

Community Redevelopment Agency

210 Sams Avenue • New Smyrna Beach, Florida 32168 • 386-424-2265 • FAX 386-424-2270

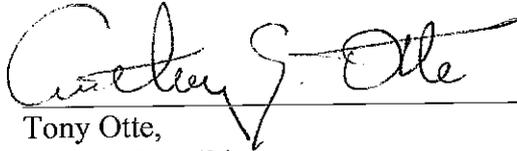
February 26, 2010

MEMORANDUM

Linda DeBorde, Chair
Steve Dennis, Vice Chair
James Kosmas
Doug Hodson
Charles Belote
Cynthia Lybrand
Thomas Williams

May this serve as your official notification of the **REGULAR MEETING** of the Community Redevelopment Agency to be held on **Wednesday, March 3, 2010 at 2:00 p.m.** The meeting will be held at the **City Commission Chamber, City Hall, 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,



Tony Otte,
Interim CRA Director

cc: Mayor and City Commission
City Manager
City Attorney
Volusia County
Members of the Press
Flagler Merchants Assoc.
MainStreet, Inc.
Public Notice

Attachment

**REGULAR MEETING AGENDA
COMMUNITY REDEVELOPMENT AGENCY
WEDNESDAY, MARCH 3, 2010 AT 2:00 P.M.,
CITY COMMISSION CHAMBERS, CITY HALL, 210 SAMS AVE.,
NEW SMYRNA BEACH, FLORIDA**

1. CALL TO ORDER

2. ROLL CALL

3. CONSENT AGENDA

A. Approval of Minutes – February 3, 2010

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. OLD BUSINESS

- A. Arts District Industry Overlay – Update
- B. Review of FDOT Draft Conceptual Plan – US1/Canal Street intersection
- C. CRA Commercial Impact Fee Assistance Program – Proposed Amendment
- D. W. Canal Streetscape and Drainage Improvements Project – Change Order #2

6. NEW BUSINESS

- A. Impact Fee Assistance Program Application – 113 S. Orange Ave
- B. New Smyrna Beach UCF Business Incubation Program

7. REPORTS AND COMMUNICATIONS

- A. Director's Report
- B. CRA Attorney Report
- C. Commissioner Report
- D. Correspondence
 - 1. Images – A festival of the Arts
 - 2. Amtrak Passenger Service Letters of Support

8. 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
COMMUNITY REDEVELOPMENT AGENCY
MEETING OF FEBRUARY 3, 2010
CITY HALL COMMISSION CHAMBERS,
210 SAMS AVE.
NEW SMYRNA BEACH, FLORIDA**

19 **Vice-Chair Steve Dennis called the CRA meeting to order at 2:00 p.m.**

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Answering to roll call:

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**Steve Dennis
Cynthia Lybrand
Doug Hodson
Charles Belote
Thomas Williams
James Kosmas**

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Also present were Tony Otte, Interim CRA Director; Michelle Martin, CRA Project Manager; Noeleen Foster, CRA Program Manager; Claudia Soulie, Administrative Specialist and Mark Hall, CRA Attorney. Chair Linda DeBorde was absent due to medical reasons.

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Mr. Dennis asked the Commission's consensus for granting Ms. DeBorde a medical leave of absence for a period of ninety (90) days from February 3, 2010.

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Mr. Belote made the motion to grant Ms. DeBorde a medical leave of absence for a period of ninety (90) days; seconded by Mr. Hodson. The motion carried on roll call vote 6 – 0.

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47

Mr. Dennis stated that item 6. E. (CRA Commercial Impact Fee Assistance Program – Amendment) under Old Business had been withdrawn by staff.

CONSENT AGENDA

A. Approval of Minutes – January 13, 2010

Mr. Hodson made the motion to approve the January 13, 2010 minutes as written, seconded by Mr. Williams. The motion carried on a roll call vote 6 – 0.

1. 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

Ruby Clark, representative for the Westside Neighborhood Group, stated that she had given a presentation to the CRA late last spring for a Myrtle Ave. Pilot Program, which proposed landscape/infrastructure improvements for Myrtle Ave. from Canal Street to

48 Mary Ave. Ms. Clark continued that she was working with staff to bring this project back
49 to the forefront and stated that the residents of this neighborhood had shown their support
50 of this program by attending several neighborhood meetings and participating in a recent
51 neighborhood cleanup. Ms. Clark thanked staff for their assistance.

52 Mr. Marc Monteson, 2006 S. Atlantic Ave. thanked the CRA for their financial support
53 of the Images of the Arts Festival that took place on January 30 and 31, 2010. Mr.
54 Monteson continued that this event had drawn a large crowd, which positively affected
55 local business.

56 Mr. Kosmas felt that expanding the event along Canal Street had been an excellent
57 decision.

58 Mr. Dennis stated that they had over 400 people go through the Visitor Center at the
59 Chamber of Commerce.

60 Mr. Bob Williams, President/CEO of Bert Fish Medical Center stated that the Hospital
61 Board had taken an action concerning the current hospital district payment due to the
62 CRA and he knew that the CRA was in receipt of the letter outlining the Hospital Board's
63 action, as it was going to be reviewed under New Business later in the meeting. Mr.
64 Williams stated that he was here today to help clarify why the SEVHD Board sent this
65 letter. Mr. Williams wanted to make it very clear that the Hospital District was and
66 remained extremely supportive of the efforts of the CRA to redevelop and improve the
67 community. Mr. Williams continued that in sending this letter to the CRA, the Hospital
68 Board was responding to significant vocal public input it had received from its residents
69 at their ad valorem tax process in the fall. Those citizens expressed concerns about the
70 transfer of Hospital District dollars to the CRA and had many questions about the
71 accountability of the Hospital District and the accountability of the CRA regarding those
72 dollars. Mr. Williams continued that the Hospital District would very much like to work
73 with the City/CRA to achieve an amicable resolution and was suggesting that this could
74 be accomplished through an Interlocal Agency Agreement, which was allowed and
75 anticipated for allowances in Chapter 163 of the Florida Statute. Mr. Williams felt that in
76 such an agreement, matters of future payments, use of the monies, and utilization of
77 existing CRA dollars could be dealt with. Mr. Williams continued that there was little, if
78 any benefit to the City, CRA and the Hospital District in resolving any dispute by
79 resorting to a legal process and the Hospital Board felt that, together, a mutually
80 beneficial agreement could be reached that would put the best interests of the Community
81 first. Mr. Bob Williams thanked the CRA for the opportunity to comment.

82 Hearing no further requests, Mr. Dennis closed the public participation portion of the
83 meeting.

84

85 **2. PRESENTATION**

86

87

A. Arts District or Cottage Industry Overlay District

88

89 Ms. Gail Henrikson, Chief Planner with the City of New Smyrna Beach, stated that staff
90 had been approached by Jennifer Kerr-Marsch, who proposed that the City consider
91 creating a zoning classification or revise its ordinances in order to allow home-based

92 industries and businesses throughout the City. Ms. Henrikson continued that the primary
93 concern was to allow artists to live and work from their residences and to allow them to
94 have a small retail facility from which to sell their art. Ms. Henrikson stated that Ms.
95 Kerr-Marsch provided information from Humboldt County, CA where cottage industry
96 regulations have been adopted. Ms. Henrikson continued that the City already allows
97 home-based businesses within the city limits of New Smyrna Beach with the stipulation
98 that the home address cannot be reflected on any advertising and that a sign cannot be
99 posted on the property. The overlay district would make allowances for this type of
100 advertising. Ms. Henrikson stated that staff, in addition to hearing any comments or
101 concerns, was particularly interested in receiving feedback on the following questions:

- 102
- 103 1. Are the current home occupation regulations sufficient or should additional
104 changes or new districts be created to allow increased opportunities for home-
105 based businesses?
- 106 2. If changes to the home occupation regulations were designed, should they be
107 applied City-wide or only in the existing historic district?
- 108 3. If a Cottage Industry Overlay District were to be created, should it be limited to
109 artists and businesses that would support an arts district or, should it be open to
110 any type of business?
- 111

112 Ms. Kerr-Marsch, 808 Magnolia Street, stated that she had a vision for New Smyrna
113 where the proposed Overlay districts could create additional revenue for the City and its
114 residents, which in turn would breed growth and a reputation for economic freedom. Ms.
115 Kerr-Marsch commented on what she felt to be the current limitations with the City's
116 home-based business regulations and explained the perceived benefits/possibilities of the
117 Overlay district. Ms. Kerr-Marsch suggested a series of workshops to inform potential
118 home-based business owners of the rules & regulations and do's & don'ts of the current
119 requirements. Ms. Henrikson and Ms. Kerr-Marsch thanked the CRA for their time and
120 consideration.

121

122 Commissioner Tom Williams was glad that this topic was being presented and stated that
123 the two (2) issues he faced when opening his local business were parking and ADA
124 requirements. Mr. Williams would like to see an alleviation of the current parking
125 requirements and, if possible, a review of the ADA requirements. Mr. Williams suggested
126 getting the Artists' input on which part of the City they may want to have this district
127 established.

128

129 Ms. Lybrand felt that parking was a difficult issue and the CRA needed to carefully
130 consider this, so that any changes would not cause a hardship for neighboring houses.

131

132 Mr. Komas felt that the CRA district may not be suited for such an overlay district and
133 suggested that areas on the Westside, outside of the CRA district, might be better suited.

134

135 Mr. Hodson inquired how the City would prevent basic offices from opening up in these
136 areas if an Artist overlay district was approved. Ms. Henrikson stated that an ordinance
137 could be drawn up that would require special review and approval for professional offices
138 to open up in an Arts Overlay district. Ms. Henrikson continued that staff was merely

139 proposing an Artist overlay district and that the CRA had the prerogative to broaden
140 those parameters

141

142 Mr. Belote asked who would determine what was considered as art. Ms. Henrikson stated
143 that this was a question that had previously been raised as art was subjective. Ms. Kerr-
144 Marsch felt that this was getting off subject, as current parameters already determined
145 this question and that the only difference would be the permission to advertise the
146 business address and post a 2x2 ft sign on the property.

147

148 Ms. Henrikson clarified the current City rules and regulations pertaining to home based
149 businesses.

150

151 Mr. Dennis liked the concept and suggested creating the artist district in the core area in
152 such a way that it promotes walk-ability.

153

154 Mr. Glenn Storch stated that art districts have been successful in other towns and if a
155 standard for art could be created than this would be a great benefit and viable concept for
156 New Smyrna.

157

158 Ms. Henrikson thanked the CRA for their direction and stated that she would present
159 draft regulations and an overlay map to the CRA at their March 3, 2010 meeting.

160

161 Mr. Belote asked if the CRA was only to make a recommendation and not an approval,
162 which Mr. Dennis affirmed.

163

164

165 **3. OLD BUSINESS**

166 **A. CRA Plan Update – Additional Information**

167

168 Mr. Pete Sechler, Principal with AECOM (fka Glatting Jackson) stated that he and his
169 team, in conjunction with CRA staff, were working on refining the Community
170 Redevelopment Plan update to strike the right balance between the report and the
171 appendix piece, which supported the report and included all manner of discussion during
172 the evaluation process (e.g. elaborate on intent of narratives, find already implemented
173 examples for form-based codes). Mr. Sechler continued that he would like the CRA's
174 input for finalization of the report.

175

176 Mr. Belote and Mr. Dennis were concerned that the dollar amounts and ranking priorities
177 associated with the projects in the report might give the impression that the CRA had
178 committed to spending the indicated amount for each project. Mr. Sechler suggested
179 changing the name from *cost estimates* to *preliminary budget figures* and only reflecting
180 them in the appendix to avoid any misinterpretation.

181

182 A brief discussion ensued about how the priority ranking, the dollar amounts and the
183 project score were derived, their purpose, their importance, the use of possible Grant
184 monies and suggestions for making the report/appendices more understandable to the end
185 user.

186 Ms. Lybrand stated it was important to be informed whether or not any of these projects
187 could be subsidized by a grant or partnership and that this information should be reflected
188 in the actual report.

189
190 Mr. Kosmas felt that removing the project priority ranking from the report would allow
191 the CRA more flexibility in selecting projects on the list based on an economic viability
192 versus a perceived numerical importance.

193
194 Mr. Sechler summarized the CRA's suggestions as follows:

- 195
- 196 • Keep the A, B and C prioritization but take the numerical priority ranking, cost
197 figures and subtotal information out of the report and only indicate them in the
198 appendix piece. Delete the scores completely as they were not statistically valid.
 - 199
 - 200 • Indicate each project with an asterisk or indentation for the potential of grant or
201 partnership funding
- 202

203 Mr. Belote pointed out a few scrivener errors and Mr. Sechler stated that the document
204 would be thoroughly reviewed prior to its publication.

205
206 Mr. Dennis and Mr. Kosmas complimented Mr. Sechler on getting all the conceptual
207 conversations and ideas presented over the past ten months into this report in such a
208 concise fashion.

209
210 Mr. Sechler stated that he had received incredible Community input and thanked
211 everybody for their time and effort.

212
213 **Mr. Hodson made the motion to approve the proposed Community Redevelopment**
214 **Plan update pending the inclusion of the changes discussed in the meeting and to**
215 **authorize staff to accept those changes to move forward, seconded by Mr. Williams.**
216 **Motion carried on roll-call vote 6-0.**

217
218 Mr. Otte stated that it had come to his attention that some projects on the Plan update list
219 had inadequate to no funding and he suggested holding a special meeting on February 17,
220 2010 to fine-tune these budget issues.

221
222 Ms. Dennis acknowledged Ms. Purkiss in the audience and stated that he was not able to
223 call on her during a vote. He offered her to come to the Podium to address the CRA now
224 that the roll had been called.

225
226 Ms. Purkiss questioned the CRA's action on taking out all the ranking information and
227 asked for clarification, as she felt that this information had been derived through several
228 public meetings.

229
230 Mr. Dennis explained that this information was only removed from the Plan Update
231 report, but was still indicated in the appendices. Mr. Dennis continued that these two

232 documents completed each other and that this information was readily available for
233 public review.

234
235 Mr. Sechler clarified that the A, B and C letter ranking of the projects would remain in
236 the report, the cost figures were going to be re-described as preliminary budget figures
237 and that all this would be listed in the appendix as well. Mr. Sechler continued that the
238 specific 1 – 30 rankings would remain in the appendix, but would not be listed in the
239 report.

240
241 B. Flagler Avenue Hotel - Update

242
243 Mr. Otte commented on the activity that had occurred since the January 13, 2010 CRA
244 meeting:

- 245
- 246 • CRA attorney had prepared a draft contract between Coronado Methodist Church
247 (owner of parking lot) and the City of New Smyrna Beach for the leasing of
248 parking spaces at the lot across from the proposed Hotel project
 - 249
 - 250 • the attorney for the developer had submitted a letter that outlined the “milestones”
251 for the project
 - 252
 - 253 • the New Smyrna City Manager and Mr. Otte had prepared a letter outlining all
254 activities to date and what possible actions were contemplated in the near future
 - 255
 - 256 • The City Commission approved rezoning of the property and a related agreement
257 at their January 26, 2010 meeting.

258
259 Attorney Glenn Storch, Law Firm Storch, Morris and Harris representing the Developer,
260 informed the CRA of all the necessary permits and approvals that had to be obtained and
261 all agreements that needed to be entered into in order to proceed with the proposed hotel
262 project and stated that progress was being made and welcomed any questions the CRA
263 Commissioners may have.

264
265 Mr. Kosmas asked for clarification on the discrepancy between the annual TIF figures
266 listed in Mr. Otte’s letter and Mr. Storch’s verbal report. Staff and Mr. Storch will
267 investigate on how each side arrived with those figures.

268
269 Mr. Kosmas would like to see more details about possible parking issues and how CRA
270 staff and the developer proposed to resolve them.

271
272 Mr. Dennis cautioned that the CRA would be obligated to pay the lease for the parking
273 spaces between the CRA and Cormeth, even if the Developer decided to seek parking
274 elsewhere. Mr. Otte and Mr. Storch both commented that the Developer would sign a
275 “mirror” parking lease agreement to protect all parties involved.

276

277 Ms. Lybrand inquired about a comment that was made at a subsequent CRA meeting that
278 this property owned by Cormeth might be deed restricted and inquired if staff had looked
279 into this.

280
281 Mr. Otte stated that he had had conversations with the Pastor of this Church and was
282 informed that they were no restrictions.

283
284 A brief discussion ensued about how many public parking spaces were in the parking lot
285 and how many would be committed to the Hotel.

286
287 Mr. Dennis inquired when the CRA could expect further updates. Mr. Storch felt that he
288 would be able to have an update to the CRA at their March meeting.

289
290 **Mr. Hodson made the motion to approve the proposed Community Redevelopment**
291 **Plan update pending the inclusion of the changes discussed in the meeting and to**
292 **authorize staff to accept those changes to move forward, seconded by Mr. Williams.**
293 **Motion carried on roll-call vote 6-0.**

294

295 C. Environmental Assessment Engineering Services - Agreement

296
297 Mr. Otte stated that staff had developed an Environmental Assessment Engineering
298 Services Agreement to enter into an umbrella contract with the four final environmental
299 services firms (Kimley-Horn, Nodarse, Concurrent Technologies Corporation (CTC), and
300 Environmental Consulting Technologies (ECT). Mr. Otte continued that this agreement
301 did not commit the CRA to any specific expenditures or work, but simply set up the
302 contractual relationship through which the CRA could hire each firm.

303
304 Mr. Otte stated that staff had also prepared a scope of work for 533 Canal Street for CTC
305 under this proposed agreement to, among other things, obtain funding and develop a site
306 remediation plan.

307
308 Mr. Otte recommended that the CRA approve the Environmental Assessment and
309 Engineering Services Agreement (pending CRA/ City Attorneys review), the proposed
310 scope of work for cleanup of 533 Canal Street and staff being able to authorize minor
311 changes in said agreements to facilitate implementation.

312
313 Mr. Otte continued that the City had been approved for a federal grant for citywide site
314 assessments/cleanup plan implementation as well as a State grant for cleanup work at 533
315 Canal Street. The City had received a demolition cost estimate of \$10,000.00 and Mr.
316 Otte stated that the funding options needed to be discussed.

317
318 **Mr. Hodson made the motion to approve the draft environmental engineering**
319 **services agreement to be used as an umbrella contract for the four (4) selected firms**
320 **and authorize the CRA Chair to sign it, as well as to approve the Scope of work for**
321 **CTC seconded by Mr. Williams. Motion carried on roll-call 6 – 0.**

322
323

324
325 D. Flagler Dunes Property – Agreement Points
326

327 Commissioner Williams abstained from voting on this agenda item due to a conflict of
328 interest and completed FORM 8B MEMORANDUM OF VOTING CONFLICT
329 (attached).

330
331 Mr. Otte reiterated that the CRA, at their January 9th, 2010 meeting, authorized staff to
332 pursue discussion with the owner of the Flagler Dunes property who wished to partner
333 with the CRA to create a parking lot on this property. Mr. Otte continued that
334 “Agreement Points” had been identified as follows:
335

- 336 1. The CRA would pay for the construction of the lot on the property owned by the
337 other party to the agreement.
338
- 339 2. The owner would then provide a lease of the parking spaces to the CRA.
340
- 341 3. The term of the lease would be determined once the lease amount per space was
342 formulated. For example, if the CRA pays \$50,000 to construct the lot and the
343 lease amount per space is \$500, and the lot contains 20 spaces, each year the CRA
344 would have received a value of \$10,000 of leased spaces. The term of the lease in
345 this example was five years, as it would take 5 years to “use up” the lease value of
346 \$500 per space for 20 spaces.
347
- 348 4. If the owner wished to terminate the lease, the owner would pay the CRA
349 whatever value was remaining in the lease.
350

351 Mr. Belote asked if there was any restrictive use on this lot or if it was open to the general
352 public. A brief discussion ensued about two (2) separate parcels being involved in this
353 agreement, parking space designation or non-exclusive use and that these questions could
354 be answered in detail in the actual lease agreement to be brought back before the CRA at
355 a subsequent CRA meeting.
356

357 **Mr. Hodson made the motion to approve the suggested “Agreement Points” to be**
358 **included in the lease agreement to be drawn up by the CRA Attorney and to**
359 **authorize the CRA Chair to sign it, seconded by Ms. Lybrand. Motion carried on**
360 **roll-call vote 5-0. Mr. Williams abstained.**
361

362
363 E. CRA Commercial Impact Fee Assistance Program – Amendment
364

365 Withdrawn by staff.
366

367 F. Riverside Park project – Update
368

369 Mr. Otte stated that a meeting was held with City staff to discuss concerns with the
370 seawall and the light fixtures at Riverside Park. Mr. Otte continued that an amount of
371 \$400,000 was allocated by the CRA for the preparation of construction plans to address

372 those concerns. Mr. Khalid Resheidat, PW Director and Kyle Fegley, City Engineer were
373 present to talk on this topic.

374
375 Mr. Kyle Fegley stated that the Riverside Park project consisted of the currently ongoing
376 Phase I (design and permitting) and the proposed Phase II (construction). Mr. Fegley
377 commented on the costs for Phase I and stated that half of that amount was supported by
378 a Florida Inland Navigation District (FIND) grant based on the premise that City staff
379 would provide a signed contract for Phase II allowing for better access to the intercoastal
380 waterway. Mr. Fegley stated that FIND also agreed to fund half of Phase II, but staff did
381 not have that in writing. Mr. Fegley felt that staff might be able to have more details
382 “Mini Master Plan” to the CRA for review at their March 3rd, CRA meeting.

383
384 A brief discussion ensued about the benefits of mooring fields and floating docks as well
385 as staff researching any and all grant opportunities that might be available for this project.

386
387 Mr. Belote inquired about the general condition of the Manatee playground in Riverside
388 Park. Mr. Resheidat stated that it was in fair condition and that the “Mini Master Plan”
389 would also include the playground.

390
391 Mr. Fegley and Mr. Resheidat thanked the CRA for their time.

392
393

394 4. NEW BUSINESS

395

396 A. Property Improvement Grant Application – 113 S. Orange Ave

397

398 Ms. Foster stated that the application (Panheads Pizza) had received the necessary points
399 and qualified for the CRA Property Improvement Grant. Mr. Foster asked if the CRA had
400 any questions.

401

402 **Mr. Hodson made the motion to approve that the Property Improvement Grant**
403 **application for 113 S. Orange Ave (Panheads Pizza), seconded by Ms. Lybrand.**
404 **Motion carried on roll-call vote 6-0.**

405

406

407 B. Review of the January 28 letter from the Southeast Volusia Hospital District

408

409 Mr. Dennis commented on a reference that Mr. Williams (Bert Fish President/CEO) had
410 made during the Public Participation portion of the meeting about the Hospital and the
411 CRA coming to an Interlocal Agency agreement and continued that these Trust Fund
412 payments were generated and required by Florida statues. Mr. Dennis continued that he
413 was not opposed to any discussions but felt that the CRA did not have the authority to
414 negotiate these contributions.

415

416 Mr. Hall stated that the Vice-Chair was accurate in his statement and continued that he
417 had created a draft response to the letter from Bert Fish Medical Center Chair dated

418 January 28, 2010 in which it was indicated that the SEVHD believed it should not be
419 required to submit this requested contribution. Mr. Hall asked the CRA to approve his
420 draft response letter be forwarded to the SEVHD's counsel informing them of their
421 obligations.

422
423 Ms. Lybrand inquired if the SEVHD did not have any recourse about the contributions,
424 since they did not come forward before their Ad Valorem taxes were certified. Mr. Hall
425 concurred.

426
427 Mr. Dennis asked if an Interlocal Agency agreement would supersede Florida Statutes.
428 Mr. Hall stated that this agreement would be under Florida Statutes and, as the City
429 Commission had reserved those powers, any proposed agreement would more than likely
430 be between the City Commission, the CRA and the SEVHD.

431
432 Mr. Tolley asked that the CRA Attorney read his draft response letter for the record
433 (letter attached).

434
435 Mr. Kosmas stated that he was surprised by the Hospital's actions pertaining to those
436 contributions, given the past working relationship between the CRA and the Hospital and
437 the CRA's willingness to invest in the redevelopment of the Hospital District,

438
439 Mr. Williams, Bert Fish CEO, felt that Mr. Kosmas' comments be best made before the
440 Hospital Board.

441
442 **Mr. Belote made the motion to approve that the CRA Attorney's response letter**
443 **dated February 3, 2010 be forwarded to the SEVHD's counsel, seconded by Mr.**
444 **Hodson. Motion carried on roll-call vote 6-0.**

445
446 Mr. Tom Williams asked if he could bring up a topic at this point due to the late hour of
447 this meeting. Mr. Williams presented two (2) art pieces that were purchased during the
448 recent Images – A festival of the Arts event and elaborated on the artists. Mr. Williams
449 stated that both pieces depicted Volusia County art from Volusia County Artists.

450
451 C. Myrtle Ave Project – Discussion

452
453 Mr. Otte stated that he put this item on the agenda to keep it “on the radar” and that he
454 would bring this item back to the special CRA meeting scheduled for February 17, 2010
455 for possible funding approval.

456
457 Ms. Martin stated that this project originally started out as a Pilot Program, where the
458 CRA would partner with the Westside Community agreeing that the CRA would provide
459 landscape materials and the Community would install/maintain.

460
461 Ms. Martin continued that Mt. Olive Primitive Baptist Church and Parsonage, Pleasant
462 Grove Baptist Church and New Hope Baptist Church were selected as three (3) key areas
463 where to commence this pilot program. Ms. Martin stated that it was proposed to re-
464 landscape/hardscape existing “corner-clip” areas at the SW corner of Myrtle Ave and

465 Washington St, the NE corner of Myrtle Ave and Washington St, and the SW corner of
466 Myrtle Ave and Mary Ave. The landscaping and hardscaping features would be furnished
467 and installed by the CRA and maintained by the churches. The responsibility for the cost
468 of irrigation had not yet been determined. Staff would draft letters of Agreement to get
469 the Churches, as well as the Community, involved in the effort.
470

471 Ms. Martin stated that another concept could be Myrtle Ave Right-of-Way (R/W)
472 Improvements, from West Canal Street to Mary Avenue, to obtain a 2 FT sidewalk
473 easement on the west side of the roadway, widen the shoulder by 2 FT and relocate the 4
474 FT sidewalk to the new west R/W line with a 2 FT utility strip for street trees and ground
475 cover, install irrigation, replace the west curbing, and resurface the roadway.
476

477 The Westside Community had just started a planning process to develop a neighborhood
478 plan for the area. The initial meeting was held on Monday, January 25, and was well
479 attended.
480

481 Mr. Otte stated that this agenda item was for informational purposes only and asked that
482 the CRA continue this item and that staff would bring back a more detailed plan and
483 budget figures at the special CRA meeting scheduled for February 17, 2010.
484

485 Mr. Williams liked the improvement concepts; however he had some concerns that the
486 easements may affect the properties' front yard setbacks and made them non-conforming.
487 Mr. Williams suggested verbiage in the easement agreement to grandfather-in these
488 properties so they could be re-built without any issues should the need arise in the future
489 (e.g. damaged by fire). Mr. Otte stated that staff would check into this, but stated that in
490 his experience, this was not typically an issue.
491

492 Mr. Kosmas stated that, in his experience with title actions, it could be a daring task to
493 locate ownership and encumbrances in older, more established neighborhoods and
494 suggested a preliminary title search of the properties in question to determine if an
495 easement request was even feasible.

496 Mr. Hall stated that typically a base map survey was being created to establish an
497 ownership/encumbrances list.
498

499 Ms. Martin stated that, in addition to the Pilot program, there were three (3) additional
500 projects proposed for different areas of Myrtle Ave., of which two (2) were listed in the
501 recent Redevelopment Plan update and one (1) was delegated to Public Works. Ms.
502 Martin stated that she already had a survey for West Canal Street to Mary Ave. and
503 suggested that all parties involved could get together and combine their efforts.
504

505 Mr. Belote inquired if combining everything into on larger project versus several smaller
506 ones might impact ease of funding and implementation.
507

508 Ms. Lybrand asked if Mr. Hall would start on the process of the title search and Mr. Hall
509 stated that he would coordinate with staff to have a listing of ownerships to the CRA by
510 their special meeting on 02/17/10 or at their regular meeting on March, 3rd.
511

512 Mr. Williams clarified that the CRA's decision to remove the project priority ranking
513 numbers from the Redevelopment Plan update was done in an effort to be able to pick
514 projects from the list without being bound by a ranking number. Mr. Williams continued
515 that detailed information would remain in the appendices to the Plan update.

516

517 Mr. Kosmas addressed Ms. Purkiss during the Myrtle Ave. discussion reassuring her that
518 having taken the rating numbers out of the report would not negatively affect any
519 projects, and it could even be beneficial.

520

521 **Mr. Kosmas made the motion to direct staff to continue working with Neighborhood**
522 **representatives and put together a proposal, including easement research, and**
523 **present it to the CRA at their February 17, 2010 special meeting, seconded by Mr.**
524 **Hodson. Motion carried on roll-call vote 6-0.**

525

526 D. Temporary Parking lot use agreement – corner of Julia and Lewis Streets

527

528 Ms. Martin stated that staff had been approached by Hanson Professional Services, Inc
529 asking permission to use fifteen (15) parking spaces in the CRA parking lot at the corner
530 of Julia Street and Lewis Street for overflow parking from late February until late August
531 2010 during one of their construction projects. Ms. Martin continued that the contractor
532 was made aware that no construction material or equipment was to be stored in this lot.

533

534 Mr. Dennis asked that the contractor be informed that the CRA normally charges \$150
535 per space and that they would waive this charge.

536

537 **Mr. Williams made the motion to approve the temporary parking lot use agreement**
538 **for Hanson Professional Services, Inc. as presented by staff and waive the \$150 per**
539 **space/per year fee, seconded by Ms. Lybrand. Motion carried on roll-call vote 6-0.**

540

541

542 E. Amtrak/FEC Corridor / FDOT Plans for US1 and Canal Street

543

544 Amtrak/FEC Corridor

545

546 Chad Lingenfelter, the City's transportation planner and representative on the Volusia
547 County Metropolitan Planning organization Technical Coordinating Committee, stated
548 that he and other staff had attended a meeting in Daytona Beach and were informed that
549 an application to re-establish passenger rail on the FEC track between Jacksonville and
550 Miami had been submitted for ARRA funding. Mr. Lingenfelter continued that Daytona
551 Beach was identified as one of eight stations. Mr. Lingenfelter stated that he had assessed
552 New Smyrna's unique position to develop a proposal for the next phase of station
553 development. This proposal would enable New Smyrna Beach to approach local and state
554 representatives for project support to acquire a train station on the corner of Canal Street
555 and US1.

556

557 The CRA was supportive of the idea. Mr. Otte stated that this was an informational item
558 only and no action was required of the CRA.

559 Flare Elliott, 421 Canal Street, felt that Mr. Lingenfelter did a terrific job and stated that
560 this project called for grass-root support in terms of contacting local legislatures. Ms.
561 Elliott continued that support forms were available and asked the CRA to formally
562 endorse this project.

563

564 **Ms. Lybrand made the motion to authorize the CRA Vice-Chair to sign the**
565 **endorsement letter showing CRA support, seconded by Mr. Hodson. Motion carried**
566 **on roll-call vote 6-0.**

567

568 Mr. Lingenfelter thanked Ms. Elliott for her input.

569

570 FDOT Plans for US1 and Canal Street

571

572 Mr. Lingenfelter stated that FDOT was conceptualizing what kind of improvements
573 would need to be made at the corner of US 1 and Canal Street. Mr. Lingenfelter gave a
574 brief history on a study that was performed in 1999 for possibilities of handling
575 increasing traffic in fairly constrained intersections from Ormond Beach to Edgewater.
576 Mr. Lingenfelter continued that US1/Canal Street was one of the sixteen (16)
577 intersections on the priority list and that this presented a real opportunity to re-evaluate
578 the look and function of this intersection.

579

580 Mr. Dennis thanked Mr. Lingenfelter for this update.

581

582 **5. REPORTS AND COMMUNICATIONS**

583

A. Director's Report

584

585 Mr. Otte stated that he had initiated a meeting with Mr. Bob Williams, Bert Fish CEO, to
586 discuss a possible project in conjunction with the CRA Plan update and asked the CRA's
587 opinion if he should continue meeting with Bert Fish in lieu of the recent TIF payment
588 issues between the Hospital and the CRA.

589

590 Mr. Dennis felt that the CRA should continue to follow the plan update and asked the
591 CRA for a consensus. The CRA agreed.

592

593 Mr. Sechler asked to speak on the US 1 and Canal Street intersection item and wanted to
594 make the CRA aware that FDOT had one mission, which was to make regional traffic
595 faster and carry more vehicles per hour. Mr. Sechler continued that Communities had the
596 right to choose what they believed to be an acceptable level of service and that, when
597 FDOT spoke of improvements it meant improvements to their mission of moving more
598 cars - faster. Mr. Sechler felt that an important focus of this intersection would be a
599 pedestrian crossing and a gateway. Mr. Sechler stated that maintaining a property depth
600 for the Dunn Lumber property, that would keep it developable, was very important and
601 should be considered.

602

603 Mr. Dennis thanked Mr. Sechler for his comments and stated that they were well taken.

604

605

B. Commissioner Report

606

607 Mr. Williams stated that he had a great time attending Images – A Festival of the Arts
608 and in selecting the artwork.

609

610 Ms. Lybrand felt that the US1 intersection needed a turning lane to make it safer and that
611 was one of the reasons the CRA had acquired the Dunn Lumber property.

612

613 Mr. Belote pointed out that one of the lights at the entrance to the Administrative Office
614 building had gotten run over some time ago and a cone had been simply placed over
615 it. Mr. Belote asked for it to be fixed. Mr. Belote also commented on a non-conforming
616 sign that was attached to a stop sign in that same area and felt that removing it would help
617 improve the look.

618

619 Mr. Dennis suggested that Mr. Sechler be included into discussions/negotiations of
620 incentives and land conveyance pertaining to the proposed Flagler hotel.

621

622 **Mr. Williams made the motion to include Pete Sechler with AECOM in discussions**
623 **of incentives and land conveyance for the proposed Flagler hotel as they proceed**
624 **over the next thirty (30) days, seconded by Mr. Hodson. Motion carried on roll-call**
625 **vote 6-0.**

626

627 Mr. Belote was under the impression that another firm had been retained on a consulting
628 level. Mr. Otte stated that RCLCO was under contract with the CRA to review the
629 financial aspects of the developer's sale/purchase agreement.

630

631 Mr. Dennis commented on CRA Chair health status of Ms. DeBorde. The CRA
632 Commissioners took up a donation.

633

634

635

636 **ADJOURNMENT**

637

638 **A motion was made to adjourn; all agreed. Meeting adjourned at 5:23 pm.**

639

640

| FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS | |
|--|---|
| LAST NAME—FIRST NAME—MIDDLE NAME <i>Williams, Thomas Calvin</i> | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>CRA</i> |
| MAILING ADDRESS <i>206 Live Oak St.</i> | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY |
| CITY <i>N.S.B FL 32168</i> COUNTY <i>Volusia</i> | NAME OF POLITICAL SUBDIVISION: |
| DATE ON WHICH VOTE OCCURRED <i>02/03/2010</i> | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE |

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas C Williams, hereby disclose that on February 3, 20 10:

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

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

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

Date Filed

2/3/2010

Signature

Thomas C Williams

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

ATTORNEY AT LAW

MARK R. HALL, P.A.

CERTIFIED MEDIATOR

TELEPHONE
(386) 423-1221

124 FAULKNER STREET
NEW SMYRNA BEACH, FLORIDA 32168-7018

FAX (386) 423-2232
E-MAIL: mark@mhalla.com

February 3, 2010

VIA EMAIL AND
FIRST CLASS MAIL

James F. Heekin, Jr.
Lowndes, Drosdick, Doster,
Kantor & Reed, P.A.
P.O. Box 2809
Orlando, FL 32802-2809

RE: Southeast Volusia Hospital District

Dear Mr. Heekin:

I am counsel for the Community Redevelopment Agency, City of New Smyrna Beach, Florida. In that capacity, this correspondence constitutes formal notice that the Southeast Volusia Hospital District action taken January 28, 2010 denying payment of the required contribution in the amount of \$787,421.00 was void ab initio for failure to comply with the Public Records and Open Meetings Laws.

The Southeast Volusia Hospital District relied on and acknowledged its obligation to make its contribution to the Community Redevelopment Agency Trust Fund when the District calculated, published, levied and certified its ad valorem property tax millage in September, 2009. The District has now received substantially all the property tax revenues which it levied in order to pay its contribution.

Pursuant to Section 163.387, Florida Statutes, the Southeast Volusia Hospital District's contribution to the Community Redevelopment Agency Trust Fund was due on or before December 31, 2009.

Pursuant to that same statute, "any taxing authority that does not pay the increment to the trust fund by January 1 shall pay to the trust fund an amount equal to 5 percent of the amount of increment and shall pay interest on the amount of increment equal to 1 percent for each month the increment is outstanding."

Demand is hereby made for payment in the amount of \$787,421.00 plus the 5 percent due in the amount of \$39,371.05, plus 1

James F. Heekin, Jr.
February 3, 2010
Page 2 of 2

percent interest for January, 2010 and February, 2010 in the amount \$15,748.42.

The Agency has no authority to waive interest and penalties. See Daytona Beach Community Redevelopment Agency Operational Audit Report No. 2008-036 issued by Auditor General David W. Martin, CPA.

Demand is hereby made for immediate payment of the funds due. Otherwise, proper legal action will be commenced, including issuance of a writ of mandamus requiring the Southeast Volusia Hospital District Board of Commissioners to uphold the public trust and pay the statutory amounts due.

Sincerely,

MARK R. HALL, P.A.



Mark R. Hall, Attorney
Community Redevelopment Agency,
City of New Smyrna Beach

MRH/cg

CC: City Clerk, Johnny Bledsoe, for City Commission
CRA
City Manager, Pam Brangaccio
City Attorney, Frank B. Gummey, III
Interim CRA Director, Anthony Otte
Finance Director, Carol Rogers, CPA

OLD BUSINESS

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

SUBJECT: Arts District Overlay _____

AUTHORIZED BY: Tony Otte *TO* CONTACT: _____

AGENDA DATE: March 3, 2010 REGULAR CONSENT

MOTION/RECOMMENDATION:

Planning staff is requesting input from the CRA on the draft regulations and proposed districts.

BACKGROUND:

See attached Memorandum from Gail Henrikson dated February 17, 2010.

Interoffice Memorandum

City of New Smyrna Beach

To: Planning and Zoning Board Members

From: Gail Henrikson, AICP, Chief Planner – Land Development

CC: Anthony Otte, Interim CRA Director
Jake Baker, Planner

Subject: **Arts District Overlay**

Date: February 17, 2010

BACKGROUND

At the February 1, 2010 Planning and Zoning Board meeting, staff presented information regarding a proposed Arts District to the Board. Examples were provided of similar districts that have been established in Bradenton and Melbourne. At that time, staff asked each Board member to address the following questions:

1. Are the current home occupation regulations sufficient or should additional changes or new districts be created to allow increased opportunities for home-based businesses?
2. If changes to the home occupation regulations are desired, should they be applied City-wide or only in the existing National Register historic districts?
3. If a Cottage Industry Overlay District were to be created, should it be limited to artists and businesses that would support an arts district or, should it be open to any type of business?

Staff also presented the same information to the Community Redevelopment Agency (CRA) Board on February 3, 2010 and to the Historic Preservation Commission (HPC) on February 10, 2010. In addition to the questions posed to the Planning and Zoning Board, staff also asked for additional input regarding parking requirements for home businesses in a potential Arts District.

BOARD RECOMMENDATIONS

Overall, the members of all three boards were receptive to the general idea of creating an Arts District. While no one board delineated a clear boundary, the general consensus was that whatever district is created should be walkable and compact. The boards generally agreed that applying an overlay to the entire Mainland National Register Historic District or the entire CRA district would not

create a walkable arts district. The recently released Proposed Economic Development Plan drafted by the Mayor and community stakeholders, recommends creating an Art Overlay District that encompasses Canal Street, Flagler Avenue and Art Center Boulevard.

With regard to parking, there was no clear consensus from any of the board members. Responses ranged from allowing Art District businesses to demolish existing adjacent homes to create parking lots, to not requiring any additional parking at all. Other parking suggestions included allowing patrons to park in the home's driveway during the hours of 9:00 a.m. to 5:00 p.m.; allowing patrons to park on the street; and requiring a reduced ratio of on-site parking.

WHAT IS AN OVERLAY DISTRICT?

There are currently two types of overlay districts that are listed in the City's Land Development Regulations. The first type of overlay district is an enabling district, for example, the Historic Building Overlay District or Workforce Housing Overlay District. This type of overlay district exists on paper in the LDR, but isn't applied to any specific piece of property until the Planning and Zoning Board and City Commission review and approve a request to apply it to a specific site. This review and approval is done through the rezoning process.

The second type of overlay district found in the City is geographical. An example of this is the Corridor Overlay Zone. This type of overlay district not only exists on paper, but is also applied to properties within a certain area along State Road 44 and U.S. 1 and shown on the City's official zoning map. Property owners in this area do not have to go through a separate rezoning process to have the Corridor Overlay Zone applied to their properties – it is already there.

The proposed Arts Overlay District would be a geographical district, similar to the Corridor Overlay Zone. Every property within the overlay district would be able to take advantage of the additional economic opportunities available within the district.

SUMMARY OF DRAFT REGULATIONS

In reviewing the possible boundaries for an Arts District, staff identified three potential areas that would be suitable for this type of overlay district. All three of the potential districts are centered on an area that already has a Mixed-Use zoning designation. However, each of these areas also includes additional residentially-zoned property that is within easy walking distance from the center of the MU district. These areas are shown on the maps attached as **Exhibit A**.

Using the input obtained from the Planning and Zoning Board, CRA and HPC, staff has prepared a set of draft regulations for the overlay district. The regulations address the following items:

February 17, 2010
Arts District Overlay

- Signage
- Parking
- Permitted Uses and Conditional Uses
- Hours of Operation
- Employees

The draft regulations are based upon the highly successful Village of the Arts on Bradenton. A copy of the draft regulations is attached as **Exhibit B**.

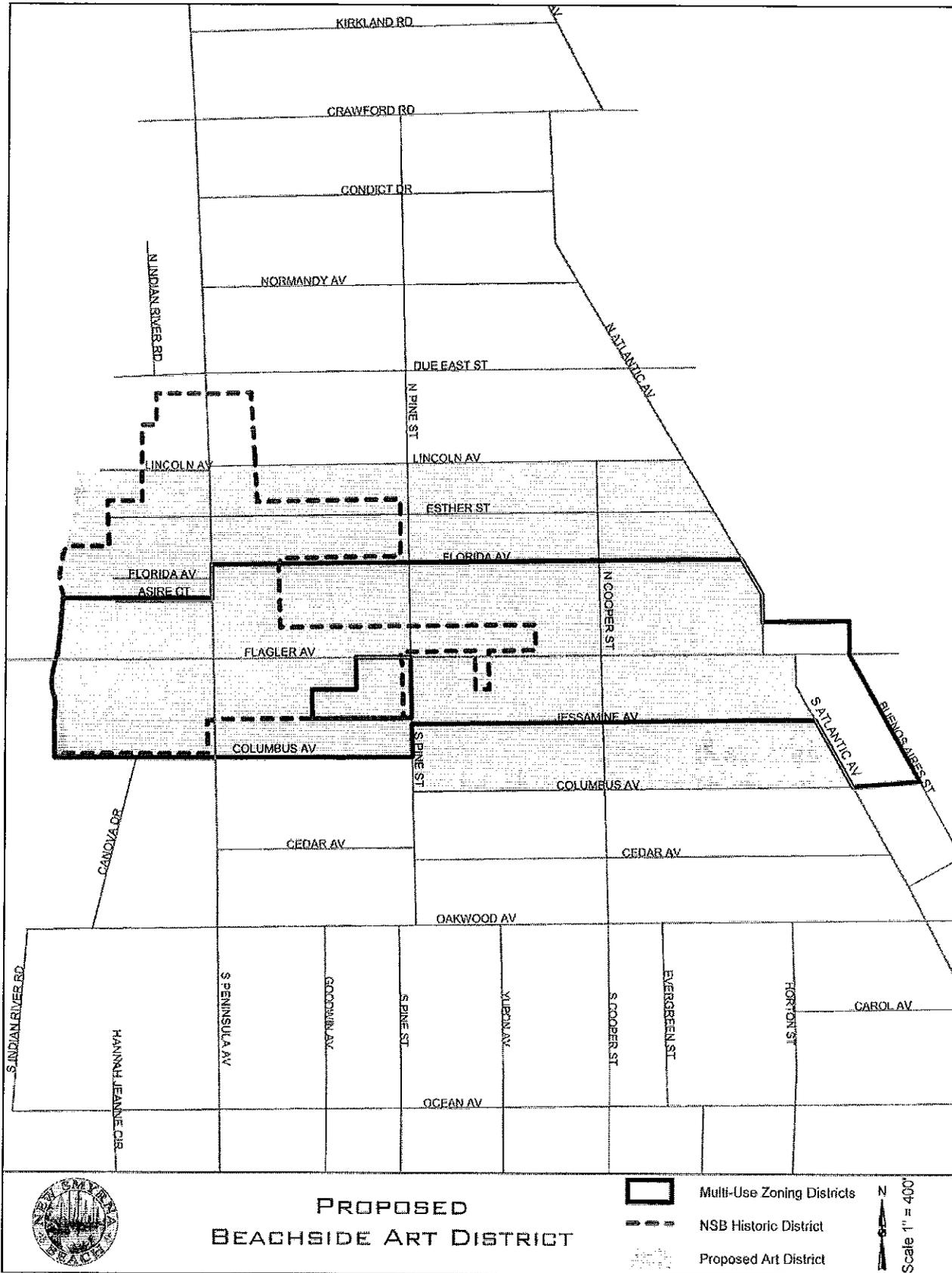
DISCUSSION ITEMS

Staff is requesting input from the Board on the draft regulations and proposed districts. Potential items for the Board to consider during its review include:

1. Should there be more than one Art Overlay District in the City?
2. If not, where should the Overlay District be located?
3. Are the boundaries shown for each of the potential districts walkable? Too small? Too large?
4. Are the permitted uses and conditional uses adequate? Should additional uses be added? Should some of the proposed uses be deleted?
5. Is the amount of signage proposed adequate?
6. Should parking requirements be waived for art-related businesses?
7. Are the hours of operation sufficient or should they be reduced or extended?

The same draft regulations and potential district maps will also be presented to the CRA on March 3rd and the HPC on March 10th for additional input.

EXHIBIT A



ARTS DISTRICT OVERLAY

Intent:

The purpose of the Arts District Overlay is to encourage a desired mix of appropriate home occupation and home business uses oriented toward, or supporting a visual or cultural arts theme while maintaining the residential character of the underlying residential neighborhoods. Any proposed home occupation or home business use related and contributing directly to an arts theme, as determined by the City Manager, or his/her designee, unless indicated otherwise, may be approved administratively by the City Manager, or his/her designee, if the proposed use meets and complies with the minimum standards contained in this subsection. The City Manager, or his/her designee, may consult with residents and business owners in the Arts District Overlay to make such a determination. Additional standards may be required for approval, depending on the type of home occupation or home business proposed.

Permitted Uses:

- Art Supply Stores
- Bakeries
- Book Binders
- Cafés
- Coffee Shops
- Fine Arts and Crafts Creation and Sales
- Graphic Design Studios
- Printing Shops

Prohibited Uses:

- Body Art Studios
- Fortune Tellers
- Tarot Card Readers
- Tattoo Studios

Owner Residency:

The proprietor of the home occupation or home business use shall live on the premises approved for the use, with the exception of bakeries, cafes, and coffee shops.

Employees:

No more than three (3) employees, including the proprietor and family members, whether full or part time, shall work on the premises at one time, except during special

EXHIBIT B (CONT'D)

events, whereby one additional employee may be permitted. The proprietor of the home occupation or home business use shall be considered an employee of that home occupation or home business.

Parking:

Parking shall be determined by the City Manager, or his/her designee, on a case-by-case basis. A blend of available parking standards shall be used in evaluating parking needs for each proposal. Applicants for each proposed use are required to submit a detailed parking plan, in order to facilitate approval. In determining whether sufficient parking is available to serve the proposed use, the City Manager, or his/her designee, shall consider existing on-site parking, on-street parking, and proximity to public parking lots or structures. In the event that sufficient parking is not available, the proprietor shall have the option of leasing off-site parking spaces provided such spaces are within 1,000 feet of the home occupation or home business.

Building Area:

No more than 25% of the total square footage of the existing residence shall be used for the home occupation or home business. A separate structure or addition may be constructed for the home occupation or home business, provided the following conditions are met:

1. The structure or addition shall be designed to reflect the architectural style and character of the principal dwelling unit.
2. The structure or addition shall comply with all height, setback, building coverage and impervious coverage limitations established by the underlying zoning district.

Signage:

A home occupation or business may have one ground or pole sign not to exceed six (6) square feet in area. Ground or pole signs must be low profile, with a maximum height of 72 inches, including structural components. All signage shall be designed to be compatible with the residential character of the surrounding neighborhood. Illuminated signs are prohibited. All signage must be approved by separate permit.

Storage:

Outdoor storage is generally prohibited. However, temporary display and limited activities pertinent to the home occupation or home business that contribute to the character of the Arts District Overlay shall be permitted. Such displays shall be kept entirely on the property used for the home business or home occupation and shall not

EXHIBIT B (CONT'D)

be placed on any public sidewalk or right-of-way. All displays shall be removed daily at the close of business.

Hours of Operation:

Home occupations or home businesses within the Arts District Overlay shall be permitted to operate during the hours of 9:00 a.m. to 6:00 p.m. on weekdays, and from 10:00 a.m. to 5:00 p.m. on weekends and holidays. Additional hours may be permitted to coincide with special events.

Special Events:

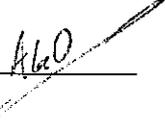
Special events may include, but are not limited to, Images Art Show, Art Fiesta, and monthly gallery walks. Additional special events may be permitted by the City Commission, within a specifically defined area of the Arts Overlay District. The maximum duration of any special event is two (2) days. In order to obtain City Commission approval, the organizer(s) of the event must demonstrate that adequate provisions have been made to reasonably limit or mitigate any adverse impacts resulting from noise, lighting, vehicular traffic, vehicular parking, pedestrian traffic, solid waste collection and other such matters and effects as may be expected from the occurrence of such special events.

Business Tax Receipt:

Each home occupation or home business shall obtain, and keep current, all required business tax receipts and other licenses required for the business.

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

SUBJECT: Review of FDOT Conceptual Plan for Improvements to the US 1/Canal Street Intersection

AUTHORIZED BY: Tony Otte 

CONTACT: Tony Otte _____

AGENDA DATE March 3, 2010:

REGULAR

CONSENT

MOTION/RECOMMENDATION:

Approval.

BACKGROUND:

FDOT staff in Deland has met with City and CRA staff on several occasions to discuss a conceptual plan for improvements at the intersection of US 1 and Canal Street. Improvements at this intersection are part of an overall FDOT effort to increase capacity on US 1 through the construction of improvements at key intersections.

THE PROCESS

At this point, FDOT staff is preparing to go forward with getting bids from engineering firms to design the intersection improvements. CRA staff requested that FDOT make a presentation on the conceptual plan before the design process begins. FDOT staff accepted the invitation to make a presentation at the March 3 CRA meeting. At this point there is funding available for the design of the improvement, but no funding has been approved for construction. The construction of the improvement may be 3 to 5 years off, or longer.

THE CONCEPTUAL PLAN

Features of the conceptual plan include:

- From the southbound lane on US 1, a new right turn lane onto westbound Canal Street. Some portion of the Dunn Lumber property may need to be purchased by FDOT for right of way after the design of the intersection has been determined.
- From the westbound lane of Canal St, a new right turn lane onto northbound US 1.
- From the northbound lane of US 1, a right turn lane onto eastbound Canal Street
- The removal of the trees that are in front of the former Badcock Furniture Store
- The removal of the traffic signal mastarms and replacement with different mastarms. With City participation, these could be historic looking mastarms.

- The use of a large existing stormwater main. As a part of the design, this main will be cleaned. It is suspected that the line may have a large volume of silt in the bottom of it.
- The FDOT has agreed to address roadway flooding south of the Canal Street intersection.
- The watershed for this area is in two drainage basins, on either side of Downing Street. A new, large stormwater pipe will be constructed to connect to two basins for the purpose of improving drainage in this area.
- An option to mitigate roadway flooding south of the subject intersection would be to raise the elevation of the northbound lanes two inches; and raise the elevation of the southbound lanes eight inches.

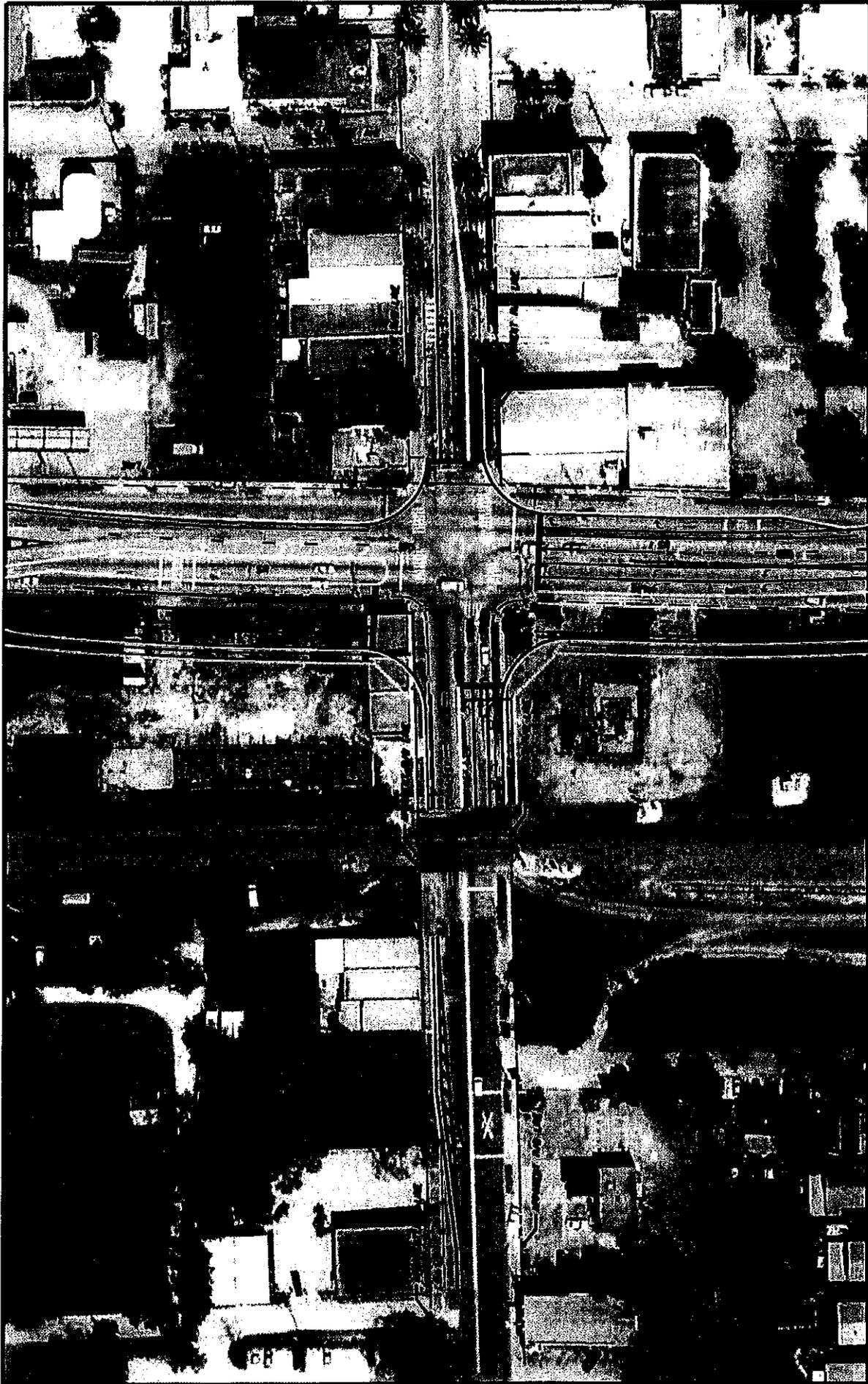
FISCAL IMPACT:

The cost of the improvement has not yet been determined. The cost of additional pavement treatments, hardscaping, landscaping, and decorative mast arms may be a cost of the City.

OTHER OPTIONS:

Pete Sechler of AECOM (formerly Glatting Jackson) mentioned that he does not like the right turn lane onto westbound Canal and would rather have the stop bar moved to the west of the railroad tracks. This would allow trucks to use the full three lanes on Canal to make a turn and get back into the proper lane when entering the railroad tracks. This option would lengthen the red cycle for US 1, (or shorten the Canal Street green cycle) for the startup of the eastbound movements to reach US 1. This may be counter-productive to improving US 1 traffic flow.

FDOT staff is open to discussing options in their conceptual design.



| | |
|---|----------------|
| SHEET NO. | |
| US 1 AT CANAL ST PROPOSED IMPROVEMENTS | |
| STATE OF FLORIDA | 240992-5-32-01 |
| DEPARTMENT OF TRANSPORTATION | |
| SR 5 | |
| COLLINS COUNTY | |
| VOLUSIA | |
| DRAFT COPY ONLY | |
| DATE | |
| DESCRIPTION | |
| REVISIONS | |

Areas can only grow and prosper if the community knows what is available and feels that everything is readily accessible. Connecting the community to the resources of the City and all its Frameworks will spur many direct and indirect benefits. This includes non-physical “relationship” or “program” connections, as well as physical connections to link activity areas.



06 Connect the Community

Capital Improvements

- Wayfinding
- Crossings at SR 44, US1, 3rd Ave, North Causeway
- Sidewalk and Bike Lane Improvements
- Reconfigure Canal / SR 44 split

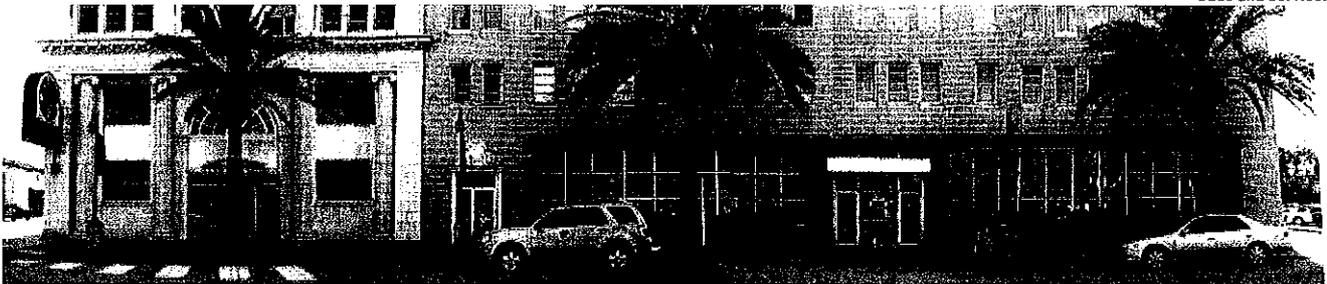
Policy

- Consider possibly ‘slip’ road off of Myrtle / SR 44
- Promote enhancements on Canal west of Myrtle
- Evaluate better use of the water taxi as an ongoing use, possibly privatizing.

Marketing and Events

- Brand the ‘Loop’ and conduct Events using that Geography
- Develop a ‘Pedicab’ or Motorized Jitneys for inexpensive, fun point to point transit (especially in conjunction with Hotel / Restaurants / Beach / Neighborhoods (Orlando))
- Increase marketing nationally, regionally and locally – especially the local family rentals and seasonal condos.
- Outreach to Bert Fish Medical Center for employeee, patient, and visitor needs.

Connection through partnership. As an example, the CRA and Utilities Commission could work together to enhance the contribution of this important building to the Main Street retailing experience, while preserving this important Downtown employment base and service.



Wayfinding

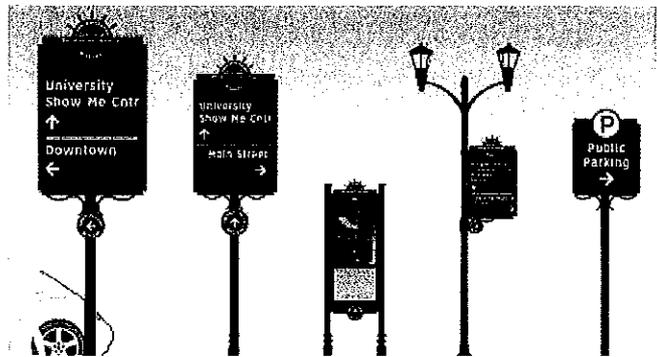
Consistent graphics can both link and brand the community in ways that provide immediate character and marketing value. New Smyrna Beach struggles to make all of its character places and community features visible and accessible, particularly to visitors who are being “pushed” along US1 and SR44 because of the FDOT design configuration and speed of the roads and bridges

A family of sign/graphics, with well-conceived “Wayfinding Logic” can brand the “circle” and route visitors to all the major points of interest from every approach direction. Experience professionals can implement these systems within FDOT right-of-way.



Top Left: City of Bartow downtown signage

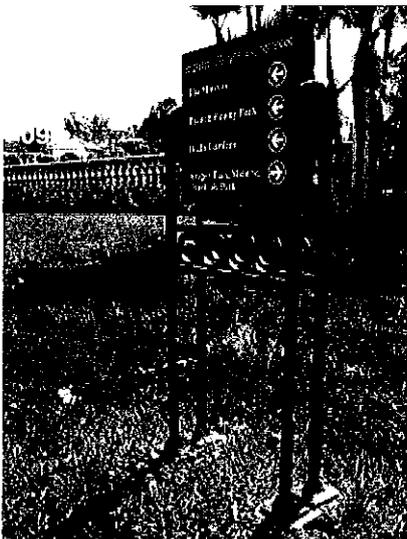
Bottom Left: City of Bradenton pedestrian directional signage



Top Right: Family of wayfinding signage

Middle Right: City of Bartow wayfinding kiosk

Bottom Right: Baldwin Park Village Center (Orlando) vehicular directional signage



Gateways and Walkable Streets

The New Smyrna Beach CRA area is linked by a series of regional roads which both bring people to the community, yet function to push cars quickly through without stopping. Further, these roadways significantly divide character activity areas, separating neighborhoods, medical, main street and open space assets.

From a property redevelopment point of view, these corridors bring significant traffic, but their character and appearance is not easily conducive to quality, mixed-use, urban format development. Moreover, their overall character significantly degrades the walking and bicycling safety of the areas and generally contributes to an unlivable blighted appearance.

All the major FDOT corridors could be enhanced with landscape and pedestrian improvements, and updated design standards could better guide quality new investment.

However, it is of paramount importance to address many of the key intersections. Each of these locations are decision points for travelers, linkage points within the community, and image points for future development. In general, these areas should be “traffic calmed”, with reduced asphalt width through removal of unnecessary turn lanes, clear pedestrian crossings, attractive landscape to scale and beautify the roadway, and treated with vertical gateway markers, wayfinding signage, attractive pavement, colors and lighting/signalization.

Major Gateways include:

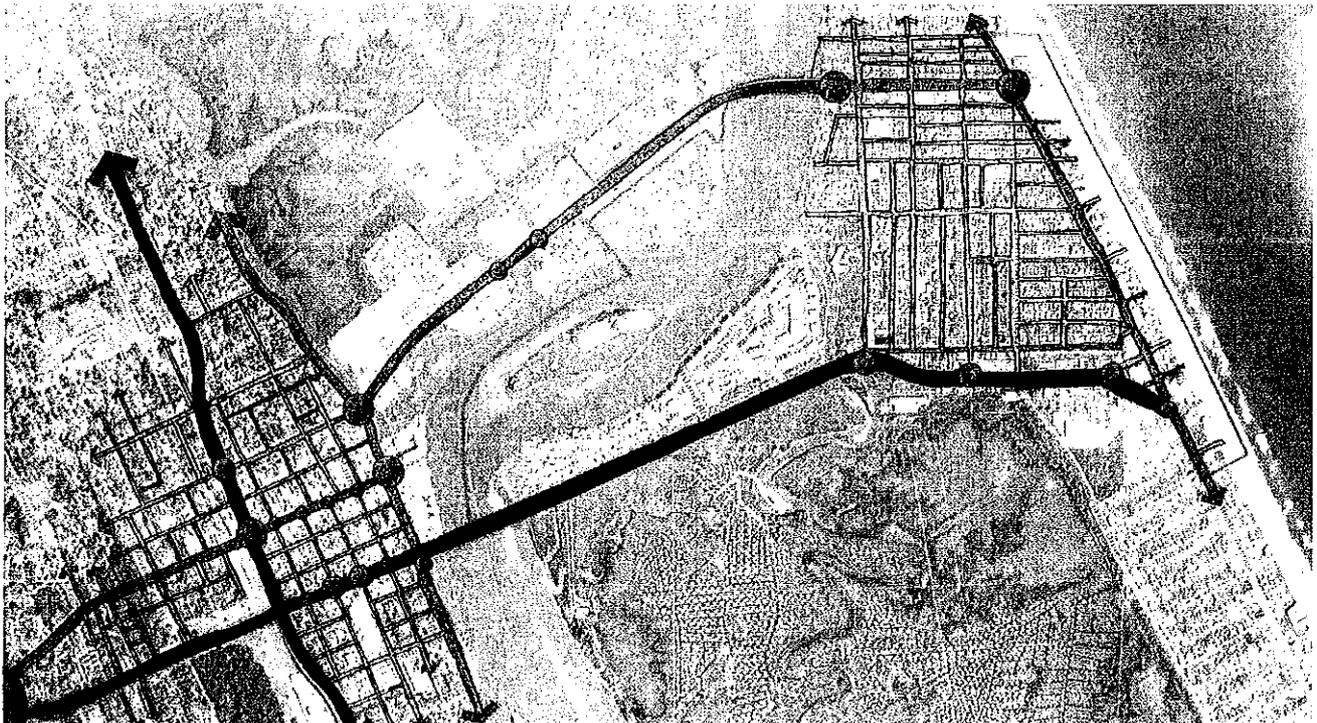
- SR 44 at Canal Street, Myrtle Avenue, Palmetto and Live Oak
- Third Avenue at Atlantic Avenue (at Walgreens)
- US 1 at Washington, Canal, and Smith

Minor/additional important crossings include:

- SR 44 at Orange Ave, Magnolia, North Riverside, Peninsula, and Saxon
- Washington Street at Myrtle Avenue and North Riverside
- US1 at Andrews

Right: SR 44 and Canal Street intersection redesign. SR44 has diverted away from Canal Street. Modifications to emphasize Canal Street and slip lane as well iconic gateway feature into Downtown New Smyrna Beach

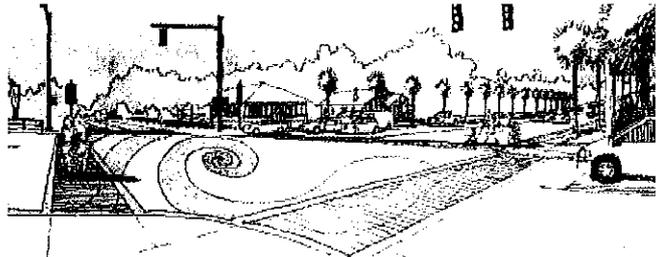
Bottom: Road network connectivity and key intersections (decision points)



Gateway Concepts indicate clearly marked pedestrian facilities, landscape, gateway monuments, narrowed asphalt, graphics and signage



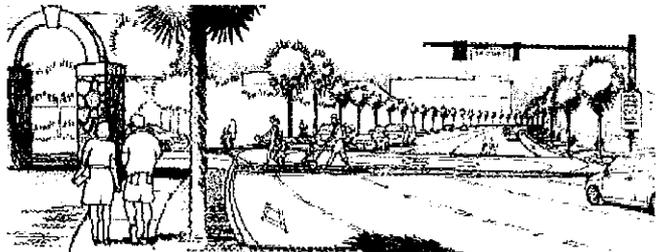
SR44 and Palmetto : Before



SR44 and Palmetto enhancements : After



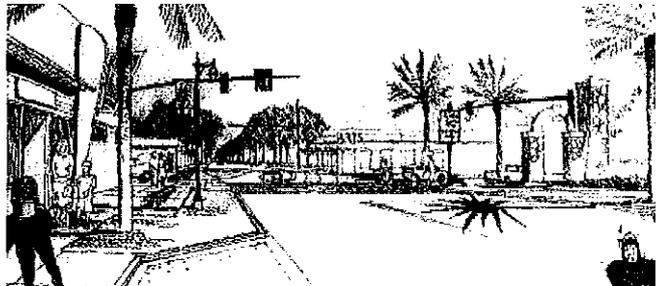
3rd Avenue Gateway : Before



3rd Avenue Gateway enhancements : After



West Canal and US 1 : Before



West Canal and US 1 enhancements : After



North Causeway : Before



North Causeway enhancements : After

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

SUBJECT: Proposed Impact Fee Assistance Program Amendments

AUTHORIZED BY: Tony Otte  CONTACT: Noeleen Foster

AGENDA DATE: 3/3/10 REGULAR CONSENT

MOTION/RECOMMENDATION:

Staff recommends approval of the following amendments to the Commercial Impact Fee Assistance Program:

1. Impact Fee Program Application must be submitted within 30 days of permit application or business tax receipt application.
2. Funds would be eligible for disbursement when the permit or business license is paid minus the impact fees.
3. Funds are provided as a reimbursement upon submittal of proof of payment or made payable directly to the City of NSB Building Department.
4. The CRA reserves the right to waive application irregularities when to do so is in the CRA's best interest and when the program's intent is best served to do so.

BACKGROUND:

The CRA adopted a Commercial Impact Fee Assistance Program December 2009 in order to encourage revitalization and enhancement of commercial buildings and mixed-use opportunities by stimulating investment in the CRA District.

Upon review staff recommends the CRA consider adopting three program modifications.

1. Tighten up the application time frame to within 30 days of submitting a permit application or business tax receipt application.
2. Occasionally permits are not picked up. In order to avoid paying impact fees for permits or business licenses that are never paid for, funds should be eligible for disbursement only when the permit or business license is paid minus the impact fees.
3. Allow payment directly to the City Building Department or a reimbursement upon submittal of proof of payment of non-impact fees.

4. Allow for minor application irregularities if the CRA considers it to be in the program's best interest to do so.

Please see attached Commercial Impact Fee Assistance Program Guidelines with proposed changes highlighted.

FISCAL IMPACT:

No identified fiscal impact for this amendment, other than it may allow consideration of applications that would have previously been rejected due to minor irregularities.

OTHER OPTIONS:

The program could be left as is.



COMMUNITY REDEVELOPMENT AGENCY
CITY OF NEW SMYRNA BEACH
210 SAMS AVENUE
NEW SMYRNA BEACH, FLORIDA 32168



CRA COMMERCIAL IMPACT FEE ASSISTANCE PROGRAM
(City of New Smyrna Beach Police, Fire or Transportation Impact Fees ONLY)

Introduction

This program has been created to encourage new business activity in the CRA area. The program is meant to diversify the overall business environment, expand the normal hours of operation in the CRA area, and to direct investment into the CRA area.

Program Objectives

The primary objective of the program is to encourage revitalization and preservation of commercial buildings by offering limited financial and technical assistance. The goal of the program is to stimulate investment in the CRA area, to preserve and renew the traditional retail business areas within the CRA area, and to establish the CRA area as a center for pedestrian oriented commercial activities.

Project Goals

Specific goals of the program are as follows:

1. The elimination of blighting influences and prevention of further deterioration of commercial properties within the CRA area
2. The elimination of conditions which are detrimental to the health, safety and welfare of the residents and users of the CRA area
3. The rehabilitation or preservation of properties of special value for historical, architectural, or aesthetic reasons
4. The provision of a pleasing and aesthetically acceptable shopping environment within the CRA area
5. The conservation of the existing building stock within the CRA area

Program Guidelines

1. Funds shall be allocated on a first come first serve basis.
2. Maximum amount of CRA Impact Fee assistance is \$5,000 per property.
3. ***Impact Fee Program Applications must be submitted within 30 days of permit application or business tax receipt application.***
4. ***Funds would be eligible for disbursement when the permit or business license is paid minus the impact fees.***
5. Funds are provided as reimbursement upon submittal of proof payment ***or payable directly to the City of NSB Building Department.***
6. Only one (1) grant shall be awarded per property.

7. Tenants may qualify upon receipt of written consent from the owner of the building.
8. No grants will be awarded to government owned properties, to tenants in government owned properties, or non-profit organizations.
9. The business must maintain a valid Business License at the subject location for a minimum of three (3) years from the receipt of CRA assistance.
10. If the business fails to maintain a valid Business License within three (3) years from the receipt of CRA Assistance, the CRA reserves the right to invoice the business owner/applicant as required, to reclaim the total amount of CRA funds granted to the business owner/applicant for the subject project.
- 11. *The CRA reserves the right to waive minor application irregularities when to do so is in the CRA's best interest.***

Selection Considerations

1. Facilitates the proper balance of commercial enterprises to create a more diversified business environment
2. Encourages community based, individually owned, businesses
3. Encourages quality construction projects that increase the tax base within the CRA area
4. Enhances the pedestrian friendly atmosphere of the business districts within the CRA area
5. Promotes the re-use of vacant or underutilized segments of the existing building stock
6. Provides for expanded periods of operation beyond normal business hours

Relocation

It is not the intent of the CRA to engage in any revitalization activity that requires vacating property within the CRA area.

Non-Discrimination

The program shall be available to anyone meeting the program eligibility requirements, and no one shall be denied the benefits of the program because of race, color, national origin, or sex.

Program Procedures

1. The applicant obtains an Impact Fee estimate in written form from the City.
2. Only completed applications including all supporting documentation will be accepted.
3. Applicant will provide detailed information on the proposed business, including any project improvements at the proposed business location.
4. CRA staff reviews program applications for compliance with submittal requirements.
5. CRA staff schedules compliant program applications on the CRA regular meeting agenda.
6. Upon approval by the CRA, a letter of commitment is provided to the applicant.

7. Applicant is responsible for obtaining any permits required to construct the project.
8. Upon CRA approval, CRA staff will provide the funding upon submittal of proof of payment of City Impact Fees by the business owner/applicant; or will allow payment directly to the City Building Department upon proof of payment of non-impact fees.

Supporting Data Checklist for Program Applications

Selection Consideration (Please check all that apply)

- Facilitates the proper balance of commercial enterprises to create a more diversified business environment
- Encourages community based, individually owned, businesses
- Encourages quality construction projects that increase the tax base within the CRA area
- Enhances the pedestrian friendly atmosphere of the business districts within the CRA area
- Promotes the re-use of vacant or underutilized segments of the existing building stock
- Provides for expanded periods of operation beyond normal business hours

Location of Business: _____

Addendum A: Please attach additional information that demonstrates the qualifications of the proposed project application.

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

SUBJECT: W. Canal Streetscape & Drainage Improvements Project – Change Order# 2

AUTHORIZED BY: Tony Otte ~~*HLO*~~

CONTACT: Michelle Martin

AGENDA DATE: March 3, 2010

REGULAR

CONSENT

MOTION/RECOMMENDATION:

Approval.

BACKGROUND:

Please see attached.

AGENDA ITEM SUMMARY

| | | |
|----------------------------|--|---|
| Department Making Request: | <u>CRA Department</u> | |
| Meeting Date: | 1 st Reading: <u>3/9/2010</u> | 2 nd Reading: _____ |
| Action Item Title: | W Canal Streetscape and Drainage Improvements Project – Change Order # 2 | |
| Agenda Section: | Consent _____ | Public Hearing _____ Special Items <u>X</u> |

Summary Explanation and Background:

Change Order # 2 was submitted by the design build team, ThadCon, for added items of work requested by the City/CRA, FDOT, and the Utilities Commission, which were not described in the original scope of work in the City RFP or in their Proposal.

Change Order # 2 consists of Items 2A through 2T, which Staff has thoroughly reviewed and has conducted several meetings with the design build team, the UC, and the FDOT, to discuss each item with them, which has resulted in many of the items being re-negotiated.

At the January 12, 2010 City Commission Meeting the City Commission approved Change Order # 2, Items 2A, 2B, 2E, 2H, 2I, 2J, 2L, 2M, 2N, 2O, 2Q, 2R, and 2S, in the amount of \$229,966.88 which were generated solely by the City/CRA.

CRA and City Staff have continued negotiating the remaining items for Change Order #2. The City Manager, Assistant City Manager, and CRA staff met with UC staff on January 27, 2010 to discuss a portion of the Change Order with them, and in a follow-up meeting on February 17, 2010 reviewed specific items 2C, 2D, 2P-CS, and 2T with them. As a result of these meetings there are a few more items from Change Order # 2 that are ready for City Commission approval:

1. Item # 2C and 2D, undergrounding the electric lines in rear lot easements and associated Archaeological monitoring requirements: The largest single item in Change Order #2 is the cost of installing the electric lines underground at the rear of the lots on the south side of West Canal Street. It was determined that locating the electric lines underground would require moving these lines to new easements at the rear lot lines of the properties. CRA staff obtained the rear lot easements needed, authorized the work to proceed, and inspected the work with the UC staff, as it progressed. An Archaeologist was also brought on site to conduct the added supplemental field work and artifact analysis as required by the City of New Smyrna Beach Archaeological Preservation Ordinance 50-13. The work was completed in December 2009 and the contractor is now seeking payment.

CRA staff is arranging for a meeting with the contractor, the design engineer, and UC staff to review the events that led to the decision to locate the underground power lines in the rear lot easements and determine if any party (other than the CRA) should be assessed with all or a portion of this cost. The costs for this item are as follows:

| | |
|--|------------------------|
| a. Archaeological Requirements for the Rear Lot Easement | = \$ 13,174.12 |
| b. Undergrounding Electrical Lines in the Rear Lot Easements | = \$111,162.73 |
| c. Credit from Original Plan of Undergrounding in FDOT RW | = <u>(\$10,400.00)</u> |
| Total | = \$113,936.85 |

2. Item # 2F, decorative crosswalk across the south side of Myrtle Avenue: Added drainage work was constructed in the southeast quadrant of W Canal Street and S Myrtle Avenue to correct an existing drainage problem in that area. The correction of this drainage issue disturbed the existing painted crosswalk, and CRA staff decided to upgrade the crosswalk to match the other decorative crosswalks throughout the project limits and also to match the decorative work done at the park on the southwest corner. The cost for upgrading the crosswalk (which was not part of the original scope of work) came to \$7,621.12.
3. Item # 2P-MY, additional design costs for added drainage work in the southeast quadrant of W Canal Street and S Myrtle Avenue: Supplemental drainage plans were prepared for added drainage work that was constructed in the southeast quadrant of W Canal Street and S Myrtle Avenue to correct an existing drainage problem in that area. The costs for preparing the supplemental drainage plans came to \$6,359.10.
4. Item # 2P-L, additional design costs for added landscaping: Supplemental landscape plans were prepared for the requested additional 56 flower pots to be placed at certain locations throughout the project limits. (NOTE: It was decided later to withhold the installation of the 56 flower pots pending a determination of available funds at the conclusion of project construction.) The costs for preparing the supplemental landscape plans came to \$17,936.82.

**

Recommended Action/Motion:
 Recommend additional funding for Change Order # 2, Items 2C, 2D, 2F, 2P-MY, and 2P-L, in the amount of \$145,853.89.

Funding Analysis: Budgeted X If not budgeted, recommended funding account: 567001
 This item will be adjusted during the mid-year budget review. Funds are available in General Contingency.

Exhibits Attached:
 Attachments: Change Order # 2 Items 2C, 2D, 2F, 2P-MY, and 2P-L, and Spreadsheet breakdown for back-up documentation

| Reviewed By: | Name | Signature |
|---------------------------------|----------------|------------------------|
| Department Director: | Anthony Otte | <i>Anthony G. Otte</i> |
| Finance Director | Carol Rogers | <i>Carol Rogers</i> |
| City Manager | Pam Brangaccio | <i>Pam Brangaccio</i> |
| City Attorney | Frank Gummey | <i>Frank Gummey</i> |
| Commission Action: _____ | | |

** The approval of this change order will require a change in the amount budgeted for this project in the CRA Plan Update Capital budget. Staff is preparing such a revision of the Capital Budget for an upcoming CRA meeting. Following that approval, the CRA plan and the Capital Budget will go to the City Commission for final approval.



ThadCon LLC
Cost Breakdown for Additional Work West Canal Streetscape Project
 Backlot Easement Underground Electrical and U.C. Fiber Optic Conduit Utilities Commission
 System for Overhead to Underground Conversion

| Description | Quantity | Unit | Unit Price | Labor | Materials | Equipment | Subcontractor |
|---|----------|------|------------|-------------|------------|------------|---------------|
| Superintendent | 8 | HR | \$45.00 | \$360.00 | | | |
| Foreman | 320 | HR | \$29.00 | \$9,280.00 | | | |
| Operator | | HR | \$13.50 | \$0.00 | | | |
| Skilled | | HR | \$13.75 | \$0.00 | | | |
| Unskilled | 760 | HR | \$10.50 | \$7,980.00 | | | |
| Equipment | | | | | | | |
| Kobelco 125 | | HR | \$58.60 | | | \$0.00 | |
| Volvo Wheel Loader L70 | | HR | \$35.62 | | | \$0.00 | |
| Cat 200 Rub Exc | 10 | HR | \$17.70 | | | \$177.00 | |
| Cat 235 Skid Steer | | HR | \$24.42 | | | \$0.00 | |
| Plate, Temp | 40 | HR | \$4.94 | | | \$197.60 | |
| Pickup Truck | 320 | HR | \$17.59 | | | \$5,628.80 | |
| F750 Flat Bed | 10 | HR | \$23.07 | | | \$230.70 | |
| Air Compressor | 40 | HR | \$19.00 | | | \$760.00 | |
| Materials | | | | | | | |
| 4" ELOK | 8 | EA | \$14.75 | | \$118.00 | | |
| 3" ELOK | 4 | EA | \$14.33 | | \$57.32 | | |
| 2-1/2" ELOK | 8 | EA | \$12.85 | | \$102.80 | | |
| 2" ELOK | 8 | EA | \$8.94 | | \$71.52 | | |
| 1" ELOK | 25 | EA | \$5.11 | | \$127.75 | | |
| 3" PVC | 455 | LF | \$0.65 | | \$295.75 | | |
| 2-1/2" PVC | 226 | LF | \$0.56 | | \$126.56 | | |
| 2" PVC | 1451 | LF | \$0.33 | | \$478.83 | | |
| 1-1/4" PVC | 290 | LF | \$0.22 | | \$63.80 | | |
| 1" PVC | 1620 | LF | \$0.17 | | \$275.40 | | |
| 3" Coupling | 8 | EA | \$1.20 | | \$9.60 | | |
| 2-1/2" Coupling | 7 | EA | \$0.98 | | \$6.86 | | |
| 2" Coupling | 22 | EA | \$0.42 | | \$9.24 | | |
| 1-1/4" Coupling | 4 | EA | \$0.27 | | \$1.08 | | |
| 1" Coupling | 29 | EA | \$0.23 | | \$6.67 | | |
| 4" 90 Deg. Bend | 8 | EA | \$47.20 | | \$377.60 | | |
| 3" 90 Deg. Bend | 12 | EA | \$33.02 | | \$396.24 | | |
| 2-1/2" 90 Deg. Bend | 12 | EA | \$18.88 | | \$226.56 | | |
| 2" 90 Deg. Bend | 30 | EA | \$12.41 | | \$372.30 | | |
| 1-1/4" 90 Deg. Bend | 4 | EA | \$0.85 | | \$3.40 | | |
| 1" 90 Deg. Bend | 51 | EA | \$0.59 | | \$30.09 | | |
| St Augustine Restoration | 1804 | SF | \$0.25 | | \$401.00 | | |
| Asphalt Restoration | 8.75 | TN | \$60.00 | | \$525.00 | | |
| Concrete Restoration | 2.5 | CY | \$62.00 | | \$155.00 | | |
| Transformer Pad | 1 | EA | \$250.00 | | \$250.00 | | |
| Subcontractors | | | | | | | |
| Survey/Layout | 1 | LS | \$100.00 | | | | \$100.00 |
| S&J Boring Julia Power pole to Transformer 727A | 204 | LF | \$43.75 | | | | \$8,925.00 |
| S&J Boring Chestnut to Ruthes power pedestal | 120 | LF | \$40.00 | | | | \$4,800.00 |
| S&J Boring Chestnut to Transformer 71B | 224 | LF | \$16.00 | | | | \$3,584.00 |
| S&J Boring Transformer to 700 | 168 | LF | \$45.75 | | | | \$7,686.00 |
| S&J Boring 707 | 160 | LF | \$31.00 | | | | \$4,960.00 |
| S&J Boring 707 house | 170 | LF | \$27.00 | | | | \$4,590.00 |
| S&J Boring 569 | 110 | LF | \$25.00 | | | | \$2,750.00 |
| S&J Boring FEC Partial | 80 | LF | \$27.75 | | | | \$2,220.00 |
| S&J Boring 700 | 119 | LF | \$27.00 | | | | \$3,213.00 |
| S&J Boring 736 | 130 | LF | \$25.00 | | | | \$3,250.00 |
| S&J Boring 728 | 119 | LF | \$27.00 | | | | \$3,213.00 |
| S&J Boring 724 | 126 | LF | \$27.00 | | | | \$3,402.00 |
| Bollards | 6 | EA | \$75.00 | | | | \$450.00 |
| Carter Electric Service Relocation | 1 | EA | \$1,370.00 | | | | \$1,370.00 |
| Carter Electric Meter Can Remove/Replace | 16 | EA | \$775.00 | | | | \$12,400.00 |
| Sub Totals | | | | \$17,620.00 | \$4,486.37 | \$6,994.10 | \$66,913.00 |
| Burden | | | | 57.00% | | | |
| Sales Tax | | | | \$10,043.40 | 6.5% | | |
| Subtotal | | | | \$27,663.40 | \$4,780.11 | \$6,994.10 | \$66,913.00 |
| Markup | | | | 17.50% | 17.50% | 17.50% | 10.00% |
| Subtotal | | | | \$4,841.10 | \$836.62 | \$1,223.97 | \$6,691.30 |
| Subtotal | | | | \$32,504.50 | \$5,616.63 | \$8,218.07 | \$73,604.30 |
| Sub Total | | | | | | | \$119,943.50 |
| Bond | | | | | | | \$1,019.24 |
| Sub Total | | | | | | | \$121,562.73 |
| Net Allowance for Front Lot Electrical Conduit System | | | | | | | \$10,400.00 |
| Total | | | | | | | \$111,162.73 |

* Design/Engineering fee's not included in total



ThadCon LLC
Cost Breakdown for Additional Work West Canal Streetscape Project **City/CRA**
Added New Stamped/Colored Crosswalk at S. Myrtle Ave.

SA#2 F

| Description | Quantity | Unit | Unit Price | Labor | Materials | Equipment | Subcontractor |
|--|----------|------|------------|----------|------------|-----------|-------------------|
| Supervisor | 1 | HR | \$45.00 | \$45.00 | | | |
| Foreman | 1 | HR | \$29.00 | \$0.00 | | | |
| Operator | 4 | HR | \$13.50 | \$54.00 | | | |
| Skilled | 3 | HR | \$13.75 | \$41.25 | | | |
| Unskilled | 5 | HR | \$10.50 | \$52.50 | | | |
| Equipment | | | | | | | |
| Kobelco 125 | 2 | HR | \$58.60 | | | \$117.20 | |
| Volvo Wheel Loader L70 | 1 | HR | \$35.62 | | | \$35.62 | |
| Cat 208 Rhd Exc | 1 | HR | \$17.70 | | | \$0.00 | |
| Cat 236 Skid Steer | 1 | HR | \$24.42 | | | \$0.00 | |
| Plate Ramp | 1 | HR | \$4.94 | | | \$0.00 | |
| Pickup Truck | 1 | HR | \$17.59 | | | \$17.59 | |
| F750 FlatBed | 1 | HR | \$23.07 | | | \$23.07 | |
| Walk Behind Saw | 1 | HR | \$3.87 | | | \$0.00 | |
| Materials | | | | | | | |
| CLII 3500 psi w/color | 6 | CY | \$88.50 | | \$531.00 | | |
| MOI/Delator | 3 | DY | \$389.00 | | \$1,167.00 | | |
| Dumper/FEE | 1 | LD | \$285.00 | | \$285.00 | | |
| Limelock | 17.5 | TN | \$15.45 | | \$270.38 | | |
| MOI/Concrete Cure | 7 | DY | \$27.40 | | \$191.80 | | |
| Subcontractors | | | | | | | |
| Survey/Layout | 1 | EA | \$100.00 | | | | \$100.00 |
| Density | 60 | LS | \$100.00 | | | | \$100.00 |
| Temporary Striping 12" white | 60 | LF | \$0.50 | | | | \$30.00 |
| Striping 12" preformed thermoplastic special | 60 | LF | \$3.25 | | | | \$195.00 |
| Stamp Strip | 240 | SF | \$12.00 | | | | \$2,880.00 |
| Sub Totals | | | | \$145.00 | \$2,445.18 | \$195.48 | \$3,665.00 |
| Bond | | | | 57.00% | | | |
| Burden | | | | \$82.65 | 6.5% | \$193.48 | \$3,858.00 |
| Sales Tax | | | | \$227.65 | \$2,604.11 | \$193.48 | \$3,858.00 |
| Subtotal | | | | 17.50% | \$495.72 | \$227.34 | \$723.06 |
| Markup | | | | \$39.84 | \$3,059.83 | \$227.34 | \$3,627.01 |
| Subtotal | | | | \$267.49 | | | \$2,860.00 |
| Sub Total | | | | | | | \$7,520.16 |
| Bond | | | | | | | \$100.96 |
| Total | | | | | | | \$7,621.12 |

Design/Engineering fees not included in total



ThadCon LLC
 Cost Breakdown for Additional Work West Canal Streetscape Project City/CRA
 Engineering Landscape

| Description | Quantity | Unit | Unit Price | Labor | Materials | Equipment | Subcontractor |
|------------------------|----------|------|-------------|--------|-----------|-----------|---------------|
| Supervident | 0 | HR | \$45.00 | \$0.00 | | | |
| Foreman | | HR | \$29.00 | \$0.00 | | | |
| Operator | | HR | \$13.50 | \$0.00 | | | |
| Skilled | | HR | \$13.75 | \$0.00 | | | |
| Unskilled | | HR | \$10.50 | \$0.00 | | | |
| Equipment | | | | | | | |
| Kobelco 125 | | HR | \$58.60 | | \$0.00 | \$0.00 | |
| Volvo Wheel Loader L70 | | HR | \$35.62 | | \$0.00 | \$0.00 | |
| Cal 208 Rub Exc | | HR | \$17.70 | | \$0.00 | \$0.00 | |
| Cal 236 Skid Steer | | HR | \$24.42 | | \$0.00 | \$0.00 | |
| Plate Jamp | | HR | \$4.94 | | \$0.00 | \$0.00 | |
| Pickup Truck | | HR | \$17.59 | | \$0.00 | \$0.00 | |
| F750 Flat Bed | | HR | \$23.07 | | \$0.00 | \$0.00 | |
| Walk-Behind Saw | | HR | \$3.87 | | \$0.00 | \$0.00 | |
| Materials | | | | | \$0.00 | | |
| | | | | | \$0.00 | | |
| | | | | | \$0.00 | | |
| | | | | | \$0.00 | | |
| | | | | | \$0.00 | | |
| | | | | | \$0.00 | | |
| Subcontractors | | | | | | | |
| Guyahr / HHI Landscape | 1 | LS | \$16,089.00 | | | | \$16,089.00 |
| | | | | | | | \$0.00 |
| | | | | | | | \$0.00 |
| | | | | | | | \$0.00 |
| Sub Totals | | | | \$0.00 | \$0.00 | \$0.00 | \$16,089.00 |
| Burden | | | | 57.00% | | | |
| Sales Tax | | | | \$0.00 | | | \$0.00 |
| Subtotal | | | | \$0.00 | | | \$16,089.00 |
| Markup | | | | 17.50% | | | \$2,815.58 |
| Subtotal | | | | \$0.00 | | | \$18,904.58 |
| Sub Total | | | | \$0.00 | | | \$17,697.90 |
| Bond | | | | | | | \$28.92 |
| Total | | | | | | | \$17,936.82 |

UTILITIES COMMISSION

City of New Smyrna Beach, Florida

K.R.



MEMORANDUM

DATE: 2/23/10
TO: Anthony Otte, Interim Director, CRA
FROM: James D. White, P.E., Director of Engineering
SUBJECT: West Canal Street Streetscape Project, Change Order #2

Electric
Water
Wastewater
Reuse Water

Anthony,

Thank you and City of New Smyrna Beach staff for meeting with me and other Utilities Commission staff on January 27 and February 17 to discuss this important Project.

As was promised in both meetings, the Utilities Commission has reviewed the request for assistance made at those times including Change Order #2, Items 2C and 2D (archaeology expenses and construction costs related to back of lot electric undergrounding) in the amount of \$113,991.48. Also considered were Items 2P and 2T (three listings) all involving expenses for engineering and constructing conflict manholes to resolve physical conflict between newly planned storm sewers and existing Utilities Commission water, sewer and reclaimed pipe together totaling \$94,220.16.

After extensive review and consideration, Utilities Commission staff has concluded and recommended as appropriate to provide assistance in payment of \$87,835.41, the amount of the manufacturing, construction and installation of the conflict structures or the final actual cost thereof, as they are not yet installed, and excluding engineering as a project sponsor responsibility and likewise declining the costs of undergrounding electric facilities for project aesthetic consideration.

If you have any questions, please call me (424-3020).

James D. White, P.E.
Director of Engineering

cc: ✓ Pamela Brangaccio, City Manager
Robert J. Rodi, General Manager/CEO

W Canal Streetscape Project
FPN's: 410777-1-58-01 (Streetscape) & 411554-1-58-01 (Drainage)

Revised
2/17/10

Summary of Change Order # 2

| C.O. Item # | Description | Change Generated By | Amount | | | Accept / Reject / ReNegotiate (See Below for Explanations) | Revised Totals | Presented to City Commission on January 12, 2010 and Approved |
|-------------|--|----------------------|--------------|-------------|--------------------------|--|----------------|---|
| | | | Additions | Deductions | Total | | | |
| 2A | Myrtle Ave Park Option "B" | City / CRA | \$48,760.00 | | \$48,760.00 | | \$48,760.00 | |
| 2A | Myrtle Ave Park Original Budget (Deduction) | City / CRA | | \$30,000.00 | (\$30,000.00) | | (\$30,000.00) | |
| 2A | Myrtle Ave Park Increased Park by 300 SF with Stamped & Colored Concrete | City / CRA | \$4,425.00 | | \$4,425.00 | | \$4,425.00 | |
| 2A | Myrtle Ave Park Added Stamping & Colored Concrete to Original 400 SF | City / CRA | \$5,435.00 | | \$5,435.00 | | \$5,435.00 | |
| 2A | Precast Planters Option "A" | City / CRA | \$25,875.00 | | \$25,875.00 | | \$25,875.00 | |
| 2A | VMS Board during Biketoberfest (1) VMS Board for 7 days @ \$45 / day | City / CRA | \$315.00 | | \$315.00 | | \$315.00 | |
| 2A | Site Furnishings (4) Way Finding Signs @ \$900 / EA (Deduction) | City / CRA | | \$3,600.00 | (\$3,600.00) | | (\$3,600.00) | \$49,210.00 |
| 2B | 2' x 2' Flower Pots (55 EA) Precast Concrete, Including Landscaping & Irrigation | City / CRA | \$34,804.15 | | \$34,804.15 | N | \$10,812.15 | \$10,812.15 |
| 2C | Archaeological Requirements Back Lot Easements & Phase II Study (728 Canal St) | Utilities Commission | \$13,256.82 | | \$13,256.82 | | \$13,229.76 | |
| 2D | Back Lot Easement Underground Electrical & LC Fiber Optics Conduit System | Utilities Commission | \$111,162.73 | | \$111,162.73 | | \$111,162.73 | |
| 2D | Net Allowance for Front Lot Electrical Conduit System (Deduction) | Utilities Commission | | \$10,400.00 | (\$10,400.00) | | (\$10,400.00) | |
| 2E | Myrtle Ave Park Added Perimeter Fencing | City / CRA | \$12,084.81 | | \$12,084.81 | | \$12,084.81 | \$12,084.81 |
| 2F | 18 Myrtle Ave Added Decorative Crosswalk | City / CRA | \$9,347.25 | | \$9,347.25 | N | \$8,621.12 | |
| 2G | 18 Myrtle Ave Concrete Turn/Widening Per FDOT Comment | FDOT | \$8,114.18 | | \$8,114.18 | N | \$8,114.18 | |
| 2H | Tipton's Driveway Widening | City / CRA | \$938.12 | | \$938.12 | | \$938.12 | \$938.12 |
| 2I | Lewis St Concrete Pavement | City / CRA | \$3,977.80 | | \$3,977.80 | N | \$3,521.07 | \$3,521.07 |
| 2J | 8 Myrtle Ave Removal of Ex Inlets & P&I 2 New Inlets with Pipe | City / CRA | \$29,818.43 | | \$29,818.43 | N | \$28,472.24 | \$28,472.24 |
| 2K | FDOT Cross Drains Removal of Ex Inlets, Grout Ex Pipe & P&I 3 New Inlets with Pipe | FDOT | \$39,836.83 | | \$39,836.83 | | \$39,836.83 | |
| 2L | Added Conduit for AT&T & BrightHouse | City / CRA | \$30,249.24 | | \$30,249.24 | N | \$29,207.29 | \$29,207.29 |
| 2M | Type I Curb for Bus-Only (Deduction) | City / CRA | | \$1,356.97 | (\$1,356.97) | N | (\$1,500.80) | (\$1,500.80) |
| 2N | Myrtle Ave Emblem (Deduction) | City / CRA | | \$2,208.93 | (\$2,208.93) | N | (\$2,571.71) | (\$2,571.71) |
| 2D | Cost Difference to Substitute Stamped Colored Concrete for Original Brick Paver Crosswalks | FDOT / City | \$7,875.13 | | \$7,875.13 | | \$7,875.13 | \$7,875.13 |
| 2P | Ghyabi Electrical Design Ghyabi Drainage Design FDOT Ghyabi Drainage Design - City | FDOT | \$47,254.10 | | \$47,254.10 | N | | |
| 2P | Ghyabi Electrical Design Ghyabi Drainage Design FDOT Ghyabi Drainage Design - City | City / CRA | \$20,395.40 | | \$20,395.40 | N | | |
| 2P | Ghyabi Electrical Design Ghyabi Drainage Design FDOT Ghyabi Drainage Design - City | Utilities Commission | \$15,412.40 | | \$15,412.40 | N | | |
| 2P | Ghyabi Engineering for FDOT Cross Drains | FDOT | \$4,293.29 | | \$4,293.29 | N | \$4,293.29 | |
| 2P | Ghyabi Engineering for FDOT Drainage Model | FDOT | \$15,203.21 | | \$15,203.21 | N | \$15,203.21 | |
| 2P | Ghyabi Engineering for Myrtle Ave Drainage | City / CRA | \$10,850.84 | | \$10,850.84 | N | \$10,850.84 | |
| 2P | Ghyabi Engineering for Added Landscaping | City / CRA | \$17,838.82 | | \$17,838.82 | | \$17,838.82 | |
| 2P | Ghyabi Engineering for Conflict Structures | Utilities Commission | \$8,384.75 | | \$8,384.75 | N | \$8,384.75 | |
| 2Q | Streetlight Poles | City / CRA | \$88,549.19 | | \$88,549.19 | N | \$79,807.99 | \$79,807.99 |
| 2R | Meter Cans and Wiring for School Signs and FDOT Measure Road | City / CRA | \$5,058.07 | | \$5,058.07 | N | \$4,210.79 | \$4,210.79 |
| 2S | Soft Cops for Utility Locates | City / CRA | \$8,000.00 | | \$8,000.00 | | \$8,000.00 | \$8,000.00 |
| 2T | Conflict Manholes | FDOT | \$87,835.41 | | \$87,835.41 | N | | |
| 2T | Conflict Manhole for 10" Force Main | Utilities Commission | \$11,978.25 | | \$11,978.25 | N | \$11,978.25 | |
| 2T | Conflict Manholes for 10" Force Main | Utilities Commission | \$45,038.72 | | \$45,038.72 | N | \$45,038.72 | |
| 2T | Conflict Manholes for Gravity Sewer Main | Utilities Commission | \$30,820.44 | | \$30,820.44 | N | \$30,820.44 | |
| | | | | | | | | |
| | | | | | Change Order # 2 Total = | | \$608,812.38 | \$608,812.38 |
| | | | | | | | \$542,834.61 | \$229,968.88 |

| | | |
|------------------------------|--------------|--------------|
| City / CRA Total = | \$288,865.16 | \$267,376.86 |
| Utilities Commission Total = | \$129,431.75 | \$208,211.64 |
| FDOT Total = | \$182,840.32 | \$87,247.31 |
| FDOT / City Total = | \$7,875.13 | |

NEW BUSINESS

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

SUBJECT: 113 S. Orange St. – Commercial Impact Fee Assistance Program Application

AUTHORIZED BY: Tony Otte *KLO* CONTACT: Noeleen Foster

AGENDA DATE: 3/3/10 REGULAR CONSENT

MOTION/RECOMMENDATION:

Recommend approval of application from Felicia Engles, to the CRA Commercial Impact Fee Assistance Program, for a redevelopment project located at 113 S. Orange Street in the amount of \$3,762.41 and authorize reimbursement upon compliance with Program requirements.

BACKGROUND:

The CRA has received an application from Felicia Engles, to the CRA Commercial Impact Fee Assistance Program, for a redevelopment project located at 113 S. Orange Street in the amount of \$3,762.41. The CRA approved a Property Improvement Grant for this project at their February 2010 meeting in the amount of \$2,847.50

The scope of the project is a conversion of a commercial retail to a high-turnover restaurant and is in accordance with the City's mixed-use zoning and land use designation. The application is compliant with the goals and criteria established in the CRA Commercial Impact Fee Assistance Program.

Staff recommends approval of the application to the CRA Commercial Impact Fee Assistance Program in the amount of \$3,762.41 for a redevelopment project located at 113 S. Orange Street and authorizes reimbursement upon satisfaction of program criteria.

FISCAL IMPACT:

\$20,099.13 is unencumbered in the Commercial Impact Fee Assistance Program. Approval of this fee assistance request of \$3,762.41 would leave a balance of \$16,336.72

OTHER OPTIONS:

.Do not approve the application.



COMMUNITY REDEVELOPMENT AGENCY
 CITY OF NEW SMYRNA BEACH
 210 SAMS AVENUE
 NEW SMYRNA BEACH, FLORIDA 32168



**CRA COMMERCIAL IMPACT FEE ASSISTANCE PROGRAM
 (CITY FEES ONLY)**

Applicant Name: Felicia Engles
 Mailing Address: 821 Oakview Dr
New Smyrna Beach, FL 32169
 Business Name: Panheads Pizzeria LLC
 Property Owner: Dick Rosedale
 Property Address: 113 S. Orange St
New Smyrna Beach FL 32168
 Contact Person: Felicia Engles
 Applicant Telephone Number: 757 288 3269 cell 386 427 7250 home
 E-Mail Address: fross_natural@yahoo.com
panheads.pizzeria@gmail.com.
 Total Amount of Impact Fees: \$3762.41

Written Estimate of Impact Fee Received

Supporting Data Checklist must be included with application.

Application will not be reviewed without all supporting data.

I hereby submit the attached estimate and supporting documents for the proposed project and understand that the CRA must approve this application. I further understand that I must maintain a valid business license at the subject location for a minimum of three years from receipt of CRA Impact Fee Assistance.

2/20/2010
 Date

Felicia Engles
 Print Name
Felicia Engles
 Signature of Applicant

EXHIBIT A: Transportation Impact Fees Schedule

10/1/2008

(Fee based on weighted average construction cost of \$1,762,654.00 per lane mile, distribution factor of 24.1%, and 5.6% CPI adjustment.)

| Permit: | | Contractor: | | Address: | |
|--|---|---------------|-------------------------------|--------------------------|----------------|
| ITE Code | Use | Unit | Fee per Unit (or) 1,000 sf | Unit(s) (or) 1,000 sf | Extension |
| 210 | Single Family | DU | \$976.60 | | |
| 220 | Apartment | DU | \$720.91 | | |
| 230 | Residential Condominium / Townhouse | DU | \$479.79 | | |
| 240 | Mobile Home Park | DU | \$377.63 | | |
| 310 | Hotel | Rooms | \$708.30 | | |
| 320 | Motel | Rooms | \$395.00 | | |
| 620 | Nursing Home | Beds | \$109.56 | | |
| 610 | Hospital | 1,000 sf | \$1,181.74 | | |
| 710 | Office up to and including 10,000 sf ¹ | 1,000 sf | \$1,779.78 | | |
| 710 | Office over 10,000 sf ¹ | 1,000 sf | \$1,134.40 | | |
| 714 | Corporate headquarters building | 1,000 sf | \$565.32 | | |
| 720 | Medical Office | 1,000 sf | \$2,782.49 | | |
| 760 | Office Park | 1,000 sf | \$1,649.56 | | |
| 760 | Research Center | 1,000 sf | \$688.88 | | |
| 770 | Business Park | 1,000 sf | \$1,513.26 | | |
| 911 | Bank w/out Drive-through | 1,000 sf | \$2,202.21 | | |
| 912 | Bank w/ Drive-through | 1,000 sf | \$6,405.61 | | |
| 110 | Light Industry | 1,000 sf | \$711.22 | | |
| 130 | Industrial Park | 1,000 sf | \$885.88 | | |
| 140 | Manufacturing | 1,000 sf | \$411.72 | | |
| 150 | Warehouse | 1,000 sf | \$509.57 | | |
| 161 | Mini-Warehouse | 1,000 sf | \$164.17 | | |
| 812 | Building Materials and Lumber Store | 1,000 sf | \$2,232.04 | | |
| 816 | Hardware / Paint Store | 1,000 sf | \$5,817.32 | | |
| 820 | Retail, less than 10,000 sf ² | 1,000 sf | \$2,397.69 | 6,200 | 2877.23 CREDIT |
| 820 | Retail, 10,000 - 99,999 sf ² | 1,000 sf | \$1,530.32 | | |
| 820 | Retail, 100,000 - 1,000,000 sf ² | 1,000 sf | \$1,477.97 | | |
| 820 | Retail, Greater than 1,000,000 sf ² | 1,000 sf | \$1,848.90 | | |
| 831 | Quality Restaurant | 1,000 sf | \$3,859.19 | | |
| 832 | High-Turnover Restaurant | 1,000 sf | \$5,933.03 | 6,200 | 6639.64 DEBIT |
| 834 | Fast Food Restaurant | 1,000 sf | \$10,744.66 | | |
| | CBD Sandwich Shop | 1,000 sf | \$1,829.36 | | |
| 838 | Bar / Lounge / Drinking Place | 1,000 sf | \$6,961.42 | | |
| 837 | Quick Lube | Bays | \$1,773.64 | | |
| 840 | Auto Care / Detailing | 1,000 sf | \$1,483.97 | | |
| 841 | New and Used Car Sales | 1,000 sf | \$2,199.16 | | |
| 847 | Car Wash | 1,000 sf | \$3,465.73 | | |
| 849 | Tire Store / Auto Repair | Bays | \$1,086.78 | | |
| 850 | Supermarket | 1,000 sf | \$2,326.76 | | |
| 851 | Convenience Store | 1,000 sf | \$7,337.74 | | |
| 853 | Convenience Store w/ Gas Pumps | 1,000 sf | \$6,271.88 | | |
| | Convenience Store w/ Gas and Fast Food | 1,000 sf | \$13,898.59 | | |
| 882 | Home Improvement Store | 1,000 sf | \$1,377.47 | | |
| 881 | Pharmacy / Drugstore w/ Drive Through | 1,000 sf | \$1,507.34 | | |
| 890 | Furniture Store | 1,000 sf | \$270.18 | | |
| | General Recreation | Parking Space | \$296.97 | | |
| 411 | City Park | Parking Space | \$912.86 | | |
| 412 | Major Park | Parking Space | \$200.00 | | |
| 418 | Campground / RV Park | Space | \$318.13 | | |
| 420 | Marina | Slip | \$379.76 | | |
| | Major Sports Facility | Parking Space | \$178.43 | | |
| 444 | Movie Theater | Screens | \$4,510.26 | | |
| 660 | Church | 1,000 sf | \$669.23 | | |
| 665 | Day Care | 1,000 sf | \$1,993.85 | | |
| | Airport Hanger | 1,000 sf | \$891.46 | | |
| | Veterinary Clinic | 1,000 sf | \$960.24 | | |
| Total Transportation Impact Fee Due: | | | | | 3762.41 |
| ¹ The fee for an office use shall be \$1,8854 for each sf up to and including 10,000 sf, plus \$1.07424 for each sf in excess of 10,000 sf. ² The fee for a retail use shall be \$2.27054 for each sf less than 10,000 sf, plus \$1.44917 for each sf in excess of 9,999 sf and less than 100,000 sf, plus \$1.1155 | | | | | |

2-15-10
GAP

2/17/2010

To: Community Redevelopment Agency

From Dick Rosedale owner of 113 S Orange st, New Smyrna, FL 32168

I give my consent for the business of Panheads Pizzeria LLC to occupy the building at 113 S. Orange St in New Smyrna and allow the tenant Felicia Engles to apply for the Commercial Impact Fee Assistance Program.

Thank You,

A handwritten signature in black ink, appearing to read "Dick Rosedale". The signature is fluid and cursive, with a large initial "D" and "R".

Dick Rosedale

Supporting Data Checklist for Program Applications

Selection Consideration (Please check all that apply)

- Facilitates the proper balance of commercial enterprises to create a more diversified business environment
- Encourages community based, individually owned, businesses
- Encourages quality construction projects that increase the tax base within the CRA area
- Enhances the pedestrian friendly atmosphere of the business districts within the CRA area
- Promotes the re-use of vacant or underutilized segments of the existing building stock
- Provides for expanded periods of operation beyond normal business hours

Location of Business:

113 S Orange St
new Smyrna, FL 32168.

Addendum A: Please attach additional information that demonstrates the qualifications of the proposed project application.

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

SUBJECT: New Smyrna Beach UCF Business Incubation Program

AUTHORIZED BY: Tony Otte *KLO* CONTACT: Noeleen Foster

AGENDA DATE: March 3, 2010 REGULAR CONSENT

MOTION/RECOMMENDATION:

Move that the CRA staff be authorized to explore a CRA / UCF Business Incubation Program partnership.

BACKGROUND:

On the surface, business incubators are a deceptively simple concept. They are put together to help an entrepreneur start a successful business without the worry of setting up an office, hiring staff, getting a phone and internet, or even buying furniture. The incubator offers an intensive counseling service, series of seminars and access to an expert advisory board of experienced business people.

The concept may be simple, but the UCF Business Incubation Program appears to have honed the idea to a fine art. Established in 1999, the UCF incubator system has served more than 130 companies, including 70 current clients and 34 graduates. It has created more than 1,000 jobs with an average salary of about \$60,000 and hundreds of millions of dollars in revenue. According to UCF, 87 percent of companies that go through the program are still in business after five years. Of those, about 84 percent of the companies in the program stay in the area where its incubator is.

The success of the UCF venture is exceptional and is regarded as one of the best in the country. It was named "2004 Incubator of the Year" by the National Business Incubation Association and has been listed as one of the top 10 incubators in the nation since 2003. The normal time for a company's "incubation" is three to five years.

The UCF incubator draws from a number of sources: new entrepreneurs wishing to develop ideas and concepts, university technology that is being commercialized, and graduating university students who want to put their research to practical use. In order to

qualify, an applicant has to pass a rigorous screening and undergo a five-week “Excellence in Entrepreneurship Program” put on by the university. The incubator is set up to allow an incubator client company to expand and eventually ‘graduate’ and moves into its own location. The normal time for a company’s ‘incubation’ is three to five years.

There are currently seven incubators in the UCF system with locations at the UCF campus, downtown Orlando, Winter Springs, Lee County, Sanford and the Seminole Technology Business Incubation center.

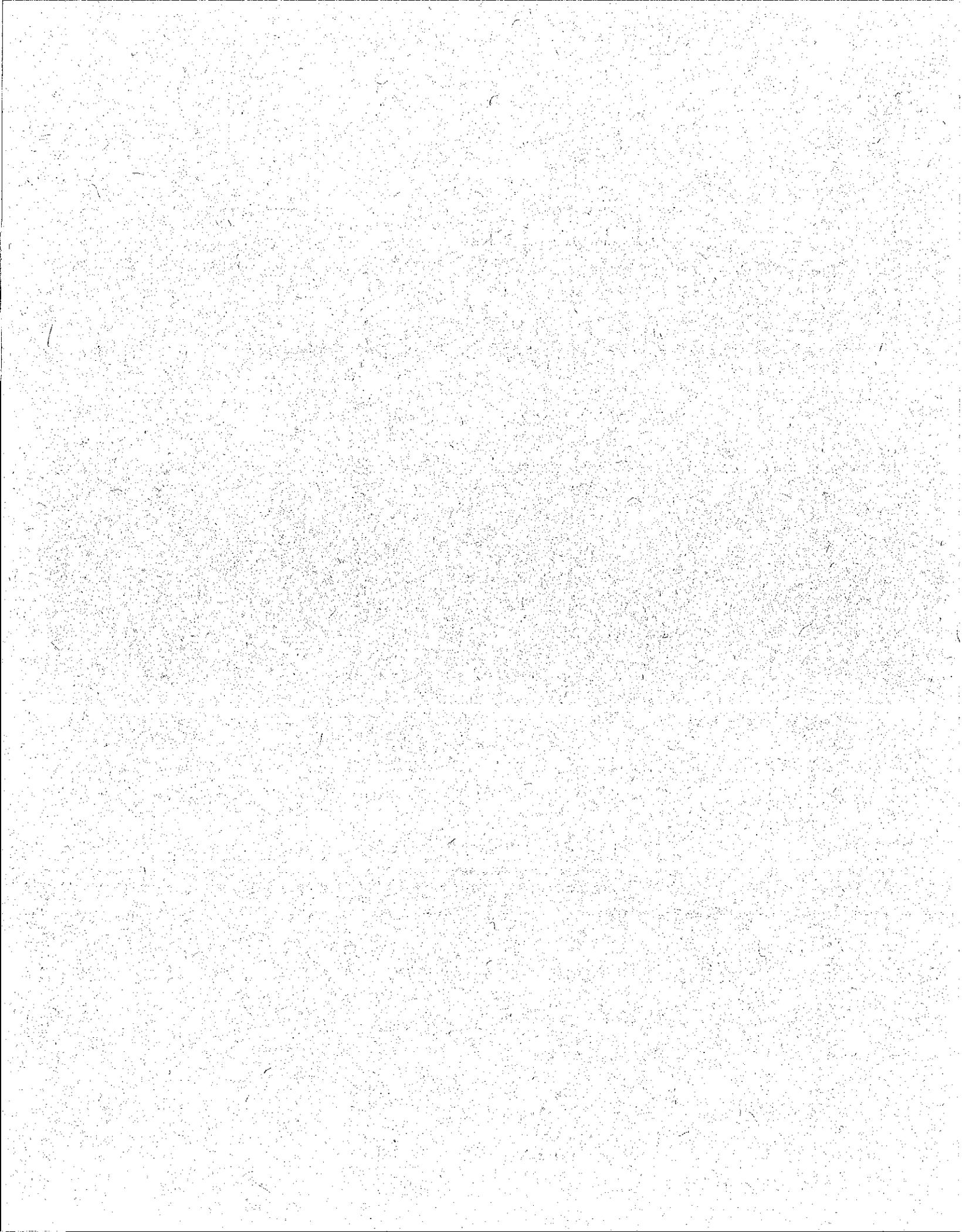
A downtown New Smyrna Beach facility would be a partnership between UCF and the New Smyrna Beach CRA, with terms and site location to be developed. In general the CRA would pay for building rent, renovations, utilities, high-speed internet, phones, and a full time Incubator Administrator onsite to oversee the individual business development plans. It would be funded with the idea to boost downtown redevelopment, rehabilitate a downtown building, and revitalize the historic district.

FISCAL IMPACT:

The Sanford CRA estimates it will contribute about \$115,000 annually to the incubator. This includes the current annual cost of the 3,850 square feet Incubator lease of \$60,656 and a proposed expansion of 2,000 square feet that would add another \$35,000 annually. This also includes a portion of the onsite Sanford Incubator Administrator salary which is funded by a combination of the UCF Business Incubation Program and the Sanford CRA which may not be an option for the New Smyrna Beach CRA. (Note: the total cost of the Sanford incubator program is estimated by NSB CRA staff at \$140,000.)

Despite the cost, Sanford CRA members called the expansion a “no-brainer,” because of the economic development it will bring.

OTHER OPTIONS:



INTERIM CRA DIRECTOR'S REPORT

As of February 26, 2010

Work Priorities

- Finalize the CRA plan update including the revised budget * - The CRA has approved the plan update and AECOM is finishing up the deliverables. CRA staff has learned that Change Order #2 is going to exceed the cost proposed in the capital budget to be included in the appendix. Staff proposes to bring the budget back at either a special meeting in March or the April meeting to review both the operating budget and the capital budget and changes to be proposed by CRA staff. It is anticipated that this process will fold into the city-wide "mid-year budget review".
- Expedite the completion of negotiations for the Hampton Inn New Smyrna Beach parking.* The City Commission has approved the zoning change and agreement which gives the developer 180 days to purchase the property needed for the development. CRA staff is working with the developer to obtain information on financing in order for the City's financial consultant to review the development for economic viability. The Coronado United Methodist Church has offered a proposal which has some additional costs and features that are being reviewed.
- Staff to meet with hospital officials to discuss possible projects.* CRA staff has met three times with hospital officials and has discussed the possible provision of incentives for the development of the hospital business center in the former Wachovia Bank building. This project would free up space in the hospital for additional medical services and would bring an estimated 30 hospital employees who are currently working in another city back to the hospital campus, in this remodeled building.
- Staff will schedule a meeting with County officials.* CRA staff has had one meeting with County Economic Development staff, and also attended the County's quarterly economic development meeting.
- Dunn Property: CRA staff is moving ahead with the demolition of the buildings on this property and is checking on any impediments that would prevent the installation of landscaping on both sides of W Canal.
- Wayfinding and FDOT signage: Staff will explore the possibility of getting FDOT signage (the brown directional signs for our historic downtown areas) and the cost of a wayfinding sign system using local artists. To date, staff has not spent much time on this item due to time constraints.
- West Canal Streetscape: Staff attended another helpful meeting with officials at the Utilities Commission to discuss project coordination. The UC did send a memo dated February 23 to notify us of their agreement to pay \$87,835.41 of the cost of conflict structures. Staff will continue to communicate with UC staff on the cost of the rear lot easements (for underground electric) and the engineering for the conflict structures.
- CRA staff is checking with Brighthouse on the possibility of installing fiber on Canal Street to provide sites for web-based businesses.

- CRA staff continues to communicate with Westside Community leaders and recently discussed programs that could be held at the Babe James Center.
- CRA and City staff are exploring the possibility of applying for federal stimulus funds for Orange Ave and Mary Street projects as the plans are now complete.
- CRA staff is communicating with a developer who has had success with infill development in Daytona Beach for the possibility of one or more projects in the Canal St and Westside areas.
- Cormeth Parking Lease Agreement – Staff will make a report
- FEC Landscape Lease – Staff will make a report
- Flagler Dunes Parking Lease Agreement – Staff will make a report

*These items are City Manager priorities.

Tracking Report Items

CRA staff will report on/discuss these items that were mentioned at the December CRA meeting:

- Review of CRA commercial impact fee assistance regarding compliance with every consideration is required.
- A list of properties and projects impacted by Amendment 4.
- Draft a letter to the City Commission re CRA concerns.
- Research the return of funds from the Esther St project.
- Presentation of a comprehensive CRA incentive program.
- Report on adoption of Resolution 42-09 re the county resolution on CRAs.
- Get clarification on the discrepancy between the annual TIF figures listed in Mr. Otte's letter and Mr. Storch's verbal report pertaining to the proposed hotel on Flagler. Staff and Mr. Storch will investigate on how each side arrived with those figures.
- Get more details about possible parking issues (Cormeth Methodist Church) and how CRA staff and the developer proposed to resolve them
- Fix light at the entrance to the Administrative Office building that had gotten run over and remove non-conforming sign attached to a stop sign in same area.

CORRESPONDENCE

RECEIVED

FEB 15 2010

COMMUNITY REDEVELOPMENT AGENCY

RECEIVED

FEB 16 2010

COMMUNITY REDEVELOPMENT AGENCY



February 11, 2010

**Ms Linda DeBorde, Chair
Community Redevelopment Agency
210 Sams Avenue
New Smyrna Beach, FL 32168**

Dear Ms DeBorde,

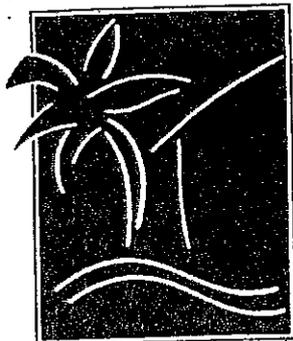
I am writing on behalf of IMAGES, A Festival of the Arts and Atlantic Center for the Arts to thank you for your sponsorship of the Student Art Exhibit at this year's festival. Providing a space for New Smyrna Beach students to showcase their talents certainly indicates your support for the youth and the arts in our community. The attendees at the festival have an opportunity to view the works of students from our local schools, and the students and teachers benefit from the opportunity to showcase their works. Thank you for your support.

Sincerely,

A handwritten signature in cursive script that reads "Betty McNamara".

**Betty McNamara, Chair
IMAGES, A Festival of the Arts**

IMAGES: A Festival of the Arts
214 S. Riverside Drive
New Smyrna Beach, FL 32168
386.423.4733
www.imagesartfestival.org
images@imagesartfestival.org



Community Redevelopment Agency

210 Sams Avenue • New Smyrna Beach, Florida 32168 • 386-424-2265 • FAX 386-424-2270

The Honorable Charlie Crist, Governor
State of Florida, The Capitol
400 S. Monroe Street
Tallahassee, FL 32399-0001

February 9, 2010

Subject: Reintroduction of Amtrak Passenger Service on the FEC Corridor in Florida

Dear Governor Crist:

I am writing to express the strong support of the City of New Smyrna Beach Community Redevelopment Agency regarding the reintroduction of Amtrak passenger service on the FEC Corridor along Florida's east coast. Volusia County was formed historically with the introduction of Flagler's railroad in the early 1900s, and our community flourished with the easy interconnectivity provided by rail transit.

Amtrak passenger service along the coastline is a missing piece of the transportation network in Volusia County. Passenger train service would expand tourist access, expand economic development opportunities, improve interconnectivity, and expand quality of life opportunities for our residents. Transit is also a critical component of a sustainable transportation network, one that will help promote Florida's green economy and improve energy independence.

The Commissioners of the City of New Smyrna Beach Community Redevelopment Agency resoundingly requests your office prioritize the Amtrak project (termed the "Intercity Rail Component of the FEC Corridor Project"), from Jacksonville to Miami, as part of the Federal economic stimulus package for the State of Florida and as a component of the statewide transportation network.

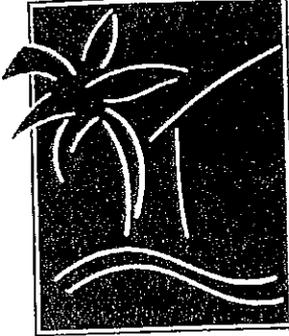
We appreciate your leadership in helping secure this important investment in Florida's sustainable future.

Sincerely,

Steve Dennis
CRA Vice-Chair

Cc: Adam Barringer, Mayor
Pam Brangaccio, City Manager
CRA

6/10



Community Redevelopment Agency

210 Sams Avenue • New Smyrna Beach, Florida 32168 • 386-424-2265 • FAX 386-424-2270

Michael J. Busha, Executive Director
Treasure Coast Regional Planning Council
421 SW Camden Avenue
Stuart, Florida 34994

February 9, 2010

Subject: Reintroduction of Amtrak Passenger Service on the FEC Corridor in Florida

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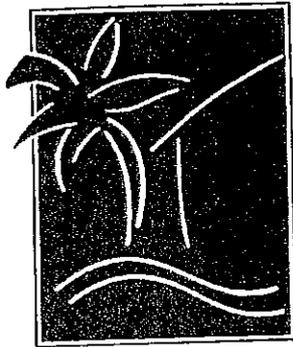
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Ms. Stephanie Kopelousos,
Secretary of Transportation
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399

February 9, 2010

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