is as follows:

- Administrative Office Building
- Pennysaver
- Winn Dixie Plaza
- Badcock Building Site
- West side residential infill sites
- County Administration site
- Brannon Center site, Flagler Avenue sites, Medical Area Parking Lot, Smith Street Utility site

Since the Opportunity Site Grant Program was approved by the City Commission, the program has had the following activity:

1. Application for program funding for a named site, the "Pennysaver" building. The application was approved for \$400,000.
2. Application for 177 North Causeway site to be added to the Opportunity Site list: Approved by the City Commission to be added to the list. No application for funding has been submitted.
3. Application to add the Washington St barbershop building at Washington and Dimmick St to the list. Application approved by the CRA. City Commission consideration to add this site to the list is not yet scheduled.
4. Application for a site to be added to the Opportunity Site list: former theatre building, Canal and N. Orange Sts. Application denied by the CRA.
5. Application for a site to be added to the Opportunity Site list: Corner of Canal St. and S. Orange. Application approved by the CRA. City Commission consideration to add this site to the list is not yet scheduled.

Applications in process:

1. Application for renovation of the Badcock Building, a site named in the Opportunity Site list in the Master Plan; scheduled for the January 11, 2012 CRA meeting.
2. Application for a new building on Flagler Ave west of Pine St. "Flagler Ave infill" is a listed site in the Opportunity Site list in the Master Plan. This application is tentatively scheduled for the February 1, 2012 CRA meeting.
3. Application for a loan for the renovation of the building that houses the Athletic Club on Canal St. No scheduled date for this application.

There have been at least two areas of the program that have generated discussion:

- a. The relatively few criteria regarding the addition of sites to the Opportunity Site list; and
- b. The lack of a maximum funding amount.

Staff requests that the CRA discuss this item in preparation of the discussion that will take place at the joint CRA and City Commission meeting, which is scheduled for January 18.

The current fiscal year budget for the CRA includes the following appropriation for the Opportunity Site Program: line item 12-51502 583003 Development Assistance & Incentives, (excluding the appropriation for the Large Grant program and the Independent Rental Move-In Incentive Program): \$1,154,533. One grant has already been awarded in this category, for the Pennysaver Building, in the amount of \$400,000, leaving an unencumbered balance of \$754,533.

Staff recommends that the following specific program features be discussed:

1. Options for site identification. The difficulty in determining new Opportunity Sites stems from the lack of specific criteria. It has proven very difficult to assess the relative "prominence" of a site. Therefore, for the remainder of this fiscal year, one option would be to use the present list of Opportunity Sites, with criteria that funds only be used for the renovation of existing, vacant buildings on the list, with three exceptions:
 - a. In addition, two city owned sites should be considered for a separate program appropriation: The Administrative Office Building (AOB) Site, which is already on the list; and the former shuffleboard/skateboard site at 103 Faulkner (which is not on the list).
and
 - b. Applications for infill housing in the Historic Westside.

The City Commission would have to make a determination for the site recently approved by the CRA (Canal and N. Orange).

2. In regards to funding, a cap (ie, maximum funding amount) could be established so that applicants are made aware of the amount of grant funds available. This cap could be arranged on a sliding scale based on several criteria:
 - a. If the site is specifically named in the plan (eg Administrative Office Building, Pennysaver, Winn Dixie Plaza, Badcock, County Administration site, Brannon Center site, Medial Area Parking Lot, Smith Street Utility site), it would be eligible for the maximum amount of grant funds available. Suggested Cap: \$475,000;
 - b. If the site is not specifically named but fits a site description included in the plan (West side residential infill sites, Flagler Avenue sites), it would be eligible for a lesser amount of grant funds. Suggested Cap: \$200,000.
 - c. It should be noted that if the Badcock Building application is funded, there would be about \$280,000 left in this line item, or enough for probably one more grant award this fiscal year.

Staff requests discussion on these items. Prior to the meeting staff will contact the planners as AECOM to seek further information in their selection criteria for "Opportunity Sites".

Recommended Action/Motion:

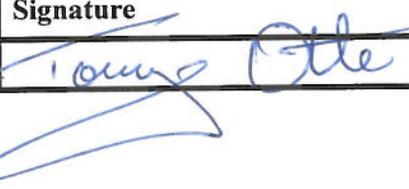
Staff requests discussion on this item.

Funding Analysis: Budgeted ___x___ If not budgeted, recommend funding account:

The current fiscal year budget for the CRA includes the following appropriation for the Opportunity Site Program: line item 12-51502 583003 Development Assistance & Incentives, (excluding the appropriation for the Large Grant program and the Independent Rental Move-In Incentive Program): \$1,154,533. One grant has already been awarded in this category, for the Pennysaver Building, in the amount of \$400,000, leaving an unencumbered balance of \$754,533.

Exhibits Attached:

1. Opportunity Site Program guidelines
2. Page 45 of the CRA Master Plan Update listing Opportunity Sites

Reviewed By:	Name	Signature
CRA Director	Tony Otte	

Commission Action

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

**GRANT PROGRAM
FOR:**

A. LARGE GRANTS (\$50,000)
(PAGE 1 – 17)

AND

B. OPPORTUNITY SITES
(PAGE 18 – 23)



GUIDELINES AND APPLICATION

Further information and assistance may be obtained by contacting:

**The CRA Office
Phone: 386-424-2266**

B. OPPORTUNITY SITE GRANTS

Introduction

The Opportunity Site Program provides funds to incentivize redevelopment on sites that are identified as “Opportunity Sites” in the CRA Master Plan Update, and other sites that may be added, as described herein.

The CRA Master Plan Update contains a list of “Opportunity Sites”, which are described as follows: “There are numerous opportunity sites for redevelopment within the CRA. Strategic initiatives like incentives, partnerships, and facilitation will be key to realizing their highest and best use. Opportunity Sites listed in the Master Plan Update are:

- **Administrative Office Building**
- **Pennysaver Site**
- **Winn Dixie Plaza**
- **Badcock Building Site**
- **West side residential infill sites**
- **County Administration site**
- **Brannon Center site, Medical Area Parking Lot, Smith Street Utility site”**

The specific sites eligible for this program include but are not limited to the sites listed above.

Criteria for Opportunity Sites

- a. Opportunity Sites include, but are not limited to, sites listed as “Opportunity Sites” on p. 45 of the CRA Master Plan Update. In order for sites to be added or deleted, they must be approved by the CRA and City Commission.
- b. High priority sites in the CRA for redevelopment
- c. The redevelopment of an opportunity site will encourage the redevelopment of surrounding properties, or support retail or residential uses
- d. An opportunity site is a prominent site, one that is generally well-known
- e. A project that will provide a maximum and positive impact to the adjacent area and the CRA district as a whole
- f. In the entire CRA area, there are relatively few opportunity sites
- g. Any other sites to be agreed upon by the CRA and the City Commission.

General Requirements

Application Review: The CRA and/or City Commission will, in their sole discretion, determine if an application will be a worthy, viable, and deserving use of CRA funds in meeting the goals and objectives of the CRA Master Plan Update.

Eligible Applicants: Property owners.

Grant Funding Amount Available: The maximum amount of funding to be awarded is determined on a case by case basis. Each grant awarded under this program shall be part of a development agreement negotiated with the property owner or prospective buyer. It is anticipated that individual grant amounts will exceed \$50,000. The amount of a grant cannot exceed the budget allocation for this program.

Match Requirement: This program requires a 50/50 match. For example, if a project is approved with eligible costs of \$200,000, at the conclusion of the project following a satisfactory inspection, the grantee will be reimbursed \$100,000.

Eligible Expenses: This program provides maximum flexibility in that CRA funds are granted as a part of a negotiated development agreement. The following are examples of how CRA grant funds under this program could be used:

- to renovate an existing building including structural repairs, heating/ventilation/air conditioning work, plumbing, and electrical work; site work, including parking lot and landscaping, signage, and impact fees.
- To build a new building, including site work
- To pay for any impact fee or permit fee
- to pay for the preparation of construction plans, but not conceptual plans
- to grant funding to reduce interest costs for a loan for the project

Ineligible Expenses:

- Any expenses related to the preparation of the grant application or materials in support of the grant application, including conceptual plans, studies, etc.

Coordination with other CRA grant programs and multiple awards:

- A property owner may receive grants under the Commercial Interior and Exterior Improvement, and Impact Fee Grant Program for costs related to the renovation of tenant spaces after receiving a grant under the Opportunity Site program.
- An Opportunity Grant can only be provided one time per site as defined in the negotiated development agreement.
- An Opportunity Site Program may not be combined with a Large Grant Program (\$50,000) award.

Progress Payments: Progress payments are permitted in the Opportunity Site program. The timing of payments and the procedure for approval shall be included in the negotiated development agreement.

Licenses/Permits: All design professionals and contractors must be properly licensed. The property owner must obtain any permits needed for the project prior to starting work.

Compliance with design guidelines: All projects must comply with any design guidelines for the area in which the project is located. There are design guidelines for buildings in the Canal Street, Flagler Avenue, North Causeway and Third Avenue areas.

Conceptual Plans: The applicant shall supply, at his expense, conceptual plans for the project as prepared by a licensed and appropriate design professional. These conceptual plans shall become a part of the negotiated development agreement. Applicants shall ensure that all plans meet all requirements including but not limited to all city land development codes and building codes.

Cost Estimates: There must be **three** type-written cost estimates/quotes provided by the applicant from licensed contractors, on the contractor's company letterhead that includes the contractor's license number, for project work. If only one or two quotes can be obtained, the applicant must provide a good reason why the third quote could not be obtained. CRA staff will examine a work quote to determine if it is reasonable.

Verification: Each CRA grant applicant authorizes CRA staff to contact anyone to verify information provided regarding any aspect of the project including but not limited to quotes.

Prohibition against delinquencies: The property owner may not be delinquent to the City or County for any properties, including but not limited to ad valorem taxes, special assessments, etc.

Property must be in compliance with City Regulations: Property subject to grant awards must be in compliance with all City codes, including but not limited to code enforcement and zoning.

Project Re-evaluation: The applicant shall agree to meet with CRA staff at staff's request to resolve unforeseen circumstances that may arise in the administration of the application or grant. Likewise, CRA staff will meet with applicants and grant recipients upon request.

Application Procedures

Application Process: The application process for Opportunity Sites is a two step process:

1. For public properties, the first step is the preparation by staff and approval by CRA and City Commission of a Request for Proposal (RFP).
2. For privately owned property, the applicant meets with CRA staff and CRA attorney and reviews the proposed project. The application will include the following elements:
 - **A description of the property to include but not be limited to the following:**
 - a. A copy of the property record card from the property appraiser's website
 - b. An aerial of the property
 - c. The size of the property
 - d. The future land use designation and zoning for the property
 - e. A general description of the property
 - f. Existing utilities serving the property
 - g. A concurrency analysis for the proposed use
 - h. A history of the property including previous uses
 - i. A narrative description of the proposed construction/renovation and the property/building
 - j. A narrative description of the proposed uses of the property/building
 - k. A conceptual plan for the current and proposed floor plan of the building, as well as the current and proposed elevations.

- l. A budget for the project, with supporting documents, including cost estimates from three licensed contractors
- **If the applicant is a prospective buyer, there must be an executed contract to purchase in place with adequate time for the preparation of a negotiated developers agreement, and the availability of extensions in the contract to purchase.**
- **Information concerning the applicant, including but not limited to the following:**
 - a. current name, address, email, telephone and fax number of the applicant
 - b. previous name (if any) and/or address of the applicant
 - c. if the applicant is a firm, current President or CEO; years in that position
 - d. number of permanent employees
 - e. how many years has the organization been in business? All under its present name?
 - f. If a corporation, submit a copy of current Certificate of Authorization from the State of Florida
 - g. If an individual or partnership, provide the date of organization, name and address of all partners, and state whether a general or limited partnership.
 - h. Name and address of current affiliated companies
 - i. Experience on similar projects
 - j. qualifications of key personnel on the project
 - k. provide 5 references for similar projects
 - l. Organizational Chart for the applicant
 - m. provide a statement that the firm is capable of meeting all insurance requirements. CRA staff will provide these separately (standard list used in public property RFPs)
 - n. Legal proceedings: list all criminal proceedings, arbitration demands, lawsuits, administrative proceedings, or hearings in the last five years.
 - o. Submit a preliminary financing plan including a budget detailing total project cost and sources of revenue.
 - p. description of how the project will be financed and a letter from the lender to include the lender's understanding of the project, total cost, and the lender's relationship to the applicant.
 - q. A demonstration of the applicant's financial capability to develop the site, including a letter of reference from a bank that has an ongoing banking relationship with the applicant. This letter needs to note if the applicant has a line of credit and give an indication of the upper limit of this line of credit.
 - r. project revenue of the project with a brief description of price points for any residential units proposed.
 - s. a statement indicating the willingness of the applicant to have a third party financial consultant chosen and compensated by the City or CRA to review the financial information provided and render an opinion of the financial capability of the applicant to develop and complete the project.
 - t. has the applicant or any major shareholder ever had a bankruptcy petition in its name? Is the applicant

currently in default on any loan or financing agreement

and the name of the person making the claim, and the resolution.

u. what is the applicant's current bonding capability for a single project? Provide the name and address of the surety agent.

w. in the last five years has any surety company refused to bond the applicant?

v. Has performance or payment bond claims ever been made to a surety on any project where the applicant was the principal on the bond? If so, please describe the claim

x. a Level I environmental assessment

- **A narrative and vision statement of the project.**

- a. a statement of the vision of the site and how it will relate to the surrounding area
- b. a conceptual site plan, floor plan, and elevations
- c. the development schedule

- **Submission of application to the CRA and forwarded to the City Commission**

2. If the application receives tentative approval, funds are encumbered for the project. To complete the project approval process:

- the CRA staff and CRA attorney negotiate a developers agreement for the project, encompassing but not limited to the items included in the application in step one.
- The developer's agreement is taken to the CRA and City Commission for final project approval.

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

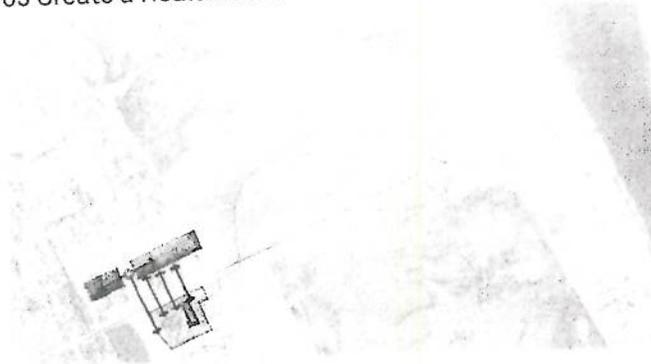
01 Strengthen the Neighborhoods



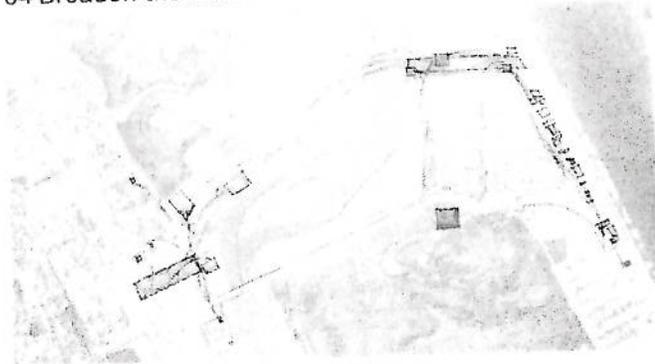
02 Enhance the Main Streets



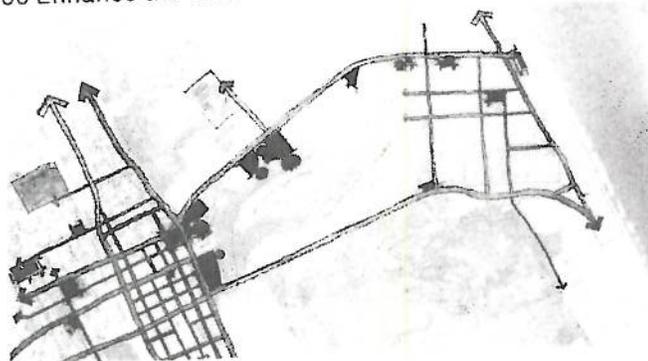
03 Create a Healthcare District



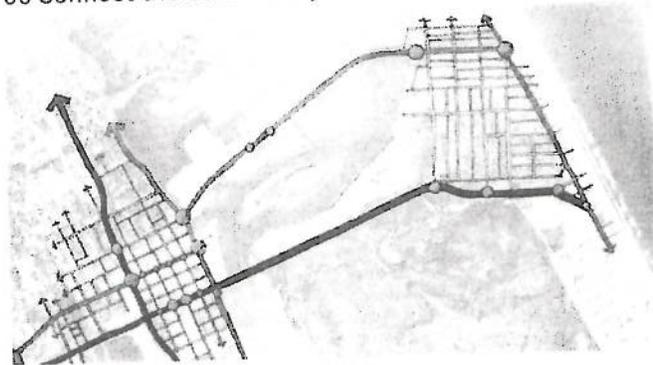
04 Broaden the Tourism Market



05 Enhance the Green and Blue Infrastructure



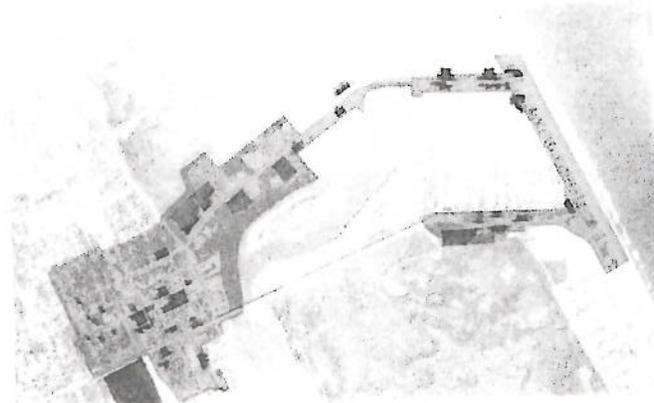
06 Connect the Community



Opportunity Sites

There are numerous opportunity sites for redevelopment within the CRA. Strategic initiatives like incentives, partnerships and facilitation will be key to realizing their highest and best use.

- Administrative Office Building
- Pennysaver Site
- Winn Dixie Plaza
- Badcock Building Site
- West side residential infill sites
- County Administration site
- Brannon Center site, Flagler Avenue sites, Medical Area Parking Lot, Smith Street Utility site



NEW BUSINESS

CRA AGENDA ITEM SUMMARY

Staff Member Making Request Tony Otte

Meeting Date: January 11, 2012

Action Item Title: Opportunity Site Grant Application: Badcock Building, 524 Canal St

Agenda Section: Consent _____ Public Hearing _____ Special Items x

Summary Explanation and Background

Introduction

The Badcock Building is located at 524 Canal St at the SE corner of US 1 and Canal St. It is currently owned by Badcock Family Properties, LLC, and is under contract to be sold to Canal St Properties, LLC (Dr. Phillip Stevens, Dr. Jeff Timko, and Dr. Kevin Barber). The closing is anticipated sometime later this month. This building was formerly used as a furniture store and has been vacant for approximately six years. At present the building has a blighted appearance and is in need of extensive renovation. It is one of the most prominent buildings in the CRA, and is the only building identified in the CRA Master Plan Update that has an entire page devoted to it (p. 33). The building is also cited on p. 45 as an "Opportunity Site". The building is considered a gateway feature to the commercial district on Canal St, east of US 1.

Drs. Stevens and Timko are presently located at 330 Canal St and operate as Total Vision Eye Health Associates. This business is growing and the present location, which is owned by Michael Cady, Jeffrey Timko, and Phillip L. Stephens, cannot accommodate the need for expanded space. It is anticipated that the current location will be leased to another business. Total Vision has 5 locations and 46 total employees, with 11 employees at in the New Smyrna Beach location.

Proposed Use

The proposed use of the building is for medical, retail, and restaurant uses. A floor plan to provide space for these uses is attached.

Building Renovation

Exterior: The applicant has hired a local architect, Jay Pendergast, who has completed elevation drawings of the building as well as a rendering of the building from the corner of US 1 and Canal St. The exterior renovation includes the heightening of the wall facing this corner with a clock and a hip roof feature to create an aesthetically pleasing focal point for this prominent corner. In addition, the plan calls for wall off-sets, awnings, the creation of a courtyard entrance on the West side (US 1 side) of the building near the mid-point of the building line, the addition of "island-type" shutters on the two story section of the West wall, and hip-roof structures at several locations. The exterior renovation proposed is a significant improvement to the existing structure.

Interior: The existing footprint of the building would remain the same. For interior renovations, the new owners are proposing a plan to create three spaces in the northern half of the building, to be occupied by an optical store, a medical facility for eye doctors, and a copy/printing/copy machine sales store. A tenant for the remainder of the building has not yet been identified - the proposed use is a restaurant.

Environmental The site has been identified to have chlorinated solvents above applicable regulatory guidance concentrations in groundwater samples collected from within the boundaries of the site. Based on historic research, it appears that the contaminant plume originates south of the site and has been carried onto the site by the surficial groundwater aquifer. A copy of the FDEP letter (dated May 19, 2010) is attached, along with a letter from Universal Engineering which summarizes the FDEP findings. The FDEP letter states it policy regarding liability. The lender has stated that they will review this matter during due diligence.

Contractor Quotes for Proposed Renovation Work

Two contractors have provided preliminary quotes for the renovation work, with a third quote pending. The quotes received are as follows:

- \$948,405, from R/J Group, Inc., Port Orange
- \$979,750, from Interior Exterior Services, Edgewater

The applicant is requesting 50% of the low quote for a grant amount of \$474,202.50, (Note: this figure may change if a lower third quote is received.)

Financing

The buyer as applied for and received a financing commitment from Regions Bank for both purchasing the building and a portion of the funds needed for renovation.

Recommended Action/Motion:

Approval of the “Conceptual Deal Points” and authorization to prepare a contract. (It is anticipated that this contract would be presented to the City Commission at a Commission meeting in February.)

Funding Analysis: Budgeted ___x___ If not budgeted, recommend funding account:

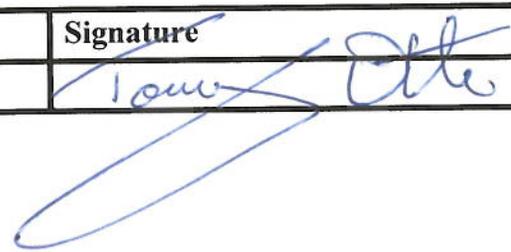
Funding for Opportunity Site Grants is appropriated in line item 12051502 583003, Development Assistance & Incentives, which presently has \$754,533 available. (Note: there are several Opportunity Site related applications being developed.)

Exhibits Attached:

1. “Conceptual Deal Points” for the award of an Opportunity Site Grant
2. Application submitted by the Applicant, including plans, a rendering, and two letters from the lender (Regions Bank).

Reviewed By:	Name	Signature
CRA Director	Tony Otte	

Commission Action



Proposed Deal Points

Application for an Opportunity Site Grant

Badcock Building

The New Smyrna Beach CRA will provide an Opportunity Site Grant for the renovation of the Badcock Building at 524 Canal Street as follows:

1. The total Badcock building renovation is estimated to cost \$948,405 (total project budget. Note that this figure may change if the third contractor's estimate is lower). The Opportunity Site Grant for the Badcock Building will not exceed \$474,202.50 and will be provided on a 50/50 matching and reimbursement basis in two phases as provided herein.
2. If there are additional costs for the project that were not anticipated in the project budget, the property owner shall be responsible to fund those costs.
3. If the final cost is less than the Project Budget, the amount of the CRA Opportunity Site Grant will be reduced accordingly to provide funding at 50% of the eligible costs.
4. Per program requirements, the property owner is "the applicant" for CRA funding under the Opportunity Site program. A letter from the current property owner, Badcock Family Properties LLC, is attached to the application. However, it is anticipated that the property will be purchased in the next 90 days by Canal Street Properties, LLC. The application is based on plans that the buyer expects to construct. Therefore, the grant award is contingent on:
 - a. Canal Street Properties LLC closing on the property; and
 - b. Canal Street Properties LLC closing on the construction loan. .
5. The work to be completed is depicted in the architect's rendering, the site plan, and the floor plan for the renovation of the Badcock Building, subject to permit review. These and other application documents are included in the contract by reference.
6. The work will be completed in two phases (the scope of each phase has not yet been determined.) The intent of the renovation design is to provide a central service core for restrooms, deliveries, utilities, and circulation. An open air courtyard is adjacent to US on the western edge of the central core. The building will be divided into multiple tenant spaces. The scope of work is to include the following: new electric, new plumbing, new roof and insulation, a standing seam metal roof, new heating, ventilation, and air conditioning system, new impact resistant windows and doors, new parapet, new rest rooms, courtyard finishes, new stucco, new paint, landscaping, and site work, with the

existing interior to be demolished and the tenant separation to be fire rated. The interior build-out will be done by future tenants.

7. The granting of CRA funds in this program for this project is contingent on City Commission approval of this contract and related documents.
8. The building must comply with all local, state, and federal enactments including land use regulations, the City's Land Development Regulations, zoning, building codes and permitting procedures, The Canal Street Design Guidelines, and any other applicable laws and regulations.
9. The applicant must supply approved plans and specifications, a detailed time schedule and schedule of costs, which shall be attached to the grant and become a condition of the grant, to be provided prior to permit approval. The time schedule shall provide that all permits shall be received no later than 120 days following City Commission approval of the grant, and that both phases of the building renovation will be completed no later than one year from the date of City Commission approval. Any extension request shall be due to a cause not contemplated by the parties and shall not be unreasonably withheld. In order to be granted such an extension request must be approved by both the CRA and the City Commission.
10. Any transfer of substantial ownership other than that described in paragraph 4, as long as this CRA is in existence, shall be subject to approval of the CRA and such approval shall not be unreasonably withheld.
11. The applicant or any successor or assignee will maintain the redeveloped property to the standard shown in the plans and specifications, normal wear and tear excepted.
12. The applicant or any successor or assignee will maintain appropriate insurance coverage on the building and premises until all grant funds are dispersed and as long as he or she owns the property.
13. All representations by the applicant are true and complete.
14. The applicant represents that there are no environmental issues that would obstruct the intended commercial use of the building.
15. The applicant understands that:
 - a. All CRA grant approvals are contingent on permitting and development approvals.
 - b. Any expenses related to the preparation of the grant application or materials in support of the grant application, including conceptual plans, studies, and work performed on site prior to final grant approval, etc are ineligible expenses

- c. This Opportunity Site Grant is the only Opportunity Site Grant that will be awarded for this site
 - d. The property will not be delinquent in the payment of property taxes throughout the term of ownership.
 - e. Violations of the terms and conditions of the grant shall be deemed a violation for Code Enforcement purposes.
 - f. CRA funds shall be provided on a 50/50 matching basis for those costs identified as eligible costs in the project budget. There shall be a single reimbursement payment for the appropriate portion of CRA funds at the end of each of the two phases of building renovation work, and payment shall be made following the submission of documentation of cost and payment, inspections by City staff throughout the renovation process, and acceptance of the work by CRA and City staff.
16. Disputes shall be decided by the CRA Board of Commissioners and the City Commission.
17. Other terms may be required prior to grant award.

Application for CRA Opportunity Grant

For

The Badcock Building

524 Canal Street,

New Smyrna Beach, FL 32168

Current Owner: Badcock Family Properties, LLC

Future Owner: Canal Street Properties, LLC

Dr. Phillip Stevens
Dr. Jeff Timko
Dr. Kevin Barber

Agent: William E. Johnson, Broker

Please accept this as application for the City of New Smyrna Beach Community Redevelopment Agency's Opportunity Site Program funding.

Below is a description of the property, as directed in Item 2. For Privately Owned Property. Of the Application Process.

- a. A copy of the property record card from the property appraiser's website. (exhibit 1.)
- b. An aerial of the property. (exhibit 2.)
- c. The size of the property is 15,561 Sq. Ft. on 30,740 Sq. Ft of Area
- d. The future land use designation and zoning is intended to remain the same.

Mixed Use (CBD) – see attached uses. (exhibit 3.)

e. A general description of the property. The property is one of the largest, most prominent buildings in the Central Business District of New Smyrna Beach. It is currently in need of major renovation to make it available for any approved uses.

f. Existing utilities serving the property. All utilities needed are currently available. Electric, water, sewer and gas are available and currently electrical & water services are on.

g. A concurrency analysis is not warranted for this property as no new uses would create more intense demand for services or pressures on existing infrastructure. A discussion was held with Gail Henrikson, NSB Chief Planner, she determined the site would not create any concurrency issues, and existing zoning (MU) was suitable for the site. I have called to schedule a formal meeting with Gail to confirm and have her follow up in writing.

h. The property has been used as a showroom for the Badcock Corporation to sell furniture and has been vacant for approximately 6 years.

i. The proposed construction would consist of a total renovation inside & out, possibly including site work on the existing parking lot.

j. Proposed use of the building would be medical, retail & restaurant. The concept includes using the existing footprint of the building, then renovating the entire exterior and interior of the existing structure to create a uniform, pedestrian friendly facility, suitable for a range of uses. Due to the prominent location at New Smyrna Beach's busiest intersection retail, medical and restaurant concepts are expected to be most desirable and create the highest and best use.

k. Conceptual plan. (exhibit 8)

l. Budget & Cost Estimates (exhibit 4).

Description & Vision

The applicant is a prospective buyer with significant escrow in place. The buyer has applied for and received a financing commitment from Regions Bank (exhibit 5.), including both purchase funds and construction/build out monies. Regions Bank will approve and fund construction / build-out of this property, giving the CRA additional reassurance all expenditures will be in-line with market cost structures and approved by not only city oversight, but a financial institution as well.

Closing is expected during the month of December; the buyer's agent has received extensions and other accommodations as requested in the past; however no additional ones are expected to be required.

The Badcock Building is the most prominent opportunity site listed in the CRA's Opportunity Site Grant Application, along with being the only building to have its' own page in the CRA's July 2009 Gibbs Planning Group Study, emphasizing the need for redevelopment of this site. The Badcock Building is a high priority site for the CRA, the City of New Smyrna Beach, local residents, tourists and traffic that passes along the US 1 corridor.

We believe the future will bring an increased importance to the US 1 corridor, particularly at US 1 & Canal Street. Emphasis is being placed on the upgrading and enhancement of this stretch of highway and can only be achieved by investments in properties such as the Badcock Building.

As newer “box” retail moves further west along the I-95 Corridor, we believe US 1 and Canal Street will see revitalization. A similar example would be when malls invaded mid-town America. At first, the downtown central business district was devastated by the mass migration of department stores and surrounding shops. Over time, these downtown areas gentrified into higher end stores and shops with a quaintness and/or charm not felt at the new retail locations.

The US 1 & Canal Street intersection will also benefit from upcoming DOT infrastructure improvements enhancing the location and accessibility of the Badcock Building.

Our emphasis is to create a new, highly visible medical, retail and restaurant location located at the busiest intersection in New Smyrna Beach (26,000 cpd). The facility lends itself to higher end retail located in the north section of the building, facing Canal Street. Most likely, three shops with entrances off Canal Street. Along with one or two shops with entrance features along US 1, creating a more aesthetically pleasing building, instead of a long featureless side, as exists now. This should enhance the downtown CBD, and entice shoppers and visitors to park south of the Badcock Building and make better use of the pedestrian walk way along US 1, southwest of Canal Street.

The building will be logically divided as described above, leaving approximately 6,000 sq. ft for another single user facing south, towards northbound traffic on US 1. The size and style of this portion of the facility will, hopefully, be used by a sit down restaurant or Jr. Anchor. The footprint is very similar to that of many sit down, lunch & dinner food service establishments such as Stonewoods, Longhorns, 5 Guys Burgers, Houligan’s, Bonfish....etc. Another logical and appropriate use of the 6,000 sq foot southern section would be as a Junior Anchor. Thus improving the cross shopping and destination retail so desperately needed in the New Smyrna Beach Central Business District, as identified by the July 2009 Gibbs Planning Group Study.

The building style is in keeping with other recent developments, enhancing the charm and feel of New Smyrna Beach in its quest to retain its identity. See attached renderings and elevations.

GRANT REQUEST: 50/50 Matching grant with a cap of \$474,202.50 based on a total qualified expenditures of \$948,405.00.

Should expenditures be less than anticipated the grant will be reduced accordingly.

Information concerning applicant:

Agent: William E Johnson, Broker

Agent for Buyer/Owner

PO Box 1001

New Smyrna Beach, FL 32168

386.547.5660 Phone 386.423.1490 Fax

Previous Experience:

Developer for AIG BAKER SHOPPING CENTER PROPERTIES, Birmingham, AL. Developer of The Residences at Turnbull Bay an 88 unit townhome PUD. Worked with NSB Planning Dept on Large and Small Scale Comprehensive Use Plan Amendments for 14, 10 and 18 acre residential developments. Broker, Turnbull Bay Real Estate.

Owners: See Bios (Exhibit 6)

Total Vision has 5 Locations, New Smyrna Beach, Deland, Debary, Port Orange, Palm Coast

Total Vision has a total of 46 employees, 11 in New Smyrna Beach with the majority of the rest in Volusia County.

Recent Development Experience has been:

Total Vision Center

5820 S. Williamson Rd.

Port Orange, FL

And

Orange City Ambulatory Surgical Center

975 Towne Center Dr.

Orange City, FL

No legal Proceedings, nor has any bonding agency claims been made.

Development References : Steve Costa, Charles Wayne Properties, 386.473.7600

Bonding Ability shall be demonstrated with Construction / Build Out Financing

Engineering Letter of Opinion (Exhibit 7)

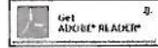
Badcock Opportunity Site Grant Application

Exhibits

1. Notice of Proposed Property Tax
2. Aerial View
3. Mixed Use Zoning District (Central Business District)
4. Contractor Estimates
5. Letter from Regions Bank
6. Canal Street Properties LLC (information sheet)
7. Rendering of the Proposed Project
8. Proposed elevations and floor plan
9. Letter from the current owner, Badcock Family Properties LLC
10. Contact information for the current owner, and the buyer
11. Evidence of incorporation for the buyer, and the seller
12. Information regarding environmental findings:
 - a. Universal (engineering firm) letter
 - b. FDEP letter
 - c. Site Investigation Section Report pages, including Executive Study and Table of Contents
 - d. Letter from Regions Bank regarding environmental study
13. Statement of Agreement to allow for third party review of the project business plan
14. Statement regarding tenant rates

The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Notice of Proposed Property Tax



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Last Updated: 09-20-2011 Today's Date: 9-28-2011		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser		
Full Parcel ID	41-17-34-38-27-3670	Mill Group	601 New Smyrna Beach	
Short Parcel ID	7441-38-27-3670			
Alternate Key	3881389	2011 Proposed Millage Rate	23.07000	
Parcel Status	Active Parcel	PC Code	11	
Date Created	06 JAN 1982			
Owner Name	BADCOCK FAMILY PROPERTIES LLC	GO TO ADD'L OWNERS		
Owner Name/Address 1		ESTIMATE TAXES		
Owner Address 2	PO BOX 497			
Owner Address 3	MULBERRY FL			
Owner Zip Code	33860			
Location Address	524 CANAL ST NEW SMYRNA BEACH 32168			

LEGAL DESCRIPTION
LOTS 367 TO 372 INC E OF US I BLK 27 ANDREWS NEW SMYRNA PER
OR 4941 PG 3636-3637

SALES HISTORY							GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE	
1	4941	3636	9/2002	Warranty Deed	Affiliated Parties	Yes	600,000	
2	4152	0348	10/1996	Warranty Deed	Unqualified Sale	Yes	10	
3	4117	4764	6/1996	Warranty Deed	Qualified Sale	Yes	600,000	

HISTORY OF VALUES										GO TO ADD'L HISTORY		
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2010	432,281	72,404	17,215	521,900	521,900	521,900	521,900	0	521,900	521,900	0	521,900
2009	518,738	143,734	17,215	679,687	679,687	679,687	679,687	0	679,687	679,687	0	679,687

LAND DATA											
TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
STORE 1FLR	300.0	102.0	30740.00	SQUARE FEET	20.00	100	100	75	75	345,825	

Exhibit 1

NEIGHBORHOOD CODE	C7827	CANAL STREET
TOTAL LAND CLASSIFIED		0
TOTAL LAND JUST		345,825

BUILDING CHARACTERISTICS						
BUILDING 1 OF 1				GO TO BLDG SKETCH		
Physical Depreciation %	50	Next Review		Obsolescence	Functional	70%
		Year Built	1948		Locational	0%
Quality Grade	300	Architecture			Base Perimeter	0

BUILDING CHARACTERISTICS			
PROPERTY TYPE	Store (One Story)	EXTERIOR WALL TYPE	%
STRUCTURE TYPE	Concrete / Masonry Walls	Unknown	100

BUILDING REFINEMENTS		
Description	# of Units	Unit Type
Baths, 2-Fixture	1	UB
Baths, 4-Fixture	2	UB
Extra Fixture	1	UB
Overhead Door, Aluminum	192	SF

Section #	Wall Height	# Of Stories	Year Built	Bsmt %	Ground Floor Area	Interior Finish(es)	%	Sprinkler	AC?
2	11.00	1	1989	0.00	120	Finished Open Porch (FOP)	1.00	No	No
8	17.00	1	1948	0.00	6873	Unfinish Commercial Shell	100.00	No	Yes
9	11.00	2	1989	0.00	5270	Unfinish Commercial Shell	100.00	No	Yes
10	11.00	2	1989	0.00	150	Canopy (CAN)	1.00	No	No
11	16.00	1	1948	0.00	340	Patio (PTO)	1.00	No	No
12	16.00	1	1948	0.00	365	Canopy (CAN)	1.00	No	No

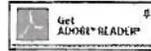
MISCELLANEOUS IMPROVEMENTS									
TYPE	NUMBER UNITS	UNIT TYPE	LIFE	YEAR IN	GRADE	LENGTH	WIDTH	DEPR. VALUE	
PAVING CONCRET	8573	SF	15	1989	4	0	0	17,215	

PLANNING AND BUILDING						GO TO ADDL PERMITS	
PERMIT NUMBER	PERMIT AMOUNT	DATE ISSUED	DATE COMPLETED	DESCRIPTION	OCCUPANCY NBR	OCCUPANCY BLDG	
6-0677	0.00	2-20-2006	7-19-2006			0	
7/1622	0.00	4-27-2007	Unknown			0	

TOTAL VALUES	The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section above.		
The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.			
Land Value	345,825	New Construction Value	0
Building Value	72,366	City Econ Dev/Historic Taxable	0

Miscellaneous	17,215		
Total Just Value	435,406	Previous Total Just Value	521,900
School Assessed Value	435,406	Previous School Assessed	521,900
Non-School Assessed Value	435,406	Previous Non-School Assessed	521,900
Exemption Value	0	Previous Exemption Value	0
Additional Exemption Value	0	Previous Add'l Exempt Value	0
School Taxable Value	435,406	Previous Taxable	0
Non-School Taxable Value	435,406	Previous Non-School Taxable	521,900

Notice of Proposed Property Tax



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MapIT PALMS Map Kiosk

sdafhd0 rshv

MapIT: Your basic parcel record search including sales.

PALMS: Basic parcel record searches with enhanced features.

Map Kiosk: More advanced tools for custom searches on several layers including parcels.





Exhibit 2

MU, MIXED USE DISTRICT (CENTRAL BUSINESS DISTRICT)

Intent. The MU, Mixed Use District forms the metropolitan center for commercial, financial, professional, governmental, and cultural activities. Uses are permitted which require a central location convenient to the general citizenry and provide a supportive relationship to each other. Retail goods and services together with accommodations for tourists, transients, and permanent guests or tenants are permitted. Intermixing of business, professional, and multifamily for new residential uses permit people to live and work in or near the downtown area if they so desire.

Permitted uses.

- Advertising companies
- Apartments
- Appliance repair shops
- Art studios
- Attached dwelling
- Automobile sales and services, new and used
- Bakeries, nonmanufacturing
- Barber and beauty shops
- Bed and breakfast homes
- Business or stenographic schools and any similar office type use
- Ceramic shops
- Charm, etiquette and photographic studios
- Charter boat business
- Child day care centers
- Communication facilities, such as radio, television, telephone, and telegraph buildings
- Condominiums
- Convenience market with or without gas pumps
- Dancing establishments
- Delicatessens
- Drugstores and pharmacies
- Dry cleaning establishments
- Duplex residences
- Florists
- Funeral homes
- Game rooms for pool or billiards
- Gift shops
- Government buildings and offices
- Grocery stores
- Hardware stores
- Hobby/craft shops
- Hotels

Exhibit 3

Income tax services jewelry stores
Laboratories
Laundries, including self-service
Liquor stores
Men's and women's figure salons
Motels
Multifamily residential developments
Music
Newspaper offices and printing shops
Night clubs
Office and household equipment sales
Parking lots
Pawn shops
Pool rooms
Professional offices, including accountants, architects, consultants, dental, engineer, financial, insurance, lawyers, medical, and stockbrokers
Quick service food stores
Real estate brokers
Recreational buildings and complexes
Restaurants, type "A," "B," and "D"
Retail sales and services
Rooming houses
Schools with no more than 250 students
Service stations, types "A" and "B"
Shoe retail shops
Single-family residences
Tailor shops
Taverns
Taxicab and bus stands and terminals
Theaters
Tour boat business
Travel agencies
Truck and trailer rentals (for properties in the district that front along U. S. Highway 1 and meet the conditions in [sub]section 801.18
Upholstery shops
Videotape rental

Permitted accessory uses.

All those uses customarily associated with the permitted principal uses.

R/J Group, Inc.
4244 Jackson Street
Port Orange, Fl 32119
(386)760-0764
(386)760-3080 Fax

ESTIMATE

Tuesday, January 03, 2012

Mr. Zach McDonald
524 Canal Street
New Smyrna Beach, FL
(386) 566-2467
zmcdonald@tui.net

This is NOT a detailed proposal. There are no provisions implied or assumed by builder for additional materials, labor, and/or services that are not listed below. This ESTIMATE is based on PRELIMINARY walk thru with the owner's representative.

1. Architectural/Engineering (PROVIDED BY OTHERS)	
2. Permit	
3. Dumpster, Toilet, Demo, Concrete	\$ 54,475.00
4. Masonry	\$ 23,145.00
5. Wood & Steel Framing	\$ 67,550.00
6. Roof	\$ 114,500.00
7. Stucco Finish	\$ 42,000.00
8. Electric	\$ 83,235.00
9. Mechanical	\$ 120,000.00
10. Plumbing	\$ 36,435.00
11. Painting / Trim	\$ 33,440.00
12. Glass/Glazing and Doors	\$ 124,625.00
13. Insulation, drywall	\$ 89,500.00
14. Thermol & Acoustic Ceiling	\$ 33,500.00
15. Landscaping	\$ 18,500.00
16. General Conditions	\$ 52,500.00
17. Contractor's Fee	\$ 55,000.00

Total \$ 948,405.00

NOTE: We generated this preliminary estimate to help inform our customers as to the size of their proposed project. **This is not a detailed estimate based on Final Construction Documents.**

Exhibit 4

Exclusions to Proposal:

1. Impact fees, variance fees, city or county administrative fees other than mentioned above.
2. Architectural/engineering
3. Clearing, grading, or fill of any kind.
4. Price subject to change with provided architectural/engineered drawings
5. Landscaping and irrigation relocation or installation of any kind.
6. Appliances or kitchen hood.
7. Light fixtures other than mentioned above.
8. This budget is based on preliminary walk thru, not final construction documents. Price subject to change with final construction drawings.



Shaun Johnson, Vice President

R/J Group, Inc.

RJGroup0752@aol.com

386-760-0764

386-760-3080 Fax

386-547-9126 Cell

CGC 049896 Building

CCC 057176 Roofing

Interior Exterior Services
 1708 Needle Palm Dr
 Edgewater, FL 32132
 U.S.A
 Ph 386-478-3371
 IESCBC@Gmail.com

Estimate

DATE	ESTIMATE #
1/3/2012	426

BILL TO
Mr. Zack McDonald 524 Canal Street New Smyrna Beach, FL 32168 United States

ITEM	DESCRIPTION	QTY	RATE	TAX	AMOUNT
Note	The estimate is based on a visual walk through inspection of site location. The estimated cost can vary upon engineering speck and further structural inspection.	1	0.00		0.00
Drawings	Drawings provided by owner	1	0.00		0.00
Demo	The provision of needed dumpster, construction demo and needed disposal.	1	52,350.00		52,350.00
Carpentry	Repair/replace/construct of damaged/new store front interior and exterior.	1	64,500.00		64,500.00
Plumbing	Plumbing installation-labor and materials	1	37,450.00		37,450.00
Electrical	Electrical need update and repair	1	87,000.00		87,000.00
HVAC	Update / replace	1	112,000.00		112,000.00
Roofing	Contract price	1	112,500.00		112,500.00
Glass/glazing	Store front/ doors	1	113,450.00		113,450.00
Drywall	Interior work/insulation/ceiling (acoustic panel replacement)	1	118,000.00		118,000.00
Masonry	Interior /exterior	1	28,750.00		28,750.00
Siding	Repair/replace	1	78,500.00		78,500.00
Paint	Prime/paint /trim	1	46,750.00		46,750.00
Interior finish		1	22,500.00		22,500.00
Exterior finish	Final finishes Stucco, banding, facia ,	1	43,500.00		43,500.00
Contractors fee	Services	1	62,500.00		62,500.00
Permits	Permit cost can vary and are based on the scope of the job. Work not conducted at this time and done at a later date will have seperate permitting fees.	1	0.00		0.00
Note	Not include in estimate: Site work, exterior parking improvement, land scaping, irrigation Architect/ Engineer or any type of drawings No fees of any type Light fixtures Appliances	1	0.00	T	0.00
Scope	Scope and estimate are based to assist in soft cost projection of project.	1	0.00		0.00
Call with any questions		Subtotal			979,750.00
		6.75% Tax			0.00
		Total			979,750.00

Data Contained In Search Results Is Current As Of 01/04/2012 07:26 PM.

Search Results

Please see our [glossary of terms](#) for an explanation of the license status shown in these search results.

For additional information, including any complaints or discipline, click on the name.

License Type	Name	Name Type	License Number/ Rank	Status/Expires
Certified Building Contractor	REED, JAMES G	Primary	CBC1258253 Cert Building	Current, Active 08/31/2012
Main Address*: 1708 NEEDLE PALM DRIVE EDGEWATER, FL 32132				
Barbers	REED, JAMES GRANT	Primary	51739 Barbers	Null and Void, 07/31/1994
Main Address*: 3371 IROQUOIS TR GLENNIE, MI 487379522				

[Back](#)
[New Search](#)

*** denotes**

Main Address - This address is the Primary Address on file.

Mailing Address - This is the address where the mail associated with a particular license will be sent (if different from the Main or License Location addresses).

License Location Address - This is the address where the place of business is physically located.

Contact Us :: [1940 North Monroe Street, Tallahassee FL 32399](#) :: Call.Center@dbpr.state.fl.us :: Customer Contact Center: 850.487.1395

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To Whom It May Concern,

The entity known as Canal Street Properties LLC, is currently approved for the purchase of the property located at 524 Canal Street through Regions Bank. We also have in place a separate approval for the Construction/Build-out of this property of which Regions Bank will monitor through the process until completion.

Sincerely,

Sean Keaton

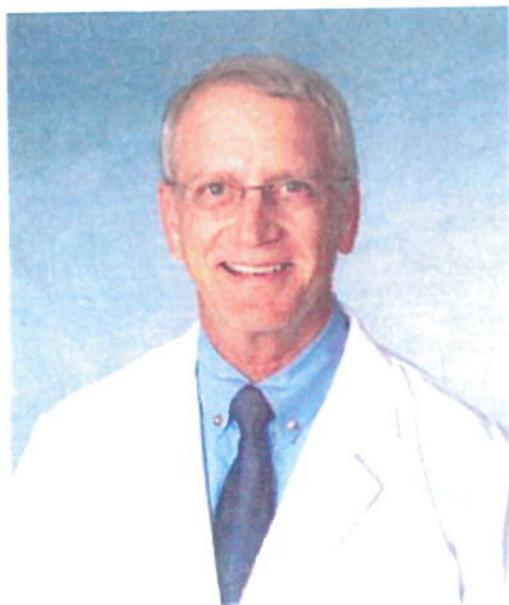
Vice President

Regions Bank

386-426-6769

Exhibit 5

Canal Street Properties, LLC



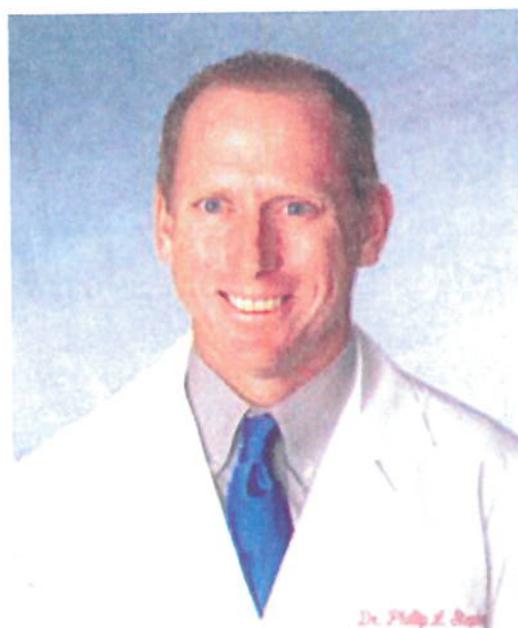
DR. JEFF TIMKO

Dr. Timko graduated from The [Ohio State University](#) College of Optometry in 1973 and established his practice here in DeLand in 1976.

His community involvements include past chairman of the Volusia County School Board. He has also been past president of the DeLand Chamber of Commerce, Leadership DeLand Advisory Committee, Leadership Florida Association and Board member of the DeLand Rotary Club.

His professional affiliations include the Florida Optometric Association, The American Optometric Association.

He is also a member of the AOA Contact Lens Section and the AAO.



DR. PHILLIP L. STEPHENS

Dr. Stephens is an Honors graduate of The Citadel in 1985. He received his Doctorate of Optometry from The University of Houston College of Optometry in 1989.

He completed a Fellowship in Ocular Disease and Glaucoma from The Omni Eye Center, Atlanta, Ga. in 1990. His Professional affiliations include The American Optometric Assoc., The Florida Optometric Assoc., Southern Diplomat in Glaucoma, and is also an AOA Contact Lens Section Member.

Dr. Stephens' community involvement includes, The New Smyrna Beach Chamber of Commerce and Southeast Volusia Kiwanis Club. He has been in Practice in New Smyrna Beach since 1990.

Exhibit 6

EDUCATION

Undergraduate
Lee University 1992-1996
Cleveland, Tennessee
Summa Cum Laude
Bachelor of Science in Biology, Minor in Religious Studies

Medical School
University of Florida College of Medicine 1997-2001
MD with Highest Honors

Internship
Mayo Clinic Graduate School of Medicine 2001
Mayo Clinic Jacksonville

Ophthalmology Residency,
Emory University 2002-2005
Atlanta, GA



Kevin M. Barber, M.D., bio

HONORS AND AWARDS

Clinical Professor, Emory University School of Medicine
Mayo Clinic International Medicine Scholar
Alpha Omega Alpha Medical Honor Society

SOCIETIES AND ASSOCIATIONS

American Academy of Ophthalmology
American Society of Cataract and Refractive Surgery
Christian Ophthalmology Society
Project African Vision, Volunteer Ophthalmologist
Medical Ministry International, Volunteer Ophthalmologist

PROFESSIONAL INTERESTS

Cataract surgery, Refractive surgery, Oculoplastics, Glaucoma and Diabetic Eye Care
Dr. Barber has participated in Ophthalmic mission trips to Ethiopia, Ecuador, Nicaragua, Guyana, Mexico, Costa Rica, Bolivia, Columbia and Honduras.

OUTSIDE INTERESTS

Dr. Barber enjoys cycling, triathlons, Ophthalmic overseas mission trips and spending time with his wife and three boys.



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• Palm Coast, FL
• Panama City, FL
• Pensacola, FL
• Rockledge, FL
• Sarasota, FL
• St. Augustine, FL
• Tampa, FL
• West Palm Beach, FL

June 30, 2011

Mr. W.E. Johnson
c/o Anderson-Dixon, LLC
102 South Orange Street
New Smyrna Beach, Florida 32168

Reference: **Letter of Opinion**
524 Canal Street
New Smyrna Beach, Volusia County, Florida
Volusia County Tax Parcel No. 41-17-34-38-27-3670
UES Project No. 0440.1100045.0000
UES Report No. 119986

Dear Mr. Johnson:

Universal Engineering Sciences (UES) is pleased to present this Letter of Opinion regarding previous assessment work completed at the above-referenced property (hereafter, the "site"). Several previous investigations have detected chlorinated solvents above applicable regulatory guidance concentrations in groundwater samples collected from within the boundaries of the site. Based on the information provided, laboratory analysis of several soil samples collected from within the boundaries of the site did not indicate the presence of residual onsite soil contamination. Specifically, cis-1,2-dichloroethene and vinyl chloride were each detected above their respective groundwater cleanup target levels (GCTLs) of 70 and 1 micrograms per liter ($\mu\text{g/l}$), as listed in Table I, Chapter 62-777 F.A.C. in multiple groundwater samples collected from shallow (6 to 10 feet below grade) and intermediate (24 to 30 feet below grade) groundwater zones. Previous investigations also indicated that the groundwater generally flows towards the north in the vicinity of the site and that the area is not tidally influenced.

Based on historic research conducted by UES and others, it does not appear that the site has ever been developed for any purpose which would make it a potential source for chlorinated solvent contamination. Furthermore, the chlorinated solvents detected on the site are known as 'breakdown products', resulting from the dehalogenation of trichloroethene (TCE) and perchloroethene (PCE). With higher concentrations of TCE and PCE detected to the south (in the vicinity of Hall Machine Works and Foleys Cleaners), it appears that the contaminant plume originates south of the site and has been carried onto the site by the surficial groundwater aquifer.

Section 6.3 of the December 2009 'Contamination Assessment Report' prepared for the site by the Florida Department of Environmental Protection (FDEP) Site Investigation Section (SIS) clearly states that there is no evidence to indicate that the contamination present on the site actually emanated from the site. Also, the FDEP SIS stated that no further assessment was warranted for the site and recommended that the four temporary monitor wells installed during the completion of the 2002 Phase II Environmental Site Assessment be properly abandoned.

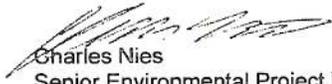
911 Beville Road, Suite 3 • South Daytona, Florida 32119 • (386) 756-1105 • FAX (386) 760-4067

Exhibit 7

Considering the information reviewed and the nature of the reported rehabilitation of the site (building remodeling/reconstruction and shallow foundation work with no dewatering necessary), UES does not anticipate the need for any remedial action at the site.

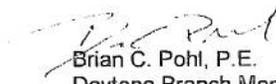
Universal Engineering Sciences appreciates this opportunity to offer our services to you. Please feel free to contact us at (386) 756-1105 with any questions or comments.

Respectfully submitted,
UNIVERSAL ENGINEERING SCIENCES


Charles Nies
Senior Environmental Project Manger


UNIVERSAL
ENGINEERING SCIENCES

Digitally signed by
Charles Nies
DN: cn=Charles Nies,
c=US, o=Universal
Engineering Sciences,
email=charles.nies@ues.com,
date=2011.06.30
16:52:57-0400


Brian C. Pohl, P.E.
Daytona Branch Manager
FL Professional Engineer No. 60216

CJN/BCP:ce





THESE ARE VERY PRELIMINARY DESIGN DEVELOPMENT DRAWINGS SUBJECT TO CITY AND CLIENT MODIFICATIONS.

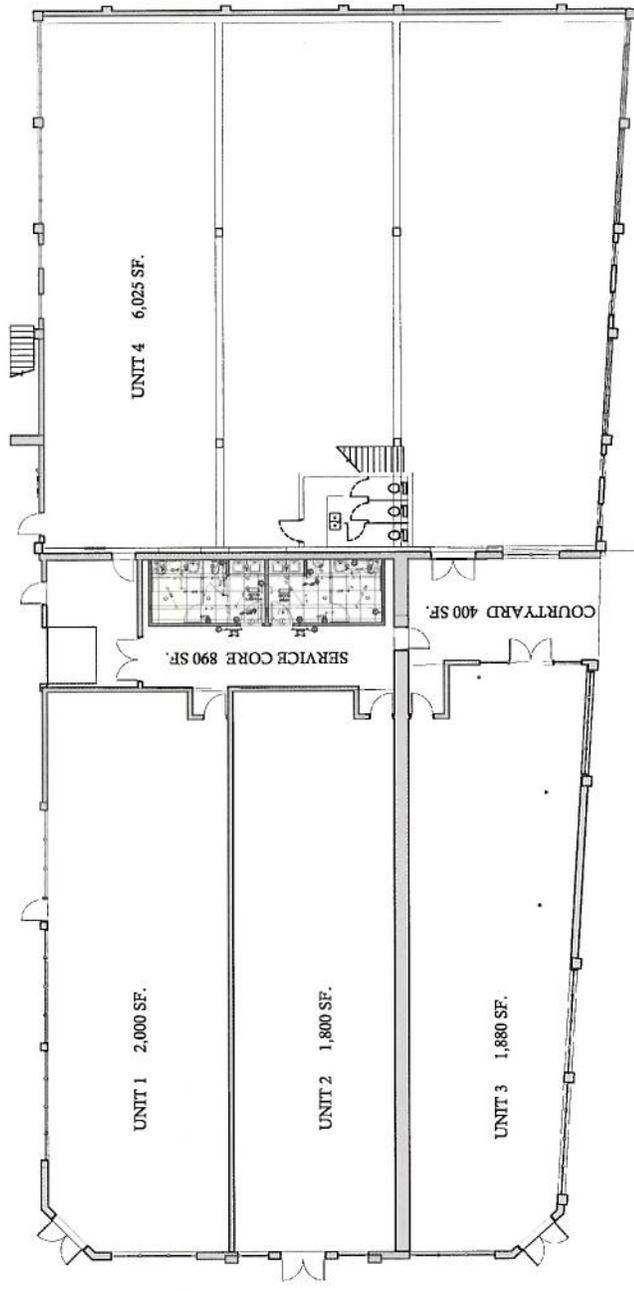
THE SOUTH ELEVATION HAS NOT BEEN FULLY DESIGNED

THE DESIGN INTENT IS TO PROVIDE A CENTRAL SERVICE CORE FOR REST ROOMS, DELIVERIES, UTILITIES AND CIRCULATION. A OPEN AIR COURTYARD IS ADJACENT TO US1 ON THE WESTERN EDGE OF THE CENTRAL CORE.

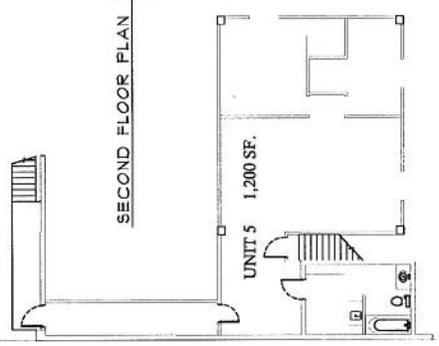
THE BUILDING WILL BE DIVIDED INTO MULTIPLE TENANT SPACES.

THE SCOPE OF WORK IS TO INCLUDE THE FOLLOWING:
 NEW ELECTRIC
 NEW PLUMBING
 NEW ROOF & INSULATION
 STANDING SEAM METAL ROOF
 NEW HVAC
 NEW IMPACT RESISTANT WINDOWS & DOORS
 NEW PARAPET
 DEMO EXISTING INTERIOR
 FIRE RATED TENANT SEPARATION
 NEW REST ROOMS
 COURTYARD FINISHES
 NEW STUCCO
 NEW PAINT
 LANDSCAPING
 SITE WORK
 INTERIOR BUILD-OUT BY FUTURE TENANTS.

FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



Badcock Family Properties, LLC
Post Office Box 497
Mulberry, Florida 33830
863-425-7504

VIA FACSIMILE - 386-409-4759

January 5, 2012

Mr. Tony Otte, Director
Community Redevelopment Agency
New Smyrna Beach, Florida 32168

Re: 524 Canal Street, New Smyrna Beach, Florida.

Dear Mr. Otte:

Please be advised that Badcock Family Properties, LLC, a Florida limited liability company, the present owner of that certain property located at 524 Canal Street in New Smyrna Beach, Florida, is in full agreement with the projected rehabilitation and redevelopment plan for the referenced property, which will be pursued by Canal Street Properties, LLC, with the approval of the CRA, upon Canal Street Properties' purchase of the property, anticipated to occur prior to the end of January 2012.

Your approval of this project is appreciated and its completion will substantially enhance not only the individually addressed property, but the surrounding area, as well. Should you require further input regarding this matter from our company, please inquire, as necessary.

Yours truly,

Henry C. Badcock
Henry C. Badcock
Managing Member

HCB/nh

Exhibit 9

Contact Information

Current Owner: Badcock Family Properties, LLC
 Wogie Badcock, III,
 200 NW Phosphate Blvd
 Mulberry, FL 33860-2328
 863-425-4921 W, 863-698-1681 C, 863-577-0527 F
 wogieiii@badcock.com,

Buyer: Phil Stevens
 Canal Street Properties
 4514 Vankleeck Dr.
 NSB, FL 32169
 386-423-5190 W, 386-424-4731 C, 386-423-1490 F
 DRMYIZ@aol.com

Exhibit 10

State of Florida

Department of State

I certify from the records of this office that BADCOCK FAMILY PROPERTIES, LLC is a limited liability company organized under the laws of the State of Florida, filed on September 16, 2002, effective September 16, 2002.

The document number of this limited liability company is L02000024046.

I further certify that said limited liability company has paid all fees due this office through December 31, 2011, that its most recent annual report was filed on January 25, 2011, and its status is active.

I further certify that said limited liability company has not filed Articles of Dissolution.

Given under my hand and the Great Seal of Florida, at Tallahassee, the Capital, this the Fifth day of January, 2012



Secretary of State



Exhibit 11

Authentication ID: 200216494782-010512-L02000024046

To authenticate this certificate, visit the following site, enter this ID, and then follow the instructions displayed.

<https://efile.sunbiz.org/certauthver.html>



[Previous on List](#) [Next on List](#) [Return To List](#)
[Events](#) **No Name History**

Entity Name Search

Detail by Entity Name

Florida Limited Liability Company

BADCOCK FAMILY PROPERTIES, LLC

Filing Information

Document Number L02000024046
FEI/EIN Number 710906711
Date Filed 09/16/2002
State FL
Status ACTIVE
Effective Date 09/16/2002
Last Event REINSTATEMENT
Event Date Filed 10/10/2005
Event Effective Date NONE

Principal Address

200 PHOSPHATE BOULEVARD
MULBERRY FL 33860 US

Mailing Address

POST OFFICE BOX 497
MULBERRY FL 33860 US

Changed 02/22/2010

Registered Agent Name & Address

BAYT, PHILLIP E
200 NORTH PHOSPHATE BOULEVARD
MULBERRY FL 33860 US

Manager/Member Detail

Name & Address

Title MGRM
MAWHINNEY, MARY B
8 BROOK LANE
LAKELAND FL 33803

Title MGRM
DAUGHTREY, ELIZABETH B
318 MORNINGSIDE DR.
LAKELAND FL 33803

Title MGRM



[Previous on List](#) [Next on List](#) [Return To List](#)

Entity Name Search

No Events No Name History

Detail by Entity Name

Florida Limited Liability Company

CANAL STREET PROPERTIES LLC

Filing Information

Document Number L11000091448
FEI/EIN Number NONE
Date Filed 08/08/2011
State FL
Status ACTIVE

Principal Address

330 CANAL STREET
NEW SMYRNA BEACH FL 32168

Mailing Address

4514 VANKLEECK DRIVE
NEW SMYRNA BEACH FL 32169

Registered Agent Name & Address

STEPHENS, PHILLIP L
330 CANAL STREET
NEW SMYRNA BEACH FL 32168 US

Manager/Member Detail

Name & Address

Title MGRM

STEPHENS, PHILLIP L
4514 VANKLEECK DRIVE
NEW SMYRNA BEACH FL 32169

Title MGRM

TIMKO, JEFFREY
522 S ATLANTIC AVENUE
NEW SMYRNA BEACH FL 32169

Title MGRM

CADY, MICHAEL
10 WINDING CREEK WAY
ORMOND BEACH FL 32174 N

Title MGRM

BARBER, KEVIN
6249 TURTLEMOUND RD

NEW SMYRNA BEACH FL 32169

Annual Reports

No Annual Reports Filed

Document Images

[08/08/2011 -- Florida Limited Liability](#)

[View image in PDF format](#)

Note: This is not official record. See documents if question or conflict.

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No Name History

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• Panama City, FL
• Pensacola, FL
• Rockledge, FL
• Sarasota, FL
• St. Augustine, FL
• Tampa, FL
• West Palm Beach, FL

June 30, 2011

Mr. W.E. Johnson
c/o Anderson-Dixon, LLC
102 South Orange Street
New Smyrna Beach, Florida 32168

Reference: **Letter of Opinion**
524 Canal Street
New Smyrna Beach, Volusia County, Florida
Volusia County Tax Parcel No. 41-17-34-38-27-3670
UES Project No. 0440.1100045.0000
UES Report No. 119986

Dear Mr. Johnson:

Universal Engineering Sciences (UES) is pleased to present this Letter of Opinion regarding previous assessment work completed at the above-referenced property (hereafter, the "site"). Several previous investigations have detected chlorinated solvents above applicable regulatory guidance concentrations in groundwater samples collected from within the boundaries of the site. Based on the information provided, laboratory analysis of several soil samples collected from within the boundaries of the site did not indicate the presence of residual onsite soil contamination. Specifically, cis-1,2-dichloroethene and vinyl chloride were each detected above their respective groundwater cleanup target levels (GCTLs) of 70 and 1 micrograms per liter ($\mu\text{g/l}$), as listed in Table I, Chapter 62-777 F.A.C. in multiple groundwater samples collected from shallow (6 to 10 feet below grade) and intermediate (24 to 30 feet below grade) groundwater zones. Previous investigations also indicated that the groundwater generally flows towards the north in the vicinity of the site and that the area is not tidally influenced.

Based on historic research conducted by UES and others, it does not appear that the site has ever been developed for any purpose which would make it a potential source for chlorinated solvent contamination. Furthermore, the chlorinated solvents detected on the site are known as 'breakdown products', resulting from the dehalogenation of trichloroethene (TCE) and perchloroethene (PCE). With higher concentrations of TCE and PCE detected to the south (in the vicinity of Hall Machine Works and Foleys Cleaners), it appears that the contaminant plume originates south of the site and has been carried onto the site by the surficial groundwater aquifer.

Section 6.3 of the December 2009 'Contamination Assessment Report' prepared for the site by the Florida Department of Environmental Protection (FDEP) Site Investigation Section (SIS) clearly states that there is no evidence to indicate that the contamination present on the site actually emanated from the site. Also, the FDEP SIS stated that no further assessment was warranted for the site and recommended that the four temporary monitor wells installed during the completion of the 2002 Phase II Environmental Site Assessment be properly abandoned.

Exhibit 12

Considering the information reviewed and the nature of the reported rehabilitation of the site (building remodeling/reconstruction and shallow foundation work with no dewatering necessary), UES does not anticipate the need for any remedial action at the site.

Universal Engineering Sciences appreciates this opportunity to offer our services to you. Please feel free to contact us at (386) 756-1105 with any questions or comments.

Respectfully submitted,
UNIVERSAL ENGINEERING SCIENCES


Charles Nies
Senior Environmental Project Manger



Digitally signed by
Charles Nies
DN: cn=Charles Nies,
o=UES, ou=Universal
Engineering Sciences,
email=cnies@universal
engineering.com
Date: 2011.08.30
16:52:57 -0400


Brian C. Pohl, P.E.
Daytona Branch Manager
FL Professional Engineer No. 60216

CJN/BCP:ce





Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 19, 2010

BY ELECTRONIC MAIL
sbiszantz@ccmattorneys.com

Ms. Sandra M. Biszantz, Esq.
Clark, Campbell,
Mawhinney, & Lancaster, P.A.
Suite 800
500 South Florida Avenue
Lakeland, FL 33801-5276

OCD-WCU-10-0203

Volusia County – Waste Cleanup
524 Canal Street
New Smyrna Beach, FL
Property Owner Liability

Dear Ms. Biszantz:

On October 21, 2009, the Department responded to your June 12, 2009 letter that suggested revisions to the Department's January 8, 2009 draft Comfort Letter concerning the groundwater contamination discovered at the 524 Canal Street property owned by Badcock Family Properties, LLC. Our letter stated we could not alter the Comfort Letter because the source(s) of contamination was not certain. Subsequently the Site Investigation Section (SIS) was tasked to further investigate the source(s) of this contamination.

On December 1, 2010, the SIS issued a report identifying two potential sources of contaminants impacting the groundwater at the 524 Canal Street property. The report identified the location of these potential sources as Foley's Dry Cleaning at 509 Douglas Street and the Hall Machine Works at 504 and 506 Downing Street. In addition, the report stated that there is no evidence from past or current investigations to indicate that the contamination found north of Downing Street emanates from the 524 Canal Street property.

The Department's policy in this matter is that it does not consider a property owner liable for, nor does it require a property owner to pay for cleanup costs associated with off-site discharges and ground water contamination that has migrated onto their property from a neighboring property provided that:

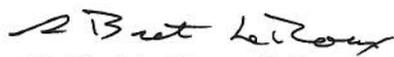
- the property owner does not own, and has never held an interest in, the source site of the contamination;
- the property owner did not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance, through any act or omission, and the property owner continues to exercise due care in the management of the property such that the property owner does not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance, through any act or omission;
- the person or persons who caused the release is not an agent or employee of the property owner and was not in a direct or indirect relationship with the property owner; and
- there is no alternative basis for liability pursuant to Sections 376.308 or 403.727 of the Florida Statutes.

However, if contamination other than that alleged to have originated from off-site is discovered on the property at 524 Canal Street, New Smyrna Beach, Volusia County, Florida, potential liability may exist for that contamination.

If you would like to review the files for the Foley's Dry Cleaning and / or Hall Machine Works, they are available for review during normal business hours 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays at the Florida Department of Environmental Protection Central District, Waste Cleanup Program, Suite 232, 3319 Maguire Boulevard, Orlando, Florida 32803-3767. Additionally, information is available for review at: <http://dwmedms.dep.state.fl.us/Oculus/servlet/login>. Documents associated with the Foley's Dry Cleaning and the Hall Machine Works and are stored in OCULUS under the respective Site IDs: COM_282212 and COM_300343.

If you have any questions concerning this correspondence, please contact me by telephone at 407-893-3330, or by email at Bret.LeRoux@dep.state.fl.us.

Sincerely,



G. Bret LeRoux, P.G.
FL. Reg. No. 0001164
Waste Cleanup Program Manager

GBL/mfk



***524 Canal Street
Contamination Assessment Report
New Smyrna Beach, Volusia County, Florida***

***SIS Report Number 2009-13
Issued December 2009***

George Wiegand, P.G. and Robert Cilek, P.G.

***Florida Department of Environmental Protection
Site Investigation Section
William A. Martin, Professional Geologist Administrator
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 245-8947***

Executive Summary

During July 2009, the Site Investigation Section (SIS) of the Florida Department of Environmental Protection (FDEP) conducted field activities near the historic downtown area of New Smyrna Beach, Volusia County, Florida. This effort was performed to determine a source(s) of the chlorinated compounds cis-1,2-dichloroethene (DCE) and vinyl chloride found in shallow ground water monitoring wells at levels above State ground water cleanup target levels (GCTLs) from a former furniture store property located at 524 Canal Street.

According to a historic records search of the site by the FDEP, several former or current businesses were identified that may have used chemicals/solvents (i.e., trichloroethene [TCE] and tetrachloroethene [PCE]). These chemicals may have degraded with time into 1,2-DCE and vinyl chloride. Among the potential sources (and associated chemicals of concern) were several former and current clothes cleaning operations (dry cleaning solvent), automotive service garages/body shops (degreasing solvents), and a former rail yard (solvents/fuel).

The FDEP field work consisted of the installation and ground water sampling of six shallow monitoring wells, sampling of eleven existing wells at and near the former furniture store, and the installation of multi-depth discrete samples from 10 locations to evaluate the potential impact of chlorinated compounds near these potential sources in an approximate three block by one block area.

The shallow surficial aquifer ground water zone evaluated during the FDEP study ranged from approximately 5 to 30 feet below land surface in depth. The lithology below the site is

composed mostly of relatively transmissive fine sand and shell hash with clay underlying the sand/shell unit. Ground water was analyzed for volatile organic compounds from each sample location to evaluate for the presence of chlorinated compounds.

Results from ground water sampling at the site by FDEP showed:

- Ground water flow in the surficial aquifer is toward the north-northwest and north;
- Cis-1,2-DCE and vinyl chloride are prevalent in both shallow and deeper ground water intervals;
- PCE and TCE were detected at concentrations well above their respective GCTLs at greater depths immediately downgradient (north) from a currently operating dry cleaning business (Foleys Dry Cleaners) located at the southern portion of the site. Neither PCE nor TCE were detected upgradient of Foleys Dry Cleaners in the shallow or deeper ground water intervals indicating that this business is one source of chlorinated compounds found at the site. Only vinyl chloride was detected in the shallow ground water above GCTLs immediately downgradient of this location. Contaminant source assessment of this property is recommended;
- Concentrations of cis-1,2-DCE and vinyl chloride exceeding GCTLs were detected immediately downgradient (north) of a currently operating machine shop (Hall Machine Works) that was formerly used for automotive repair. This location is approximately 150 feet north of Foleys Dry Cleaners. The contaminant levels to the north of the Hall Machine Works building are greater than concentrations detected just south (upgradient) of the machine shop building

and suggest a second source of chlorinated compounds responsible for impacting the 524 Canal Street property. Contaminant source assessment of this property is recommended;

- No evidence of contamination originating from the former furniture store property located at 524 Canal Street.

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- 8 Total TCE, Cis-1,2-DCE and Vinyl Chloride Concentrations in the Upper Surficial Aquifer (4 - 13 Feet BLS)
- 9 Approximate Limits of Chlorinated Compounds Above Florida GCTLs in the Lower Surficial Aquifer (~13 – 30 Feet BLS)

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- Appendix A Request for Assistance
- Appendix B Previous Investigations' Figures and Tables
- Appendix C FDEP Soil Core Descriptions
- Appendix D FDEP Electronic Conductivity Logs



To whom it may concern,

Regions Bank has currently approved a commercial loan for the purchase of the former Badcock building located at 524 Canal Street for the entity known as Canal Street Properties LLC. As a part of the closing process, all due diligence will be conducted on the property to ensure that there are no contamination issues that would require any remedial action at the site.

Respectfully,

Sean Keaton

A handwritten signature in black ink, appearing to read "SK", written over a horizontal line.

Business Banker

Volusia County

386-426-6769

Letter of Agreement

Canal Street Properties, LLC agrees to have third party consultants look at the business plan for the 524 Canal Street project. Canal Street Properties, LLC will provide any additional bank reference letters or proof of capital, as required by the CRA.

Exhibit 13

The applicant expects to rent space at current Canal St. market rates of approximately \$12 psf, plus CAM, Taxes & Insurance.

Exhibit 14

REPORTS AND COMMUNICATIONS

CRA DIRECTOR'S REPORT

January 11, 2012

Announcements

- A joint meeting of the CRA and City Commission is scheduled for January 18 at 4 pm (preceding the Economic Development Advisory Board meeting at 6 pm.) It is anticipated that the agenda will include a review of the following grant programs:
 - Opportunity Site: available funding, individual grant dollar amounts; and the process for adding sites;
 - An expansion of the Rental Move In program to accommodate projects such as “The Hub”
 - Combined Grant Program: tenants eligibility for exterior grants; and
 - Grants and Aids Program: a review of grant guidelines

- A “Town Hall” meeting will be hosted by County Councilmember Joyce Cusack at the Babe James Community Center to discuss CRA programs and accomplishments. The meeting will be held on Monday, January 23, at 5 pm. Following this meeting at 6:15 pm will be the monthly Historic Westside Community meeting.

City Commission Items

- Actions taken by the City Commission at the December 13 meeting included approval of:
 - A contractor for the Riverside Park Seawall, Pier, and Lighting project
 - Funding for the design of enhancements at US 1 and Canal Sts
 - The use of City funds for the Chisholm High School Alumni Wall Naming Project
 - The design and construction of a sidewalk on the North side of Washington St at the railroad crossing.

Work Priorities

- Wayfinding signage – the consultant has had a number of communications with FDOT personnel and anticipates the final approval by the end of next week.
- AOB site.
 - The survey of this site has been completed by a surveyor and is now under review.
- Form Based Code – The City Commission held a workshop on October 25 to discuss the draft Form-Based Code. Staff is following up on the Commission directive to review the draft code to ensure that it makes development easier rather than more difficult and bring it back for consideration.
- Administrative Office Building site: a survey including boundaries, building setback lines, and floodplains has been completed.
- Brownfields:
 - City staff continues to work with one of the environmental engineering firms to finalize the survey of potential Brownfield sites.

- Staff has received approval from the EPA to remove the underground tanks at 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.
- Construction projects in design or in the bidding phase: Wayfinding; Washington Street Streetscape Phase 1 (Anderson Dixon); Chamber of Commerce Building Phase II;
 - Projects under construction or about to begin: Riverside Park, Myrtle Ave Streetscape: Esther Street Park Seawall Project, Flagler Ave Boardwalk Park
 - Projects in Discussion: Mary Ave tot lot improvements; Washington Street Streetscape Phase II (US 1 to Riverside); acquisition of an easement for a sidewalk and landscaping for the Fox Firestone property on Canal St; palm tree planting on North Causeway and at the NE corner of Third Ave and Peninsula
 - US 1 and Canal St Intersection:
 - 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. At the November 15 public information meeting it was noted that the area leased for landscaping on the south side of Canal Street will be used as a part of the new right of way when that section of Canal St is widened. Staff will contact the property owner to discuss the situation.
 - An agenda item for the CRA to pay for “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) will be considered at the December 13 City Commission meeting.
 - Marketing
 - 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.
 - 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.
 - Votran Bus Stop – Staff continues to work with Votran on plans for moving the Bus Stop from Christmas Park. A new site – under the SR 44 overpass at Orange St – is under discussion.
 - Washington Street Business Incubator: Staff is exploring other sites



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

SUMMARY OF ACTION

TUESDAY, DECEMBER 13, 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:

Senior Police Department Chaplain Donald Horne will be present and give the invocation.

Vice Mayor Reiker gave the invocation.

III. Approval of the Agenda:

Consent Agenda Items B, G & H moved to New Business Items C, E & F.

IV. Announcements/Presentations/Recognition:

- A. Concerned Citizens for Animal Welfare of Volusia County, Inc. – Cheryl Robel and Pat Mihalic will be present to give a brief presentation regarding spay/neuter programs in Volusia County.

No action. At a meeting in January 2012, the Animal Control Board will consider and recommend to the City Commission a proposed ordinance regarding future City Spay/Neuter programs for future consideration.

V. Mayor and Commission Reports:

No action.

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

- A. Riverside Park Seawall, Pier & Lighting Replacement Project – Approve the award of contract to C & L Landscape, Inc. in the amount of \$912,725 for the budgeted Riverside Park Seawall, Pier & Lighting Replacement Project. If approved, the project will be funded from CRA funds.

Approved per staff recommendation.

- B. Gateway Features/Intersections of S.R. 44 and I-95 & S.R. 44 & Canal Street – Approve entering into a contract with Tetra Engineering for CEI services associated with the Gateway Features Project at the intersections of S.R. 44 and I-95, and S.R. 44 and Canal Street. The negotiated cost of the contract is \$112,000 and will be funded through the Tree Mitigation Fund, if approved.

Approved per staff recommendation.

- C. Motor Grader Purchase – Approve the purchase of a 2012 Leeboy Grader with a caterpillar engine and 10-foot blade through the Florida Sheriff's Association Contract with Ringpower, for the purchase price of \$28,089. The offer includes a 5-year buy back option of \$35,000.

Approved per staff recommendation.

- D. Swoope Site Improvements Project Survey, Permitting and Design – Approve entering into a contract with Quentin Hampton and Associates for the survey, permitting and design of the Swoop Site Improvements Project in the unbudgeted amount of \$165,000.

Approved per staff recommendation.

- E. Real Estate Brokerage Services/Commercial Properties – Approve entering into a contract with Harkins Commercial, Inc. of Sanford, Florida to provide real estate brokerage services for commercial properties. There is no funding appropriated for the proposed contract as it is anticipated that costs would be paid with a portion of the proceeds from the sale or lease of properties.

Approved per staff recommendation.

- F. Gateway Features/Intersections of S.R. 44 and I-95 & S.R. 44 & Canal Street – Approve the awarding of the bid to Thadcon Construction for the construction of the S.R. 44/I-95 & S.R. 44/Canal Street Gateway Feature Project, for a cost of \$1,388,583.02.

Approved per staff recommendation.

- G. Chisholm High School Alumni Association/Wall Naming Project – Approve the award of \$2,100 to the Chisholm High School Alumni Association, to go toward a project at the Babe James Community Center, which is planned to list the names of every student, teacher, administrator, custodian and cafeteria employee that either worked or attended Chisholm High School.

Approved per staff recommendation.

- H. 8th Amendment to Agreement for Consulting Services/Airport Engineering Company (AEC) – Approve the 8th Amendment to the Consulting Services Agreement with Airport Engineering Company (AEC) in order to all the purchase and installation of fuel farm equipment at the municipal airport, at a budgeted cost of approximately \$240,000.

Approved per staff recommendation.

- I. Bid Award/Flagler Avenue & Fairway Circle Pipelining – Approve the award of bid to Miller Pipeline Corporation for the repair/replacement of stormwater pipelining on Flagler Avenue, from Peninsula Drive to North Atlantic Avenue; and, between 6 and 8 Fairway Circle, at a cost of \$279,935.

Approved per staff recommendation.

- J. Part-time Grants Specialist Position – Approve the funding of a part-time Grants Specialist position in order to centralize the grant process and to ensure compliance with grant award requirements.

Approved per staff recommendation.

VII. Ordinances – Second Reading and Public Hearings:

- A. Annexation: Strahman/1569 Lewis Lane – Conduct the second reading and final public hearing of the following ordinances, which if adopted, would annex and assign City land use to approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane, as requested by Peggy Strahman, owner.

1. Ordinance No. 113-11 – Annexing approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane.

Adopted as submitted, per staff recommendation.

2. Ordinance No. 114-11 – Amending the Comprehensive Plan by changing land use on approximately 5.32 acres generally located south of Lewis Lane, between Raylyn Drive and White Street at 1569 Lewis Lane from Volusia County Rural to City Rural land use designation.

Adopted as submitted, per staff recommendation.

- B. Ordinance No. 116-11/ Fire Pension Plan Restatement – Conduct the second reading and final public hearing of an ordinance, which if adopted, would amend and restate the City Firefighters' Retirement System.

Adopted as amended to reaffirm the length of Fire Pension Board member terms of appointment to two years.

- C. Ordinance No. 117-11/ Utilities Commission Series 2011 Revenue Certificates – Conduct the second reading and final public hearing of an ordinance, which if adopted, would approve the issuance by the Utilities Commission, City of New Smyrna Beach, of Utilities System Revenue Certificates in an aggregate principal amount not exceeding \$9,100,000.

Adopted as submitted, per staff recommendation.

- D. Ordinance No. 118-11/Budget Amendment – Conduct the second reading and final public hearing of an ordinance, which if adopted, would amend Ordinance No. 98-11, current expenses and capital outlay required by the City of New Smyrna Beach, during the fiscal year ending September 30, 2012.

Adopted as submitted, per staff recommendation.

VIII. Public Participation:

No action.

IX. Ordinances – First Reading:

- A. Ordinance No. 119-11/Budget Amendment – Conduct the first reading of an ordinance, which if adopted, would amend Ordinance Nos. 98-11 and 118-11, current expenses and capital outlay required by the City of New Smyrna Beach, during the fiscal year ending September 30, 2012.

Approved on first reading, per staff recommendation. Second reading and public hearing scheduled for the regular meeting on January 10, 2012.

X. Administrative Items/New Business:

- A. Resolution No. 49-11 – Consider adoption of a resolution supporting Police Officer and Firefighter Pension Plans and disability presumption reforms to make the plans sustainable, sound and secure for current and future police officers and firefighters.

Adopted per staff recommendation.

- B. Washington Street Streetscape Project – Discuss options and provide staff guidance regarding its recommendation to install a sidewalk on the north side of Washington Street, within the Florida East Coast Railway right-of-way for use as a railroad pedestrian crossing.

Staff directed to move forward with sidewalk infill on both sides of Washington, stopping on the south side of Washington Street on the west end of Demmick Street, and moving all the way east to U.S. Highway 1 (Dixie Freeway) on the north side of Washington Street. Staff further directed to begin the process to apply for funding from the Volusia County Transportation Planning Organization.

- C. Sub-recipient Agreement/Police Athletic League (P.A.L. Track Team) – Approve entering into a Sub-recipient Agreement with the Police Athletic League in order to reallocate Community Development Block Grant funds in the amount of \$5,000 from the remaining Pettis Park CDBG Funds to the P.A.L. track program.

Approved per staff recommendation.

- D. Extension of the “Teen Stipend” Program – Consider approval of a request from the K.C. Society to extending its “Teen Stipend” Program, as currently funded through the CDBG. The Community Development Block Grant Advisory Board and staff recommend funding be terminated and the remaining \$9,000 for the program be reallocated.

No action.

- E. Reallocation of CDBG Funds – Approve the recommended reallocation of CDBG Funds as follows: \$7,000 – Pettis Park Walkway; \$9,000 – Babe James Electronic Message Center Sign; and, \$23,307 – Replacement of dugouts at Pettis Park ball fields. If approved the reallocation would come from the following: \$5,000 – Boxing Program; \$5,000 – Track Program; \$9,307 – Teen Stipend Program; and, \$20,000 – Senior Stipend Program, all as recommended by the CDBG Advisory Board.

Approved per staff recommendation.

- F. Gateway Feature/Intersection of U.S. Highway 1 and Canal Street – Approve piggy-backing of the existing contract between the Florida Department of Transportation and Metric Engineering in the budgeted amount of \$38,554.85 for the submittal of a proposal to incorporate a gateway feature design at the intersection of U.S. Highway 1 and Canal Street. If approved, the project will be funded from CRA funds.

Approved per staff recommendation.

XI. Boards and Commissions:

- A. Building Trades Board – Consider the reappointment of two members to 3-year terms to expire January 1, 2015. The terms of members R. Grant Clark and Terry Harrison expire January 1, 2012.

Members R. Grant Clark and Terry Harrison was reappointed to three-year terms to expire January 1, 2015.

- B. Community Development Block Grant Advisory Board – Consider the appointment of a non-voting member to the remainder of a two-year term to expire March 29, 2013.

Robert Thomas was appointed as a non-voting member, to a term to expire March 29, 2013.

- C. Community Redevelopment Agency – Accept the resignation of member Thomas Williams.

Mr. Williams’ resignation was accepted, with regrets.

D. Planning and Zoning Board – Accept the resignation of member Laurene Herwald, and consider the appointment of a member to fill the vacant term to expire October 31, 2013.

Ms. Herwald's resignation was accepted, with regrets. Steven Casserly was appointed to fill Ms. Herwald vacant term that will expire October 31, 2013.

XII. City Manager's Report:

No action.

XIII. City Clerk's Report:

No action.

XIV. City Attorney's Report:

No action.

XV. Adjournment:

8:15 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 December 13, 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

January 2012

Mary Ave Streetscape Project – N Myrtle Avenue to US1:

Phase I is now complete and included amenities such as:

- 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 of the street 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

Esther St Park Improvements Project:

This project will be constructed in 3 phases including reconstructing the seawall, stormwater improvements to the area, and a new park facility.

Progress to date:

- The seawall project was awarded to SE Cline Construction for \$248,325 and will be completed by the end of April 2012
- The design for the new stormwater features and park facility are nearing completion.

Flagler Boardwalk Improvements Project:

The project was awarded to AG Pifer for \$899,495, expected to be complete by the end of April 2012, and includes amenities such as:

- Refurbished seawall and new cap
- New restroom facilities
- Refurbished pavilion
- Parking lot improvements with curbing and landscaping

Progress to date:

- The existing restrooms have been demolished
- The refurbishing of the pavilion is in progress
- Reconstruction of the seawall cap is in progress

Riverside Park Improvements Project:

The City received bids for this project and is expected to be awarded to C&L Landscaping for \$912,725 at the December 13, 2011 City Commission Meeting. This project includes amenities such as:

- Refurbished seawall
- Floating Docks
- New wood boardwalk and sidewalks
- New park lighting

Progress to date:

- Demolition of the existing boardwalk is in progress

Washington St Streetscape – N Myrtle Ave to US1:

The design for this project is nearing completion and the project will include amenities such as:

- Complete reconstruction of the stormwater system
- Complete reconstruction of the roadway with new curb
- New 5 FT sidewalks on both sides of the street
- Landscaping and irrigation
- Decorative streetlights

12/23/11
CT Tony
Ote by
1st class
mail (ncr)

December 23, 2011

Community Redevelopment Agency
City of New Smyrna Beach
210 Sams Ave
New Smyrna Beach, Fl 32168

Attn: Tony Otte

Tony,

By way of this letter, I hereby tender resignation, effective this date, of my seat on the New Smyrna Beach Community Redevelopment Agency. It has been my pleasure to serve for many years, and I'm proud of the accomplishments, we as a board have accomplished. Increased demands on my schedule while perusing career and business development opportunities make it difficult for me to continue on the Commission..

Sincerely,



Douglas Hodson



SUMMARY OF ACTION

REGULAR MEETING AGENDA
COMMUNITY REDEVELOPMENT AGENCY
WEDNESDAY, DECEMBER 7, 2011 AT 2:00 P.M.,
CITY COMMISSION CHAMBERS,
210 SAMS AVE. NEW SMYRNA BEACH, FL

1. CALL TO ORDER

2:00 PM

2. ROLL CALL

James Kosmas

Thomas Williams (resigned 12/2/2011)

James Peterson

John Kinney

Chad Schilsky – left at 2:20 pm

Melissa Latty – arrived at 2:55 pm

Doug Hodson – left at 4:10 pm

3. CONSENT AGENDA

A. Approval of Minutes – Regular CRA Meeting November 2, 2011

Approved as submitted

B. CRA 2012 Meeting Schedule

Approved with the exception of December. Meeting to be held December 5, 2012.

4. OLD BUSINESS

A. Event Insurance

No Quorum

B. Discussion of Expansion on the Independent Business Rental Move in Program

After discussion the CRA deferred this item to the joint CRA/CC meeting on January 18, 2012.

5. NEW BUSINESS

A. Bid Award for Flagler Ave Stormwater pipelining– Miller Pipeline

Withdrawn by staff.

B. US1 at Canal Street - Proposal to Design Hardscape Improvements – Metric Engineering

No Action. CRA asked for map of CRA portion; cost for in-house design work. Item to be brought back at future meeting.

C. Washington St Streetscape Sidewalk Project - Options on FEC Portion

No Action. CRA asked for graphic drawings and cost figures. Item to be brought back at next meeting.

D. Small Scale Improvements Grant –

1. 214 N. Orange Street – Napa Auto Parts

Approved as submitted.

E. Combined Grant –

1. 600 W. Canal Street – Kim’s food and Gas, Inc.

Approved as submitted.

2. 208 Magnolia Street – Fender Mender

Approved as submitted.

3. 306/308 N. Orange Street

Approved per the applicants request. Three (3) separate grants at \$20,000 to include cost for new roof.

F. Opportunity Site Designation Request –

1. 426 Canal Street

Approved as submitted.

2. 529-533 Washington Street

Approved as submitted.

G. Riverside Park Improvements Project – Utility Commission cost for Lighting

Approved as submitted.

H. CRA Grants Conflict

Denied.

L. Riverside Park Bids

Approved as submitted.

6. ADJOURNMENT

5:42 pm