

MEMORANDUM
FROM THE OFFICE OF THE CITY MANAGER

To: Mayor and City Commission
From: Pam Brangaccio, City Manager *PDB*
Re: **City Manager's Report – March 26, 2013**
Date: March 15, 2013

Announcements:

Saturday March 23, 6:30 AM - The Mayors of New Smyrna Beach (Barringer), Ormond Beach (Kelley), and Maitland (Schieferdecker) will race three hot-air balloons in the first-ever Mayors Hot Air Challenge.... BACKGROUND: The 5th annual Balloon & Sky Fest is set for April 5-7 in New Smyrna Beach. The Mayors Hot Air Challenge is a friendly competition that will officially kick off the pre-event festivities. Where: New Smyrna Beach Municipal Airport.

Saturday, March 30, 2013 - An Easter egg hunt will begin at noon in Old Fort Park, 210 Sams Ave., New Smyrna Beach. The event is hosted by the City of New Smyrna Beach, the Canal Street Special Events Team, and the New Smyrna Lodge No. 149 Free and Accepted Masons of Florida. For more information, please call the City's Recreation Department at 386.424.2175.

Saturday, March 30, 2013 - The city will host its inaugural Neighborhood Council meeting at 9 AM, at the Brannon Center, 105 S. Riverside Dr., New Smyrna Beach. Representatives of homeowner's associations and other neighborhood groups are strongly encouraged to attend. For more information or to RSVP, please contact Gail Henrikson at 386.424.2132. (see attached)

March 27, 2013 - Public Reception for Police Chief Candidates, 4:00 PM - 6:30 PM @ The Brannon Center, 105 South Riverside Drive, New Smyrna Beach, FL 32168.

April 6, 2013, 9-12 noon, is the community meeting for the update on the North Causeway Study. Individual breakout sessions will be utilized to review the two previous plans, and provide recommendations for various issues.

Field Notes:

Columbus Ave. Property Appraisal: The Engineering Department commissioned quotes for appraisal services of the old beachside Fire Station property along

Columbus Ave, which is currently subdivided and platted as six individual lots. The City would move forward with the sale of the five easterly most lots and retain the westerly most lot for historic preservation. Staff has received three appraisal quotes and is recommending moving forward with appraising only one lot as they are all similar in size and otherwise comparable. (see attached survey). The Parking Task Force has asked that monies received from the sale, go into a new Parking Fund.

The City has received a formal response from FDOT (see attached) on the effect of the widening of I-95 at the gateway; they cannot accommodate any landscaping (funded and permitted by FDOT in 2011-12) removed, anywhere in the project, but will assist on future landscaping grants. The only positive is that the actual construction bids allowed the project to extend through the SR 44 Interchange, which was beyond the original project scope bid out in April 2012 by FDOT. But it does not speak well of the State/Federal monies lost in installing the landscaping.

A formal survey (see attached) for property available for lease to the public, adjacent to the 3rd Ave Fire Station has been completed. A RFP will be on the April 9th Agenda for approval asking for a minimum of a 10 year lease.

Various City staff members have met with County officials on the CRA resolution scheduled to be heard on March 21st. Information from the various municipal sources is attached for your information. A "real-time" example is the proposed Orange City CRA (completed, expect for County approval of Redevelopment Plan, under review since fall 2012). County contributions to the new CRA, over a 20 year period, under the County's 2010 Resolution estimated at \$2.46M will fall to \$162,937, under the proposed 2013 Resolution. The County has also scheduled a discussion for adding to TPO an I-95/Pioneer interchange.

The County is preparing the next steps for consolidating the Fire Records Management System to Firehouse Software. There are continued concerns among former RCC partners. A meeting is scheduled to be held this Friday, March 22th.

The replacement police cars budgeted in the FY 12-13 Budget are ready to go out to general bid, with bid opening on April 3rd; with Commission approval on April 23rd.

Congratulations to Donna Banks, Community Resource Coordinator who organized the 2nd annual NSB Job Fair, held at Babe James Community Center. 96 individuals signed in as attending the event, to talk to a dozen local employers; resume assistance was something that will continue as well.

The City has received the attached letter from DEP on actions taken by a private contractor cleaning canals, under contract to the City. A formal response is being prepared to DEP, within fifteen days, on corrective actions being taken.

Should you have any questions or concerns regarding this report, please feel free to contact me.



2570 W. International Speedway Boulevard, Suite 100, Daytona Beach, FL 32114
Tel (386) 226-0422 • Fax (386) 226-0428 • Email: mswidorski@volusiafog.org

★ Council Member Tami Lewis, President ★ Mayor Robert Apgar, Vice President ★ Council Member Billie Wheeler, Secretary/Treasurer ★
Mary J. Swiderski, Executive Director

NEWS RELEASE

Date of Release: March 19, 2013

News Released By: Mary Swiderski, Executive Director, Volusia League of Cities

The Volusia League of Cities is proud to announce the recipients of the 2013 Distinguished Service Awards, the 2013 President's Award, and the Mayor Blaine O'Neal Award of Excellence for 2013. The awards will be presented at the Volusia League of Cities Annual Distinguished Service Awards Banquet on May 30, 2013, at the Riverfront Center at Saint Demetrios Greek Orthodox Church in Daytona Beach Florida.

The Volusia League of Cities found that in some cases there was the need to recognize more than one individual in a particular category. The following is the list of recipients who will receive their award on May 30, 2013.

For further information please contact Mary Swiderski, Executive Director of the Volusia League of Cities at (386) 566-6856 or email mswidorski@volusiaCOG.org.

MAYOR BLAINE O'NEAL AWARD OF EXCELLENCE (HIGHEST AWARD GIVEN BY THE VOLUSIA LEAGUE OF CITIES) (1)

Mayor Adam Barringer, City of New Smyrna Beach

Nominated by the Volusia League of Cities Distinguished Service Awards Nominating Committee

PRESIDENT'S AWARD

Shawn Lane, Chairman of Cudas Unhooked in the City of New Smyrna Beach

Nominated by Volusia County Council Member Deb Denys

ELECTED OFFICIAL OF THE YEAR (1)

Mayor Ed Kelley, City of Ormond Beach

Nominated by the Volusia League of Cities Distinguished Service Awards Nominating Committee

MANAGER OF THE YEAR (1)

Joyce Shanahan, Manager, City of Ormond Beach

Nominated by Ted MacLeod, Assistant City Manager, City of Ormond Beach

EMPLOYEE OF THE YEAR - ADMINISTRATION (2)

Carol Hargy, Human Resource Director, City of New Smyrna Beach

Nominated by Pam Brangaccio, City Manager, City of New Smyrna Beach

Dale Arrington, Assistant City Manager, City of DeLand

Nominated by Michael Pleus, City Manager, City of DeLand

EMPLOYEE OF THE YEAR - ECONOMIC ENRICHMENT, COMMUNITY PLANNING AND DEVELOPMENT (2)

Tony Otte, Economic Development Director, City of New Smyrna Beach

Nominated by Pam Brangaccio, City Manager, City of New Smyrna Beach

Chris Bowley, Planning & Development Services Director, City of Deltona

Nominated by Commissioner Heidi Herzberg, City of Deltona

EMPLOYEE OF THE YEAR - PARKS AND RECREATION (2)

John Davis, Parks & Recreation Superintendent, City of Orange City

Nominated by Jamie Croteau, City Manager, City of Orange City

Robert Carolin, Leisure Services Director, City of Ormond Beach

Nominated by Mayor Ed Kelley, City of Ormond Beach

EMPLOYEE OF THE YEAR - PUBLIC SAFETY (3)

Officers Lloyd Cornelius and Gregory Stokes, City of Ormond Beach Police Department

Nominated by Mayor Ed Kelley, City of Ormond Beach

John Brooks, Driver Engineer/EMT, Town of Ponce Inlet Fire Department

Nominated by Fire Chief Daniel Scales, Town of Ponce Inlet

EMPLOYEE OF THE YEAR - PUBLIC WORKS (2)

Travis Taylor, Equipment Mechanic, City of DeLand

Nominated by Michael Pleus, City Manager, City of DeLand

Richard Mullen, Public Works Superintendent, City of Lake Helen

Nominated by Commissioner Vernon Burton, City of Lake Helen

EMPLOYEE OF THE YEAR - OTHER (1)

Margret "Peg" Hunt, Code Enforcement Officer, Town of Ponce Inlet

Nominated by Aref Joulani, Planning & Development Director, Town of Ponce Inlet

CITIZEN OF THE YEAR - ECONOMIC ENRICHMENT, COMMUNITY PLANNING AND DEVELOPMENT (2)

Susan Elliott

Nominated by Debbie Bass, Town Clerk, Town of Pierson

Bliss Jamison

Nominated by Council Member Gene Emter, City of Edgewater

CITIZEN OF THE YEAR - COMMUNITY SPORTS (2)

Rick McBride

Nominated by Tom VanDeHey, Parks Superintendent, City of DeBary

Douglas "Doug" Wigley

Nominated by Robert Carolin, Leisure Services Director, City of Ormond Beach

CITIZEN OF THE YEAR - PUBLIC SAFETY (2)

Mildred "Millie" Reda

Nominated by Police Chief Andy Osterkamp, City of Ormond Beach

Dave Sutherland

Nominated by Michael Pleus, City Manager, City of DeLand

CITIZEN OF THE YEAR - CULTURAL ENRICHMENT (1)

Dorothy "Dot" Moore

Nominated by Gail Henrikson, Planning Manager, City of New Smyrna Beach

CITIZEN OF THE YEAR - COMMUNITY EVENTS (1)

Maritza Avila-Vazquez

Nominated by Volusia County Council Member Pat Northey

CITIZEN OF THE YEAR - OTHER (2)

Bob Balzer

Nominated by Michael Pleus, City Manager, City of DeLand

William C. Hall

Nominated by Joseph Yarbrough, City Manager, City of South Daytona

Winkler, Sandy

From: City of NSB News
Sent: Friday, March 15, 2013 8:07 AM
Subject: News release: Residents to attend first Neighborhood Council Meeting March 30

News media contact:
Gail Henrikson, planning manager
City of New Smyrna Beach
386.424.2132

March 15, 2013

NEWS FOR IMMEDIATE RELEASE

**Residents preparing to attend Inaugural Neighborhood Council Meeting
March 30**

When representatives of New Smyrna Beach neighborhoods meet at the end of the month, they will be asked to provide input to City staffers on issues faced in their neighborhoods. Residents interested in representing their neighborhood are encouraged to sign up to share priority issues and suggestions for neighborhood stabilization and improvement, according to Gail Henrikson, New Smyrna Beach planning manager. Attendees also will discuss the overall role their neighborhood plays in the City.

The inaugural Neighborhood Council meeting begins at 9 a.m., Saturday, March 30, at the Brannon Center, 105 S. Riverside Dr., New Smyrna Beach.

“This is the first step in establishing a network of neighborhood representatives that can be used as a resource by other neighborhoods and the City,” Henrikson said. “We will discuss topics of mutual interest for all New Smyrna Beach neighborhoods along with the role the Neighborhood Council should have in providing recommendations to the City.”

After the March 30 inaugural meeting, formal representatives will be sought from each of the City’s 24 distinct neighborhoods. The City Commission will adopt a formal resolution to create the council and outline its various tasks, Henrikson said.

“One of the goals of the kick-off meeting is to get feedback from residents regarding the role the Neighborhood Council should have in advising the City Commission,” Henrikson said. “This might include recommendations on needed capital improvement projects or developing a community-wide vision.

Henrikson said the City is looking for all of its neighborhoods to be represented.

For more information or to RSVP, please contact Henrikson at 386.424.2132.

Brangaccio, Pam

From: City of NSB News
Sent: Monday, March 18, 2013 4:36 PM
Subject: News release: Public invited to meet chief semifinalists March 27

News media contact:

Carol Hargy, human resources director
City of New Smyrna Beach
386.424.2111

March 18, 2013

NEWS FOR IMMEDIATE RELEASE

Public to meet police chief semifinalists at March 27 reception

New Smyrna Beach residents will be among the first to meet the City's next police chief. He – or she – will be among a group of semi-finalists attending a public reception from 4-6:30 p.m., Wednesday, March 27, at the Brannon Center, 105 S. Riverside Dr., New Smyrna Beach.

"We want our citizens to come to meet the candidates," said Pam Brangaccio, New Smyrna Beach city manager. "This is an important decision for our community, so we really would like to know their impressions of the candidates."

It's also an opportunity for the candidates to gather information about the City and its residents," Brangaccio said. "We want to make sure that the City and the candidates are well informed with regard to 'fit' and make the best decision for all concerned."

More than 150 applications were received from across the country including Alaska, Seattle and Connecticut, Brangaccio said. The International Association of Police Chiefs (IAPC), which the City retained to administer the nationwide search, has narrowed the list to seven semi-finalists. They are:

- - George E. Markert, director, Office of Public Integrity, Rochester, NY
- - Dennis M. Jones, police chief, Tallahassee
- - James L. Cetran, police chief, Wethersfield, CT
- - John S. Bukata, former police chief, Oakland Park, FL
- - Michael Brouillette, interim police chief, New Smyrna Beach
- - Laren J. Zager, police chief, Fairbanks, Alaska,
- - J. Michael Deal, Deputy Police Chief, Altamonte Springs

The City's human resources director, assistant city manager, business and residential representatives and Brangaccio will interview the semi-finalists. After reviewing candidate information from the IACP, community

input, and interview results, Brangaccio will appoint the police chief subject to approval by the City Commission. The new police chief could be hired at the April 23 City Commission meeting.

The position vacancy was announced January 15 with a closing date of February 15. Earlier this year, residents provided officials input to help to guide the candidate selection process. A series of public meetings were held for various constituent groups January 22- 23.

For more information on the reception, please call Carol Hargy, New Smyrna Beach human resources director at 386.424.2111.

-30-

POMEROY



APPRAISAL ASSOCIATES OF FLORIDA, INC.

Real Estate Appraisers — Consultants

600 N. RIDGEWOOD AVE., SUITE A, EDGEWATER, FL 32132 • TEL. 386-423-5110 • FAX 386-423-8088

March 11, 2013

Kyle W. Fegley, P.E.
City Engineer
New Smyrna Beach, FL 32168

Re: Appraisal Reports Columbus Ave properties

Dear Mr. Fegley:

This letter is intended to serve as Pomeroy Appraisal Associates fee proposal for appraisal services on the above-cited property.

We looked at the best and least expensive option for you which was to do one appraisal on the first site and the do a second appraisal on the lot with the proposed easement.

The least expensive reports would be produced on two land form reports the fee would be \$400. The second option would be to produce two narrative reports, which would run a little higher \$600.

Upon authorization to proceed, we are prepared to complete this assignment within approximately 5 to 7 business.

Thank you for the opportunity to submit this proposal, and we are most anxious to work with you on this appraisal assignment.

Respectfully submitted,

Ronald S. Crouse, ASA, CRA
State-Certified General Appraiser # RZ0000670

Fegley, Kyle

From: Tom Williams [mthomascwillia@cfl.rr.com]
Sent: Monday, March 04, 2013 4:07 PM
To: Fegley, Kyle
Subject: Re: Property Appraisal Request

Dear City of New Smyrna Beach

Thank you for the request for a proposal to perform appraisal services for the properties described in your email.

I can appraise any of the 4 lots without an easement for a fee of \$350 for each appraisal. The city may wish to order only one appraisal for the purposes of determining the Market value. I would also suggest that lots 7,9, & 11 may be combined without the 10 easement on lot 7 to make two (2) 70' Lots. I can perform an appraisal of a 70' lot for \$350 as well.

Sincerely

Thomas C Williams
St Cert Res REA RD3510
Williams Appraising LLC
206 Live Oak St.
NSB, FL 32168
(386)427-8431

From: Fegley, Kyle
Sent: Thursday, February 28, 2013 5:12 PM
To: mthomascwillia@cfl.rr.com
Subject: Property Appraisal Request

Tom,

Attached is the survey of the old beachside Fire Station property along Columbus Avenue, which is currently subdivided and platted as six individual lots. The City would like to sell the five easterly most lots (i.e. nos. 7,9,11,13,15) and retain the westerly most lot for historic preservation. As such our approach would be to sell the five lots as individual 50' wide lots and we need an appraisal to determine the fair market value of this real estate. As discussed the only caveat is the westerly property line of lot number 7 will have a 10' access easement limiting its development. You also mentioned some possibilities of combining several lots to make them more appealing to developers which will be placed in your proposal as a separate option.

Thanks,

Kyle W. Fegley, P.E.
City Engineer
New Smyrna Beach, FL 32168
Ph. (386) 424-2168
fax (386) 424-2148

Fegley, Kyle

From: todd@heffingtonandassociates.com
Sent: Monday, March 04, 2013 4:54 PM
To: Fegley, Kyle
Subject: Columbus Ave Appraisal

Good Afternoon Kyle,

After discussing this appraisal with Marty Concannon, we could do a residential lot appraisal, on a land form, for \$350. As you discussed, we would be appraising a typical lot as shown in the survey. We would need 2 weeks time to complete this report. If this will work, please let me know.

Thank You.

R. Todd Heffington, MAI
St.Cert.Gen.REA 2368
HEFFINGTON & ASSOCIATES
911 Beville Road, Ste. 7
Daytona Beach, FL 32119

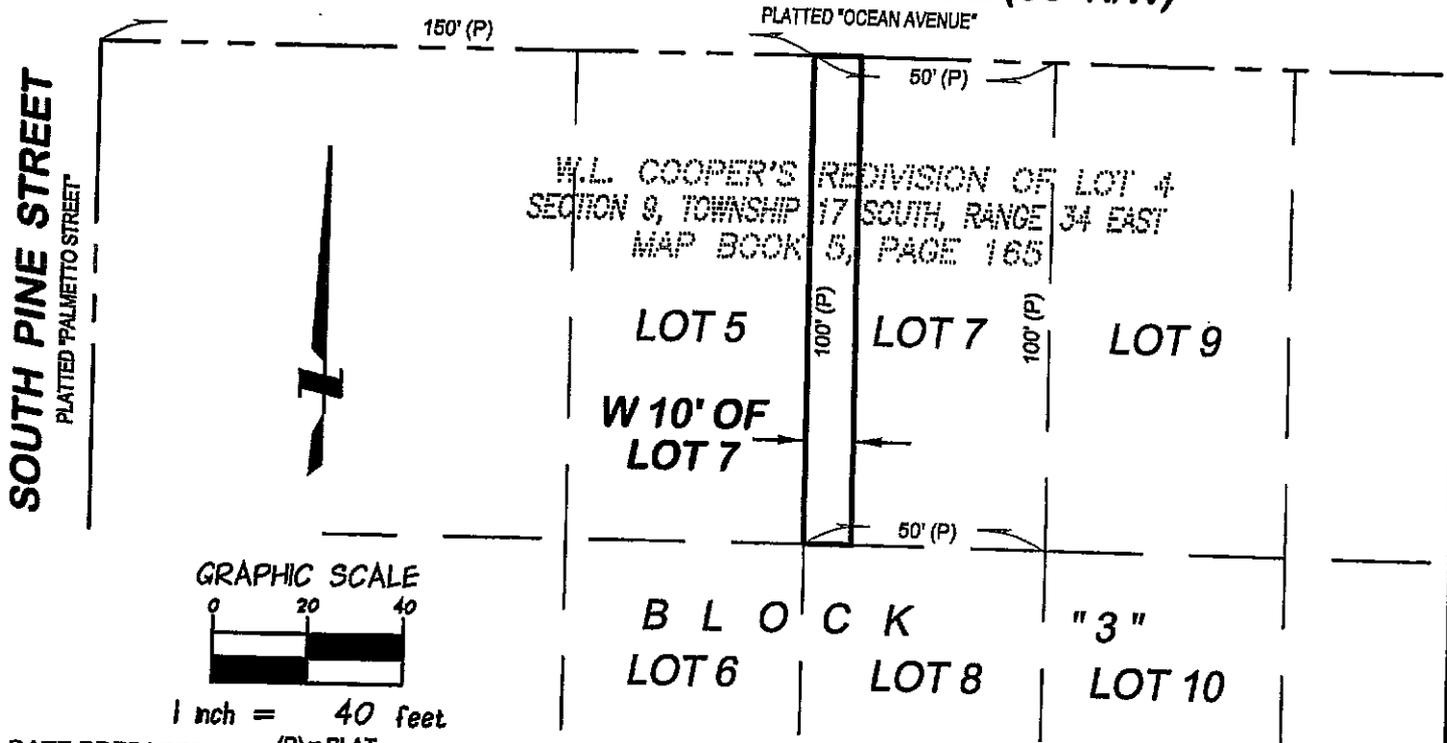
**SKETCH OF DESCRIPTION OF
(NOT A SURVEY)**

The West 10 feet of Lot 7, Block 3, W. L. COOPER'S REDIVISION OF LOT 4, SECTION 9, TOWNSHIP 17 SOUTH, RANGE 34 EAST, according to the plat thereof, as recorded in Map Book 5, Page 165 of the Public Records of Volusia County, Florida.

REPORT:

1. Description prepared by the undersigned at the request of the client.
2. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
3. This sketch of description and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
4. This sketch of description and report is subject to any facts that may be disclosed by a full and accurate title search.
5. The location of any subsurface foundations, improvements, features or utilities which may or may not exist and which may or may not violate deed or easement lines are not determined or addressed by this survey.
6. Dimensions indicated hereon are in U.S. standard feet and decimals thereof, unless otherwise noted.
7. **This sketch is not an actual Boundary Survey.**
8. Additions or deletions to this survey map or report by other than the signing party or parties is prohibited without written consent of the signing party or parties per F.A.C. Rule 5J-17.051(3)(b)6.
9. The survey map and report or copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

COLUMBUS AVENUE (30' R/W)



DATE PREPARED: (P) PLAT 03/08/2013

I hereby certify that this sketch of description of the subject property is true and correct to the best of my knowledge, information and belief as prepared under my supervision on the dates shown thereon. I further certify that this sketch of description meets the minimum technical standards set forth in F.A.C. Rule 5J-17, adopted by the Florida Board of Professional Surveyors and Mappers, pursuant to Florida Statutes Ch. 472.027, subject to the qualifications noted hereon.

Signed: Jeffrey W. Cory

Seal:

Jeffrey W. Cory
Professional Surveyor and Mapper License Number 4139

Daniel W. Cory Surveyor, LLC
Certificate of Authorization Number LB 7883
300 Canal Street
New Smyrna Beach, Florida 32168
(386) 427-9575

FILE # 2033
Work Order #13-03-002
Part of Lot 7, Block 3
COOPER'S SUB
(City of New Smyrna Beach)



cc: Pam
Tib
Mayor & Commission

Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 S. Woodland Boulevard
Deland, FL 32720-6834

ANANTH PRASAD, P.E.
SECRETARY

February 28, 2013

Khalid Resheidat, P.E.
Assistant City Manager
City of New Smyrna Beach
124 Industrial Park Avenue
New Smyrna Beach, FL 32168



PUBLIC WORKS

Dear Mr. Resheidat,

This correspondence is in reference to your letter dated February 26, 2013 concerning a field meeting that we both attended on July 26th, 2012.

The City received a federal landscaping grant for the plantings within the FDOT limited access right-of-way at the SR 44/I-95 Interchange via the Local Agency Program. After the January 2012 letting date of this landscaping project the Department had the bid opening for the widening of I-95 in April 2012. The limits included an option for the contractor to widen I-95 through the SR 44 Interchange. Based on our construction cost projections, we did not expect the project to reach this northern limit; however the winning Design-Build Firm was able to accomplish this.

When we met in the field we discussed various options. I, along with the FDOT Construction Project Manager and the Consultant Construction Engineer, said that we would explore options with the contractor, however we could not make any promises. It was subsequently determined that we do not have an avenue to relocate or replace the affected landscaping within the I-95 six laning project. Paragraph 3 of Exhibit "L" of the Local Agency Program Agreement(attached for your reference) expresses that the Agency is responsible for the plants given these circumstances. The Department does have a landscaping grant program that can be used on any state road. I will be glad to share the details of that program if you are interested.

I sincerely apologize if there was any miscommunication on my part and I regret any misunderstanding we may have had.

Sincerely,

Jennifer Vreeland
Consultant Project Management

Cc: Jim Boughanem, FDOT Construction
Steve Smith, FDOT Production Management
Steve Olson, FDOT PIO

EXHIBIT "L"

LANDSCAPE MAINTENANCE AGREEMENT (LMA)

Paragraph 13.13 is expanded by the following:

The Department and the Agency agree as follows:

1. Until such time as the project is removed from the project highway pursuant to paragraphs 3 and 5 of this LMA, the Agency shall, at all times, maintain the project in a reasonable manner and with due care in accordance with all applicable Department guidelines, standards, and procedures hereinafter called "Project Standards." Specifically, the Agency agrees to:

- a) Properly water and fertilize all plants, keeping them as free as practicable from disease and harmful insects;
- b) Properly mulch plant beds;
- c) Keep the premises free of weeds;
- d) Mow and/or cut the grass to the proper length;
- e) Properly prune all plants which responsibility includes removing dead or diseased parts of plants and/or pruning such parts thereof which present a visual hazard for those using the roadway; and
- f) Remove or replace dead or diseased plants in their entirety, or remove or replace those plants that fall below original Project Standards.

The Agency agrees to repair, remove or replace at its own expense all or part of the project that falls below Project Standards caused by the Agency's failure to maintain the same in accordance with the provisions of this LMA. In the event any part or parts of the project, including plants, has to be removed and replaced for whatever reason, then they shall be replaced by parts of the same grade, size, and specification as provided in the original plans for the project. Furthermore, the Agency agrees to keep litter removed from the project highway.

2. Maintenance of the project shall be subject to periodic inspections by the Department. In the event that any of the aforementioned responsibilities are not carried out or are otherwise determined by the Department to not be in conformance with the applicable Project Standards, the Department, in addition to its right of termination under paragraph 4(a), may at its option perform any necessary maintenance without the need of any prior notice and charge the cost thereof to the Agency.

3. It is understood between the parties hereto that any portion of or the entire project may be removed, relocated or adjusted at any time in the future as determined to be necessary by the Department in order that the adjacent state road be widened, altered or otherwise changed to meet with the future criteria or planning of the Department. The Agency shall be given notice regarding such removal, relocation or adjustment and shall be allowed 60 days to remove all or part of the project at its own cost. The Agency will own that part of the project it removed. After the 60-day removal period, the Department will become the owner of the unresolved portion of the project, and the Department then may remove, relocate or adjust the project as it deems best, with the Agency being responsible for the cost incurred for the removal of the project.

4. This LMA may be terminated under any one of the following conditions:

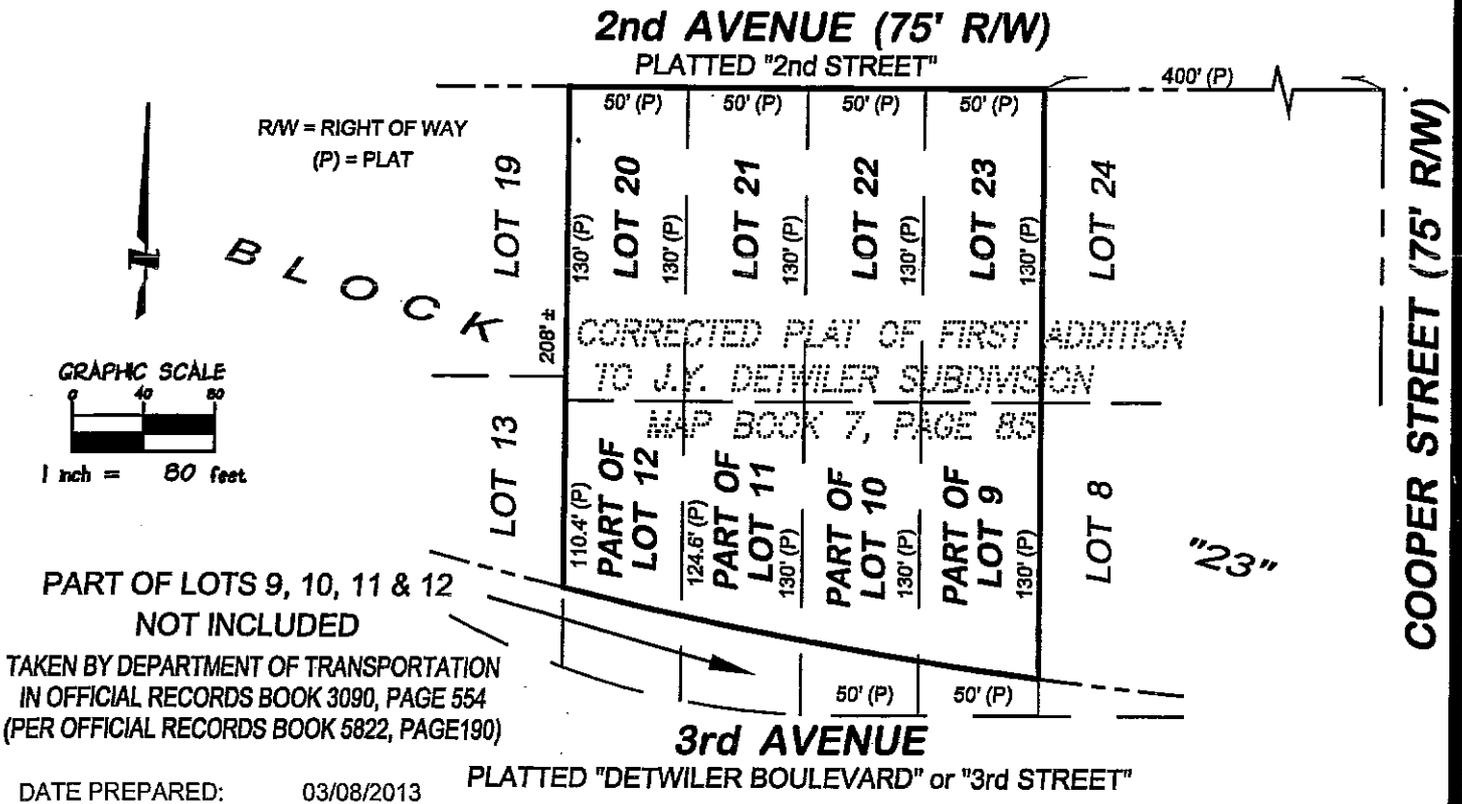
- a) By the Department, if the Agency fails to perform its duties under this LMA following 15 days' written notice; or
- b) By either party following 60-calendar days' written notice.

**SKETCH OF DESCRIPTION OF
(NOT A SURVEY)**

Lots 9 through 12, inclusive, less and except that part taken by Department of Transportation in Official Records Book 3090, Page 554, and all of Lots 20 through 23, inclusive, Block "23", CORRECTED PLAT OF FIRST ADDITION TO J. Y. DETWILER SUBDIVISION, according to the plat thereof as recorded in Map Book 7, Page 85 of the Public Records of Volusia County, Florida

REPORT:

1. Description prepared by the undersigned at the request of the client.
2. Subject to restrictions, reservations, limitations, easements and rights of way, if any, appearing of record.
3. This sketch of description and report prepared without the benefit of an abstract and no title work has been performed or provided to this surveyor.
4. This sketch of description and report is subject to any facts that may be disclosed by a full and accurate title search.
5. The location of any subsurface foundations, improvements, features or utilities which may or may not exist and which may or may not violate deed or easement lines are not determined or addressed by this survey.
6. Dimensions indicated hereon are in U.S. standard feet and decimals thereof, unless otherwise noted.
7. **This sketch is not an actual Boundary Survey.**
8. Additions or deletions to this survey map or report by other than the signing party or parties is prohibited without written consent of the signing party or parties per F.A.C. Rule 5J-17.051(3)(b)6.
9. The survey map and report or copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.



Signed: Jeffrey W. Cory

Seal:

Jeffrey W. Cory
Professional Surveyor and Mapper License Number 4139
Daniel W. Cory Surveyor, LLC
Certificate of Authorization Number LB 7883
300 Canal Street
New Smyrna Beach, Florida 32168
(386) 427-9575

FILE # 2035
Work Order #13-03-003
Lots 9-12 & 20-23, Block 23
DETWILER'S SUB
(City of New Smyrna Beach)

| | | | | |
|--|--|--|--|-----------------|
| Date: 03/21/2013 | | AGENDA ITEM | | Item: 12 |
| <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Budget Resolution | <input type="checkbox"/> Other | |
| Department: Leadership | | | | |
| Division: Leadership | | | | |
| Subject: Resolution establishing policy for delegation of authority to establish or enlarge community redevelopment areas. | | | | |
| Rhonda Orr Director Financial and Administrative Services <i>Rhonda C. Orr</i> | | Legal Daniel D. Eckert County Attorney Director Legal Department <i>Daniel D. Eckert</i> | County Manager's Office Charlene Weaver, CPA, CFO Deputy County Manager <i>Charlene Weaver</i> | |
| | | Approved as to Form and Legality | | |
| Council Action: | | | | |
| Modification: | | | | |
| Account Number(s): NA | | | | |
| Total Item Budget: NA | | | | |
| Staff Contact(s): Daniel D. Eckert | | Phone: 386 736 5950 | Ext. 15950 | |
| Summary/Highlights: Attached is a resolution amending and restating policy for delegation of authority for new and modified or expanded community redevelopment areas; and repealing Resolution 2010-20. | | | | |
| Recommended Motion: Approval. | | | | |

1 investment and preserve the soundness of the county general fund. A city
2 request for a delegation of authority or an amendment of existing delegation of
3 authority for establishment or enlargement of a community redevelopment area
4 normally shall be granted only if the aggregate assessed taxable values of the
5 proposed community redevelopment area have declined or stagnated in
6 significantly greater measure than the county generally or than comparably
7 developed portions of the county. The county council shall seek statistical
8 analysis by the property appraiser to assist in making such judgment. A city
9 request for delegation of authority never shall be deemed to have been granted
10 without county council action because of the passage of time or for any other
11 reason.

12 SECTION 3. A future delegation of powers under the Act shall

13 1. direct that both the community redevelopment agency
14 and the county council must approve the community redevelopment
15 plan, and any amendments thereto, and that the ordinance
16 establishing the redevelopment trust fund be effective only after
17 county council approval of the plan;

18 2. mandate the community redevelopment plan include
19 a capital improvement program based on measurable district goals
20 for return on investment;

21 3. require updates of the community redevelopment plan
22 at least every five years;

23 4. limit the increment payment by the county to no more
24 than twenty years, from only the general fund, to a multiplier which
25 is the lower of the city's or county's millage rate, and to a base

1 adjusted each year by the percentage difference from the prior year
2 in the taxable value of the real property assessment roll for the
3 county at large;¹

4 5. excuse increment payments from any independent
5 and dependent districts and from any voter approved millage,
6 regardless of whether bonds have been secured by such millage;

7 6. limit allowable administrative and non-capital costs to
8 an amount equal to no more than 5% of the annual increment
9 revenue payment of the city;

10 7. restrict the use of county contribution to the trust fund
11 to specified capital projects in the community redevelopment plan,
12 which shall not include utility projects other than stormwater;

13 8. require county council approval for any community
14 redevelopment agency debt or multi-year contractual obligation;
15 and

16 9. obligate the community redevelopment agency to
17 submit its annual budget for county council approval and annual
18 reports of agency plan implementation and goal achievements for
19 county council review and evaluation.

20 SECTION 4. A modified or expanded delegation of authority may

21 1. include any provision set forth above;

¹ The county council in its sole discretion may elect for up to five years to pay an increment computed from the initial base despite the annual base adjustment. Illustrations of the base adjustment are attached as Exhibits A-1 and A-2. The illustrations utilize an assessment of 5.6000 millage rate.

1 2. establish different trust fund contributions for the area
2 of an expansion; and

3 3. stipulate separate terms and different trust fund
4 contributions for the period of extension.

5 SECTION 5. Notwithstanding any policy statement herein to the
6 contrary, the county council retains discretion unlimited by this resolution for the
7 exercise of its community redevelopment powers as it may determine to be in the
8 public interest.

 SECTION 6. This Resolution shall take effect immediately upon adoption.
Resolution 2010-20 is hereby repealed.

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10 DONE AND ORDERED IN OPEN MEETING.

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COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

By: _____
Jason P. Davis
County Chair

ATTEST:

By: _____
James T. Dinneen
County Manager

EXHIBIT A-1

Formula Applied Year 1 Forward

Formula A

| County Value % Change | CRA Taxable Value | CRA % change | County Rate Change | CRA Increment | CRA Payment | County Retention | County Retains |
|--------------------------|----------------------|--------------------|-----------------------|------------------|----------------|---------------------|-------------------|
| CRA Base Year | 200,000,000 | | | | | | |
| Year 1 3.0% | 220,000,000 | 10.0% | 206,000,000 | 14,000,000 | \$ 74,480 | 6,000,000 | \$ 31,920 |
| Year 2 2.5% | 226,600,000 | 3.0% | 211,150,000 | 15,450,000 | \$ 82,194 | 11,150,000 | \$ 59,318 |
| Year 3 -3.0% | 217,536,000 | -4.0% | 204,815,500 | 12,720,500 | \$ 67,673 | 4,815,500 | \$ 25,618 |
| Year 4 3.0% | 228,412,800 | 5.0% | 210,959,965 | 17,452,835 | \$ 92,849 | 10,959,965 | \$ 58,307 |
| Year 5 3.0% | 242,117,568 | 6.0% | 217,288,764 | 24,828,804 | \$ 132,089 | 17,288,764 | \$ 91,976 |
| Year 6 3.0% | 244,538,744 | 1.0% | 223,807,427 | 20,731,317 | \$ 110,291 | 23,807,427 | \$ 126,656 |
| Year 7 4.0% | 254,320,293 | 4.0% | 232,759,724 | 21,560,569 | \$ 114,702 | 32,759,724 | \$ 174,282 |
| Year 8 4.0% | 267,036,308 | 5.0% | 242,070,113 | 24,966,195 | \$ 132,820 | 42,070,113 | \$ 223,813 |
| Year 9 4.0% | 280,388,124 | 5.0% | 251,752,917 | 28,635,206 | \$ 152,339 | 51,752,917 | \$ 275,326 |
| Year 10 4.0% | 294,407,530 | 5.0% | 261,823,034 | 32,584,496 | \$ 173,350 | 61,823,034 | \$ 328,899 |

EXHIBIT A-2

Formula Applied Year 6 Forward

Formula B

| County Value % Change | CRA Taxable Value | CRA % change | County Rate Change | CRA Increment | CRA Payment | County Retention | County Retains |
|--------------------------|----------------------|--------------------|-----------------------|------------------|----------------|---------------------|-------------------|
| CRA Base Year | 200,000,000 | | | | | | |
| Year 1 3.0% | 220,000,000 | 10.0% | | 20,000,000 | \$ 106,400 | - | \$ - |
| Year 2 2.5% | 226,600,000 | 3.0% | | 26,600,000 | \$ 141,512 | - | \$ - |
| Year 3 -3.0% | 217,536,000 | -4.0% | | 17,536,000 | \$ 93,292 | - | \$ - |
| Year 4 3.0% | 228,412,800 | 5.0% | | 28,412,800 | \$ 151,156 | - | \$ - |
| Year 5 3.0% | 242,117,568 | 6.0% | | 42,117,568 | \$ 224,065 | - | \$ - |
| Year 6 3.0% | 244,538,744 | 1.0% | 223,807,427 | 20,731,317 | \$ 110,291 | 23,807,427 | \$ 126,656 |
| Year 7 4.0% | 254,320,293 | 4.0% | 232,759,724 | 21,560,569 | \$ 114,702 | 32,759,724 | \$ 174,282 |
| Year 8 4.0% | 267,036,308 | 5.0% | 242,070,113 | 24,966,195 | \$ 132,820 | 42,070,113 | \$ 223,813 |
| Year 9 4.0% | 280,388,124 | 5.0% | 251,752,917 | 28,635,206 | \$ 152,339 | 51,752,917 | \$ 275,326 |
| Year 10 4.0% | 294,407,530 | 5.0% | 261,823,034 | 32,584,496 | \$ 173,350 | 61,823,034 | \$ 328,899 |

Brangaccio, Pam

From: Alison Stettner [astettner@ourorangecity.com]
Sent: Monday, March 11, 2013 4:25 PM
To: Otte, Tony; arringtond; pleusm; ttbarlow@CITYOFEDGEWATER.ORG; Brangaccio, Pam
Cc: Jamie Croteau
Subject: CRA Issues
Attachments: Orange City Impact.pdf; Orange City Community Redevelopment Plan_AnticipatedIR.pdf; Scenario1.pdf

Good Afternoon,

Please find attached a summary the potential impacts to Orange City's increment including the original increment revenue from the Redevelopment Plan and the increment revenue scenario based on the County's proposal.

Please feel free to contact me with any questions,

Thanks,

Alison C. Stettner
Development Services Director
City of Orange City
205 East Graves Avenue
Orange City, Florida 32763
P: (386) 775-5418
F: (386) 775-5420
astettner@ourorangecity.com

Visit us online at <http://www.ourorangecity.com>

CONFIDENTIALITY NOTICE: Please note that Florida has a very broad public records law. Most written communications to or from State officials regarding City business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. This e-mail message including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review use disclosure or distribution is prohibited. If you are not the intended recipient contact the sender by reply e-mail and destroy all copies of the original message.

PUBLIC RECORDS NOTICE: The City of Orange City is governed by the State of Florida public records law. This means that the information we receive online including your e-mail address might be disclosed to any person making a public records request. If you have any question about the Florida public records law refer to Chapter 119 Florida Statutes. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Impact of Proposed Changes

- Under Orange City’s currently submitted Plan, the County contribution would only be a total of \$2.4 Million in 20 Years or \$122,000 annually.
- The City’s Plan anticipated 40 years of revenue which would have only totaled \$10 Million Increment Revenue from the County for the entire period.
- Under proposed changes the County contribution would be a total of \$162,937 for 20 years. Insufficient to fund any capital project that would return an added value to allow future contributions.
- Changes render a CRA ineffective especially for redevelopment. They may be somewhat effective for vacant land.

Orange City’s Need

- Second lowest median household income in the County (\$30,110 – City & \$46,311-County) (2010)
- Has the lowest Median value of owner-occupied housing units, 2007-2011 of \$84,500 (Volusia County is \$172,100) (US Census)
- 20.3 % of the population below the poverty, 4th most in the County (Volusia County 15%) (US Census)
- 6th Highest total millage rate in Volusia County
- Redevelopment Plan was based on County Resolutions and was a Capital Based Plan with extensive public and County involvement.

Anticipated County Contributions

| Year | Submitted in Redevelopment Plan | County’s Proposed Changes |
|----------|------------------------------------|------------------------------|
| 10 Years | \$474,908 | \$162,937 |
| 20 Years | \$2,466,610 | \$162,937 |
| 30 Years | \$5,927,260 | \$162,937 |
| 40 Years | \$10,064,620 | \$162,937 |



City of DeLand

"The Athens of Florida"
www.deland.org

March 15, 2013

Mr. Jason Davis, Chairman

Mrs. Joyce Cusack, Vice Chair

Mr. Joshua Wagner

Mr. Doug Daniels

County of Volusia

123 W. Indiana Avenue

DeLand, FL 32720

Mr. Pat Patterson

Ms. Deborah Denys

Ms. Patricia Northey

Re: February 28th Recommendation on County Redevelopment Agencies (CRAs)

Via hand delivery and e-mail copy

Dear Members of the Volusia County Council:

The City of DeLand has enjoyed a long standing, good working relationship with the County Council and your staff. We view our two CRAs as partnerships with you. The Spring Hill CRA as a joint CRA, the first of its kind in the State of Florida, is certainly a partnership. Partnerships succeed because the partners work together and share common goals, vision, values and objectives. As to CRAs, we both want to eliminate blight, improve quality of life and create economic opportunity to improve our city and county.

I respectfully request and urge the County Council, prior to taking any action on a resolution implementing the "tweaked" recommendations presented by your staff at the February 28, 2013 meeting, to give the City of DeLand and all other cities ample opportunity to discuss those recommendations with you. I do not think that the February 28 recommendations have been fully vetted with you by your cities. I believe that should occur before you make what I would characterize as a major policy change and a policy change that, in my opinion, significantly impairs the value of CRAs as an effective redevelopment tool.

I appreciate that Mr. Dinneen met with the city managers on this topic and that dialogue should continue to see if some areas of concern can be resolved among our professional staffs. I know Mr. Yarbrough on behalf of the city managers has sent a letter to Mr. Dinneen with suggested changes. Additionally, I suggest that at a time after further manager meetings that the County Council hold a workshop with all the Mayors (or other designee of a city) so you can hear from city policy makers their respective concerns about the various recommendations. Below, I will mention a few (but not all) of my personal concerns or thoughts.

I attended your February 28, 2013, meeting and listened to the staff presentation and Council discussion regarding establishing new policies for CRAs. Some concerns were immediately apparent to me. As I have reflected on the recommendations, more issues, concerns and questions have come to mind.

First, there has been no discussion or consideration of the extra territorial value of a CRA. All of the focus has been internal, that is what value has a CRA added within its boundaries. I believe that CRAs add real and intrinsic value outside their boundaries. While I recognize that statement cannot be empirically quantified, I believe it is absolutely true and impacts the County's general growth rate used in the proposed formula.

For example, one of the most often cited reasons for people moving to the DeLand area is our downtown which is a CRA. How many new homes were constructed in Victoria Park or unincorporated areas around DeLand by people who moved here because of downtown? If our downtown were in its pre CRA condition, those attracted by our downtown may have built homes outside of Volusia County.

Before Frontier Communications selected space outside of our downtown for a DeLand call center, they visited DeLand. Frontier told us that our downtown was one of the reasons they choose DeLand. If downtown were in its pre CRA condition, would Frontier have selected DeLand, who knows? My point is there has been no discussion about or consideration of a CRA's economic impact outside its boundary and how that should be considered in this discussion. Blighted areas are certainly detractors and inhibitors to business prospects and new residents selecting a community, even more so to a smaller city.

Two other items of concern that I will mention. The first is the "formula" that adjusts the county's TIF payment to the base property value adjusted by the county wide property value growth rate. Typically, blighted areas will not increase at the same overall growth rate as the rest of the county. My experience in our downtown CRA has been that it took multiple years to build momentum for noticeable improvement.

Use of an adjustable base rate poses many questions including whether a sufficient and steady revenue stream can be generated from the County's portion using this formula to satisfy bonding requirements. Further, values do not generally change uniformly throughout our county and the impact of new construction on general growth may skew the numbers. I believe any such growth comparison will have unintended consequences and create inequities. Further, existing caps on assessed values and any new like legislation that will further limit growth will affect the values so that the potential increment may be very small.

Requiring use of this formula may limit CRA funds to such minimal levels that no work of any meaningful, value adding nature can be accomplished within a CRA. Before this formula or any other formula is adopted, I think it should be analyzed to test its impacts on the funding

stream using the history of existing CRAs both pre and post assessment caps. If that is done, I believe you will conclude the proposed formula should be eliminated or substantially changed.

My next concern is that the recommendations establish a set of "one size fits all" rules for geographical areas in a CRA that may greatly vary in our county. Existing CRAs run the gamut from the low and very low income single family residential areas of Spring Hill, to the ocean side Main Street commercial tourist areas in Daytona Beach. Future CRAs will likely also greatly vary.

If the proposed recommendations were applied to Spring Hill or a similar area many needed improvements and stated plan goals could not be achieved. TIF funds could not be used for utility connections or for community policing efforts in high crime areas. Limiting use of CRA funds to 5% of the city TIF revenue does not recognize that as capital improvements age, a larger portion of the revenue will be needed to maintain capital projects constructed with TIF funds. These examples highlight the need to address CRAs on a case by case basis.

I know that the Council has concerns about some uses of CRA revenues by some CRAs and I believe these concerns should be identified clearly in your policy change and then each concern should be specifically addressed on a case by case basis during your CRA plan approval process. The February 28 recommendations do not provide the flexibility needed to make sound decisions for unique geographical areas and changing times.

Your cities can provide many good ideas on appropriate policies to address concerns regarding CRAs that provide greater flexibility. We recognize and understand that the Council wants to set limits on potential CRA revenue from the County in order to provide for its general fund services. We understand as your cities also face revenue concerns in our general funds. DeLand believes CRAs are a useful and effective tool for eliminating blight and achieving prosperity in geographic areas in need of redevelopment. DeLand and I believe other cities understand the need for balance and would appreciate the opportunity for additional dialogue on these items before new policies are adopted.

Thank you for your consideration of my letter and I sincerely hope that you will initiate a process for more discussion on CRAs among city and county policy makers.

Sincerely,



Robert F. Apgar, Mayor
City of DeLand

cc: DeLand City Commission
Michael Pleus
Jim Dinneen
City Mayors
City Managers

RFA/rc



City of New Smyrna Beach

US1 CRA Community Meeting

March 5, 2013

RECEIVED

OFFICE OF THE CITY CLERK

DATE 3-18-2013

City of New Smyrna Beach

The City of New Smyrna Beach is preparing an analysis for a new community redevelopment district. The City would like your input as a business, resident and/or community stakeholder who may benefit from the district.

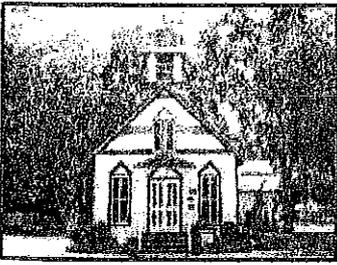
"A new district will benefit all of us, especially the property owners in the new district, both residents and business owners," said Tony Otte, New Smyrna Beach Community Redevelopment Agency (CRA) director. "Those stakeholders should be involved in this process as we prepare to request the new district from Volusia County Government."

The proposed CRA includes US 1 from just north of the City airport to the southern limits, parts of the Historic Westside Community, the Canal Street Historic District, a portion of SR 44 to include the former K-Mart building, and contiguous residential areas.

Please provide us your comments below on what you like within the district, what you would like to see changed or a program that would be beneficial to the community.

Comments:

see attached letter from
Mary S. Harrell Black Heritage
Museum.
Rev. Lorenzo Laws, President,
Board of Directors
Mr. Jimmy Harrell, Assistant
Executive Director



BLACK HERITAGE MUSEUM

314 N. Duss Street

New Smyrna Beach, Florida 32168

(386) 478-1934

Funded and operated by the Black Heritage Festival of New Smyrna Beach, Inc.
A 501(C)3 Organization, EIN #59-3436288

City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168

TO: Mr. Adam Barringer, Mayor
Members of the City Commission
Mr. Tony Otte, Chairman, Community Redevelopment Agency

RE: Comments to be Included in the Analysis for a New Community Redevelopment District as per CRA Community Meeting of March 5, 2013

COMMENTS: On Wednesday, March 13, the Board of Directors of the Mary S. Harrell Black Heritage Museum directed us to provide these comments to the City of New Smyrna Beach and to the Chairman of the CRA.

1. As part of the "Historic Westside Community," we ask that the CRA District be extended west to include at least both sides of Duss Street. This extension would then include Pettis Park, the Mary S. Harrell Black Heritage Museum and the Heritage House.
2. We further request that the Loop Bus route be extended to Duss Street so that it would include the Museum, Heritage House and Pettis Park.

Sincerely,

Rev. Lorenzo Laws
President, Board of Directors

Mr. Jimmy Harrell
Assistant Executive Director

Proposed Community Redevelopment Agency (CRA) Area

The CRA currently in place in New Smyrna Beach is ending in 2015, but there continues to be areas of our City that suffer from blighted conditions. A new CRA is being proposed that will address blight in an area that includes most of US 1 in the City limits, the NSB Airport, the Historic Westside, the Canal St area, North Causeway, and 180 acres of the Federal East Coast Railway Company (FECR) property. Beachside properties that are in the current CRA will not be included in the proposed CRA. Please click on the attached map to see the outline of the proposed CRA area.

Two of the indicators of blight are code enforcement activity and crime. In the last three years the proposed CRA area has had 32% of our City's code enforcement dept. activity, but is less than 10% of the land area of the City. In 2012, the proposed area generated 58% of police activity.

In 2010 the County Council approved several resolutions regarding CRAs. The City of NSB is committed to working with the County in compliance with those resolutions, which include:

- limiting the contribution by the county to a millage rate that does not exceed the millage rate used by the city to calculate its tax increment contribution;
- restricting the use of County contributions to a specific project or projects, or expenditures as defined in the plan; and
- working to determine available incentives for specific goals such as job generation and other economic development achievements.

For additional information, please contact the CRA office at 424-2265.

City of South Daytona

Office of the City Manager

Post Office Box 214960 • South Daytona, FL 32121 • 386/322-3010 • FAX 386/322-3008



March 14, 2013

Mr. Jim Dinneen, County Manager
County of Volusia
Thomas C. Kelly Administration Center
123 W. Indiana Avenue
DeLand, Florida 32720

Subject: CRA Policy Recommendations

Dear Mr. Dinneen:

On behalf of all the city managers and support staff who attended the meeting on March 7, 2013, I would like to thank you and your staff members for taking the time out of your schedule to attend the meeting and to listen to our concerns.

As the Chair of the Volusia Manager's Association, I have been asked to assemble input and articulate advice based on experience as to what could work to assure the community redevelopment areas achieve elimination of blight in the geographical areas for which they are created. During our meeting, you agreed to address many of the concerns expressed by city representatives. Some of these were very simple – such as agreeing to clarify the definition of utilities; while others were more complicated, such as the need to create or expand a definition of "return on investment" so that it can measure a reduction in blight rather than only increases in ad valorem tax dollars to taxing authorities.

We were troubled with the County "formula" in that the tax increment value would be adjusted by the difference between the change in value to the CRA area and the average change in property values Countywide. These concerns include, but are not limited to, new and proposed legislation that will limit growth of the base value; the timing of when the County increment would start; the duration of the County contribution; and whether sufficient and steady revenue could be generated using this formula to satisfy bonding requirements. Several city managers have indicated to me a willingness to discuss other ways of addressing the County's desire to limit CRA contributions.

During the city managers' meeting, you claimed that the property value appreciation in the CRAs was about the same as the County's property value appreciation. This appears to be the

basis from which you argue that the CRAs are not really working and the CRAs are only receiving the increment revenue from the property value appreciation that was going to occur with or without the CRA's. Although we received the County's taxable value spreadsheet yesterday, we have prepared our own calculations which question the County's assertion.

We have analyzed the data for 2003 – 2012, as this was as far back as the Property Appraiser's records are available online. During this period of time, the property values in the unincorporated areas of the County appreciated 8.43%, in the cities 10.20% and in the CRAs 176.69%. During this 10 year period, 80.16% of all appreciation Countywide occurred in municipalities and 69.33% of the total appreciation in the municipalities occurred within CRAs. Furthermore, in the last year, 87.31% of new construction value occurred in municipalities.

This is a logical result given the limitations on increasing assessed values in properties located outside CRAs, such as Save Our Homes in municipalities and agricultural/environmentally sensitive property in the unincorporated areas of the County. Nevertheless, property values in CRAs appreciate at a much higher rate than other property in the County. We will never know whether this appreciation would have occurred without the CRA's.

It is important that the County appreciate that the driving force behind property value appreciation is not the County, but the municipalities, and the main source of appreciation in the municipalities are in the CRAs. Is it really prudent for the County to restrict the ability of municipalities to operate CRAs when CRAs are the best, if not only, economic redevelopment tool available to municipalities?

The County wants to limit administrative expenses incurred by CRAs so that no County contribution and only 5% of the City's contribution are used to fund administrative expenses. This is unrealistic as it is necessary to have the proper administration of a CRA. The County obviously agrees that administration is necessary for a successful economic development plan as the County currently employs 12-full time employees in the Economic Development Department.

The cities present at the meeting asked for some additional time to both consider your proposition, and to discuss this proposition with members who had to leave the meeting. Representatives from several cities met on March 11, 2013, and agreed that they could not support the "formula" for County increment financing as put forth at the February 28th meeting and later discussed on March 7th. They would, however, welcome a conversation about other alternatives to limit County financial obligations. In keeping with your request that cities forward their concerns and recommendations for the County Council, I am attaching comments that many of the cities present at the March 7th, 2013, meeting have developed. Addressing these concerns makes sense regardless of one's position on the County's financial increment formula and it is my hope that you will address these concerns with any resolution that you bring forward for County Council's consideration. I look forward to receiving notice and information about the next step in this process.

The cities would greatly appreciate an opportunity to comment upon any proposed resolution for new and existing CRAs, requesting that no final action be taken at the March 21 County Council meeting.

We are hopeful that by working together we can find ways to address the blighting influences in our communities and develop vibrant communities for our residents, workers and visitors. Such action would benefit all of Volusia County.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Joe', with a long horizontal stroke extending to the right.

Joseph Yarbrough
City Manager
City of South Daytona

C: City Managers
/Attachment

Attachment I
City Managers' Suggested Edits for New CRA Policy/Resolution

It is our request that no additional amendments be considered and that the County Council adhere to the existing Resolution 2010-20 adopted on February 18, 2010. If the County Council wishes to move forward with additional regulations similar to those presented at the February 28, 2013 meeting, it is hoped that the comments below will be considered, and that CRA plans be approved with latitude to support initiatives to address local conditions. We hope that no final action will be taken on this issue at the March 21, 2013 County Council meeting.

Recommendation Summary (taken from County Staff Recommendations February 28, 2013)

- 1) Blight finding will include a review of ~~demonstration of a distinct pattern of declining~~ property values over the prior 5 years. ~~The review shall take into account surrounding property value appreciation/decline to determine level of blight in the proposed CRA.~~
- 2) The Property Appraiser will provide data ~~an analysis and recommendation~~ to the County Council and the cities for purposes of their own analysis. A city may provide an analysis completed by city staff/consultant for consideration.
- 3) County Council approves the CRA Plan as adopted, amended and updated. If it is determined that the proposed Plan has competing county policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund, the governing body of the County and the governing body of the municipality that created the community redevelopment agency shall schedule a joint hearing within 45 days and it shall be co-chaired by the chair of the governing body of the County and the mayor of the municipality, with the agenda set by the chair of the governing body of the County at which the competing policy goals for the public funds shall be discussed. Any additional amendments to the Plan or expansions to the redevelopment district shall also be transmitted to the County for administrative review to determine if the County has competing policy goals and plans for the public funds the County would be required to deposit to the community redevelopment trust funds.

Further explanation: At present time the County only approves the initial CRA Plan. Language should be developed that allows municipalities to incur project related debt in accordance with specific guidelines included in the CRA Plans approved by the County. These guidelines would establish a predictable process that encourages business investment in the redevelopment areas without creating a bureaucracy of time consuming redundant approvals.

- 4) The CRA Plan will define goals and measures for ~~return on investments~~ determining success based on the criteria used to determine blight. It is anticipated that these could include trends for individual and aggregate property valuations, revenues for sales tax and gas tax, visitor "bed" taxes, commercial property and residential occupancy rates, code enforcement data, market lease rates, sales price and closed sale price data, building permit data, owner and tenant investment data, "curb appeal" survey data, tenant mix and quality data, survey data on upkeep and cleanliness, tourism experience survey data, depending on data availability and local conditions.

- 5) CRA will be for a ~~ten~~ 20 year term with an option to extend to a 20 year maximum and can be extended at the County's discretion. The CRA may, in the process of incurring debt or fulfilling the terms of a redevelopment incentive package/project, be permitted to extend its term to a total of 25 years (see #11).
- 6) The base year for the CRA will be set at the assessment following the County Council approval of the delegation.
- 7) The CRA will submit an annual ~~plan~~ report with associated budget, project status as outlined in the CRA Plan, and changes in property values.
- 8) The County contribution will be for capital only. "Capital" is defined as any expenditure for the construction of an improvement on public property, debt service capital outlay and the maintenance of such facilities constructed with CRA funds.
- 9) ~~The County contribution is not for utility projects.~~ Utility projects shall be allowed if they are directly related to capacity for a large redevelopment project and/or streetscape project (included in # 8 above).
- 10) Non-capital and administrative expenses are limited to 5% of the city contribution, or as agreed to by the County Council, or as provided for in the CRA Plan. Non-capital and administrative expenses shall be provided for in the CRA Plan. The City shall decide the use of city funded expenditures for the years when there is no County increment revenue, and there shall be no additional reporting requirements in addition to state law for the years that there is no County increment.
- 11) ~~County Council will pre-approve debt.~~ Municipal CRA debt approval will be in accordance with guidelines described in the adopted CRA Plan. After five years the CRA may incur debt with a 20 year term.
- 12) ~~County contribution will be from general fund only.~~ Identify the taxing authorities which shall be contributors.
- 13) The increment calculation will be based on the increase in CRA property value greater than the base value adjusted for general growth, after the first ten years. A definition of general growth will reflect local conditions and be included in the approved CRA Plan.

Note: If the primary concern is County revenue stabilization in the future then the County may, rather than use the growth fund formula, set a ceiling on County contributions or define sealed monetary thresholds (e.g. 95% of tax increment share up to \$1 million, 75% up to \$2 million until the sunset date).

Further explanation: Consider the impact of proposed changes to Orange City: Under the proposed changes the County contribution would be a total of \$162,937 for 20 years versus under the current rules the County contribution would total \$2.4 Million (\$122,000 annually) over 20 years. The proposed rule change would render a CRA ineffective for redevelopment and increment funding would be insufficient to fund any capital project. The lowest income areas of the City/CRA's success should not be based on property valuation alone. *If that is the only*

determining factor than the general growth adjustment shall not apply to the area of the City/CRA where income property values are in the bottom third of the County.

Note: As an alternative to numbers 9, 10 and 13 propose: There shall be no restrictions on city contributions, no restrictions on TIF calculations except as follows: if there is a project with a third party in excess of \$10 million the City/CRA and the taxing authorities will negotiate the distribution of the TIF revenue.



County Manager

CC: Fire Chief
+ City Comm

RECEIVED

MAR 13

City Manager

JASON P. DAVIS
COUNTY CHAIR

March 8, 2013

JOYCE CUSACK
Vice-Chair
AT-LARGE

PAT PATTERSON
DISTRICT 1

JOSHUA J. WAGNER
DISTRICT 2

DEBORAH DENYS
DISTRICT 3

DOUG DANIELS
DISTRICT 4

PATRICIA NORTHEY
DISTRICT 5

JAMES T. DINNEEN
COUNTY MANAGER

Ms. Pam Brangaccio, City Manager
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168-9985

Re: Consolidated Fire Records Management System

Dear Ms. Brangaccio:

Your city and the County made a mutual commitment in 2011 to a consolidated system supporting dispatch services and records management for all fire and police departments. With regard to fire records management, it was agreed that the consolidated system would utilize the Firehouse software from ACS since it is presently used by a majority of fire departments in the county.

As part of the mutual commitment to a consolidated system, the County agreed to fund the core components of the system including the costs associated with the annual maintenance and future upgrades. To uphold this obligation, the County is upgrading to the newest version of the Firehouse software. This version is currently in general release and offers numerous enhancements while retaining the same core functionality contained in previous versions. It is merely an update to a proven solution already used by eight fire departments in Volusia County.

To accommodate a consolidated Firehouse system capable of supporting all cities, the County has negotiated at length with the vendor to include the following core components in the upgrade.

RECEIVED

MAR 13

Manager

| Component | Nbr of Licenses |
|---------------------------------|-----------------|
| FH.Net Core with Web | Site License |
| Incident Reporting (Fire & EMS) | Site License |
| Staff Activities | Site License |
| Staff Scheduling | Site License |
| Training | Site License |
| Occupancy Management | Site License |
| Inventory (Equipment, PPE) | Site License |
| Apparatus Equipment | Site License |
| Hydrant Tracking | Site License |
| CAD Monitor | One per agency |
| Mobile Response w/Navigation | Site License |

The vendor offers some additional optional components (e.g. iPad software, analytics, etc.) that are not required to provide core functionality and they will not be funded by the County. Each agency has the discretion to evaluate and negotiate with the vendor directly for optional non-core components. If an agency wishes to purchase an optional component, we recommend using the savings realized through the County's absorption of the cost for core components.

The migration of your city's fire department to the consolidated Firehouse system is a large project that will require a great deal of coordination to implement. The County has identified funding for this system, but these funds cannot be encumbered indefinitely. In order to provide sufficient time to complete implementation this fiscal year, the County needs to receive your renewed commitment to the system before April 1, 2013.

Sincerely,



James T. Dinneen
County Manager



Ben F. Johnson
Sheriff

- c: Mary Anne Connors, Deputy County Manager
- George Recktenwald, Public Protection Director
- Mike Coffin, VCSO Chief Deputy

Winkler, Sandy

From: Brangaccio, Pam
Sent: Thursday, March 14, 2013 2:47 PM
To: Winkler, Sandy
Subject: Fwd: Patrol Cars

Claudia ...add to march 26 th CM report document.

Sent from my iPad

Begin forwarded message:

From: "Resheidat, Khalid" <kresheidat@cityofnsb.com>
Date: March 14, 2013, 11:07:05 AM EDT
To: "Hendrickson, Brenda" <BHendrickson@cityofnsb.com>, "Brouillette, Mike" <mbrouillette@cityofnsb.com>
Cc: "Brangaccio, Pam" <pbrangaccio@cityofnsb.com>
Subject: RE: Patrol Cars

Thanks Brenda

From: Hendrickson, Brenda
Sent: Thursday, March 14, 2013 9:46 AM
To: Brouillette, Mike
Cc: Resheidat, Khalid
Subject: Patrol Cars

Timeline for new patrol cars...

Bid Opening Date: 2:00 pm Wednesday, April 3rd
Commission approval: April 23 – Recommendation for bid award and purchase approval of Sole Source
Vendor Watchguard Video for Camera Systems

Winkler, Sandy

From: Brangaccio, Pam
Sent: Monday, March 18, 2013 2:52 PM
To: Winkler, Sandy
Subject: DONE FW: City of New Smyrna Beach and Mr. Jacobs, Compliance Assistance Offer, Site # 336315 / FL Dept of Environmental Protection
Attachments: New Smyrna Beach and Jacobs CAO-ERP-13-0232.pdf

Can U print out the attached for me.

From: Festa, Daun [<mailto:Daun.Festa@dep.state.fl.us>] **On Behalf Of** DEP_CD
Sent: Thursday, March 14, 2013 1:48 PM
To: Brangaccio, Pam
Cc: Resheidat, Khalid; Beard, Hal; Davila, Sirena
Subject: City of New Smyrna Beach and Mr. Jacobs, Compliance Assistance Offer, Site #336315 / FL Dept of Environmental Protection

Please note that the Central District is now using a single e-mail address for incoming and outgoing correspondence. Please send future correspondence to DEP_CD@dep.state.fl.us.

Attached is an Adobe Acrobat document from the Central District of the Florida Department of Environmental Protection. You *must* have Adobe Acrobat Reader version 4 or higher in order to successfully view and download the pdf file. A FREE viewer (version 5) is available at <http://www.adobe.com/>.

This email is an alternative to a hard copy being sent by mail.

Please contact me if you have any questions.

Daun M. Festa
Administrative Secretary
Business Resources Program
Florida Department of Environmental Protection
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803
Email: daun.festa@dep.state.fl.us
Phone: 407-897-2946
Fax: 850-412-0467

If you have received an authorization from the ERP program, please click on the survey link (below) to provide us valuable feedback about your experience:



Additional web resources:

DEP
Home Page



DEP Business
Portal



PLEASE NOTE: Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Central District Office
3319 Maguire Boulevard, Suite 232
Orlando, FL 32803

RICK SCOTT
GOVERNOR

JENNIFER CARROLL
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

March 14, 2013

Ms. Brangaccio, Manager
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168
pbrangaccio@cityofnsb.com

CAO-ERP-13-0232

AND

Mr. Jacobs, Property Owner
1801 S Riverside Drive
New Smyrna Beach, FL 32168

re: Compliance Assistance Offer
Site No. 336315
Project no. 33567

Dear Ms. Brangaccio and Mr. Jacobs:

A complaint inspection was conducted along Gabordy canal and a single family residential property parcel no. 49-17-34-07-02-0251, located at 1801 S Riverside Drive, in New Smyrna Beach on January 24, 2013, under the authority of Section 403.061, Florida Statutes (F.S.). During this inspection, possible violations of Chapter 403 and 373, F.S, and Chapter 62-343, Florida Administrative Code (F.A.C.) were observed. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Please see the attached inspection report for a full account of Department observations and be advised this Compliance Assistance Offer is part of an agency investigation preliminary to agency action in accordance with Section 120.57(5), F.S. We request you review the items of concern noted in the attached inspection report and respond in writing within **15 days** of receipt of this Compliance Assistance Offer. Your written response should either:

1. Describe what you have done to resolve the issue (see "Recommendations for Corrective Action" section of the report),
2. Provide information that either mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for one of our inspectors to visit your property to offer suggested actions to return to compliance without enforcement.

It is the Department's desire that you are able to document compliance or corrective actions concerning the possible violations identified in the attached inspection report so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

City of New Smyrna Beach & Mr. John Jacobs
CAO-ERP-13-0232
Page 2 of 2
March 14, 2013

Please address your response and any questions to Sirena Davila of the Central District Office at (407) 897-2958 or via e-mail at Sirena.Davila@dep.state.fl.us. We look forward to your cooperation with this matter.

Sincerely,



Lisa A. Kelley, Assistant Director
Central District Office

LK/dh/tr/sd/df

Enclosure: Inspection Report

cc: Khalid Resheidat, Assistant City Manager (kresheidat@cityofnsb.com)
Hal Beard, Maintenance Operations Manager (hbeard@cityofnsb.com)