

**MEMORANDUM**  
**FROM THE OFFICE OF THE CITY MANAGER**

**To:** Mayor and City Commission  
**From:** Pam Brangaccio, City Manager *PDB*  
**Re:** **City Manager's Report – May 14, 2013**  
**Date:** May 3, 2013

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**Salsa in the Park** - The area around Christmas Park will be transformed into a dance floor later this month. Free Latin dance lessons will be offered as part of Salsa in the Park from 6 - 9 p.m., Friday, May 31. The event is hosted by the City of New Smyrna Beach.

**Request For Proposals - 450 3rd Avenue** - The City is soliciting Responses to a Request for Proposals (RFP) to lease approximately one (1) acre for Development adjacent to the new Fire Station property. The proposers should outline their short term and/or long term utilization of the site; with a proposed lease payment; and plan for development to the City. Deadline for submittal 05/17/2013 by 2pm.

**Mary Ave Tot Lot Restrooms and Pavilion Project** – A Notice to Proceed (NTP) was issued with a work commencement date of April 30, 2013 and a completion date of July 14, 2013. (see attached)

**The NSB Police Department** has received two (2) checks (\$7,731 and \$15,801.14) from a distribution of forfeiture monies. (see attached)

**Revenue bond options** - The Assistant Finance Director, City Attorney, ACM and City Manager met with the City's Finance Advisor (Mark Galvin of First Southwest) to review revenue bond options as well as refunding opportunities (which are dependent on interest rates) for existing City Bonds. This is in keeping with the earlier budget discussion, to keep a level amount of debt service in FY 14-15, while securing funding for several major City capital priorities.

**NSB Retail Properties available** - The attached flyers for large scale vacant commercial properties were prepared with Team Volusia for an upcoming ICSC event.

**ECHO Listening sessions** – On April 9, 2013, during a public workshop, the County Council directed staff to hold public meetings in each council district to

discuss the ECHO program. These meetings have been scheduled as follows (subject to County Council approval) (see attached):

- District 1 - May 14, 2013 at 5:00pm at the Museum of Florida Art, DeLand
- District 2 - May 21, 2013 at 5:00pm at the Museum of Arts and Sciences, Daytona Beach
- District 3 - May 23, 2013 at 5:00pm at the Atlantic Center for the Arts, New Smyrna Beach
- District 4 - May 29, 2013 at 5:00pm at the Casements, Ormond Beach
- District 5 - June 4, 2013 at 5:00pm at the Lyonia Environmental Center, Deltona

**Gas tax interlocal agreement** – The interlocal agreement between the County and Municipalities within the County that governs the distribution of the 6-Cent Local Option Gas Tax will expire on August 31, 2013 at midnight. This renewal agreement extends the terms of the existing agreement for an additional five years. Prior to taking effect, the agreement must be executed by the County and by Municipalities representing a majority of the population of the incorporated area of the County. The on-going discussion on a new formula has resulted in a majority of the City Managers supporting a two-year extension of the current formula. (see attached). The issue between the Cities will need to be resolved soon.

**New Smyrna Beach Annexation** - Through the end of 2013, owners of property in the unincorporated areas north and south of State Road 44 may annex into the City of New Smyrna Beach with the fees waived. Owners interested in taking advantage of waived annexation fees can get additional information at a public meeting at 6 p.m., Thursday, May 16, at the Brannon Center, 105 S. Riverside Dr.

**CRA Parking lot** - The FDOT has issued a Drainage Connection permit for the CRA parking lot (to be constructed on old Dunn lumber site) as approved by the CRA and City Commission in the FY 12-13 Budget.

**Central Beach Stormwater Mitigation project Informational meetings** - The City of New Smyrna Beach plans to launch the final phase of the Central Beach Stormwater Mitigation Project this year. To ensure residents in the affected area have input and information on this project, two (2) public meetings have been scheduled at the Coronado Civic Center, 223 Flagler Avenue. City staff and the project consultant will outline the project and answer questions. The same information will be provided at both meetings:

Saturday, May 18 at 10 a.m.,  
Tuesday, May 21 at 6 p.m.,

Central Beach area residents who may be affected are those living in the area south of Flagler Avenue bounded by Atlantic Avenue on the east, Second Avenue on the south, and the Indian River on the west. The total estimated cost is \$5M; FEMA and Department of Community Affairs sharing 75% as a grant and the City's

and Department of Community Affairs sharing 75% as a grant and the City's stormwater funds sharing 25% of the cost.

**Former Administrative Office Building (AOB) North Causeway** – Kimley-Horn and Assoc was retained to conduct a Phase I Environmental Site Assessment (ESA) for 160 N. Causeway. (see attached summary). A Workshop is scheduled for May 28<sup>th</sup> for discussion and the Phase II scope of work will be scheduled on the regular agenda for City Commission's review.

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



# City of New Smyrna Beach

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April 26, 2013

Mr. Mike Clobridge  
A. G. Pifer Construction Company, Inc.  
3629 Old Deland Road  
Daytona Beach, FL 32124

## NOTICE TO PROCEED

**RE: Mary Tot Lot Restrooms and Pavilion  
New Smyrna Beach, Florida**

Dear Mike,

Pursuant to the execution of the Contract, you are hereby notified to commence work on the referenced project on or after April 30, 2013, in accordance with our Contract dated April 23, 2013. The completion time for this project is seventy-five (75) Calendar Days, with a completion date of July 14, 2013.

Enclosed please find an executed copy of the Construction Contract for this project. Should you have any questions regarding any of these items, please let me know. We look forward to continuing in our recent history of successful projects by A.G. Pifer.

Sincerely,

Fernand J. Tiblier, Jr., PE  
Civil Engineer/ Capital Projects

## CONSTRUCTION CONTRACT

This agreement is hereby made and entered into this 23<sup>rd</sup> day of April 2013, by and between The City of New Smyrna Beach, hereafter called Owner, and A.G.Pifer Construction, hereafter called Contractor.

The said parties, for the considerations hereinafter mentioned, hereby agree to the following:

1. The Contractor agrees to provide all of the material and labor required to perform the following work for: Mary Avenue Tot Lot Restrooms/ Pavilion

as shown in the project drawings and specifications as provided by the Owner, which are identified by the signatures of the parties to this agreement and which form a part of this agreement.

2. The Owner hereby agrees to pay the Contractor, for the aforesaid materials and labor, the sum of \$ 65,805.00, in the following manner: No more than three (3) progress payments upon completion and acceptance by the Owner of estimates for partial completion.

3. The Contractor agrees that the various portions of the above-described work shall be completed on or before:

75 Calendar Days Hence from the Effective Notice to Proceed

4. The Contractor agrees to provide and pay for all materials, tools and equipment required for the prosecution and timely completion of the work. Unless otherwise specified, all materials shall be new and of good quality.

5. In the prosecution of the work, the Contractor shall employ a sufficient number of workers skilled in their trades to suitably perform the work.

6. All changes and deviations in the work ordered by the Owner must be in writing, the contract sum being increased or decreased accordingly by the Contractor. Any claims for increases in the cost of the work must be presented by the Contractor to the Owner in writing, and written approval of the Owner shall be obtained by the Contractor before proceeding with the ordered change or revision.

7. The Owner, Owner's representative and public authorities shall at all times have access to the work.

8. The Contractor agrees to re-execute any work which does not conform to the drawings and specifications, warrants the work performed, and agrees to remedy any defects resulting, from faulty materials or workmanship which shall become evident during a period of one year after completion of the work.

9. The Owner agrees to maintain full insurance on the above-described work during the progress of the work, in his own name and that of the Contractor.

10. In the event the Contractor is delayed in the prosecution of the work by acts of God, fire, flood or any other unavoidable casualties; or by labor strikes, late delivery of materials; or by neglect of the Owner; the time for completion of the work shall be extended for the same period as the delay occasioned by any of the aforementioned causes.

11. In the event the work is delayed due to neglect of the Contractor, the Contractor agrees to pay the Owner the sum of \$ 100.00 per day as liquidated damages until such time as the work is completed.

12. The Contractor agrees to obtain insurance to protect himself against claims for property damage, bodily injury or death due to his performance of this agreement.

13. Neither the Owner nor Contractor shall have the right to assign any rights or interest occurring under this agreement without the written consent of the other, nor shall the Contractor assign any sums due, or to become due, to him under the provisions of this agreement.

14. This agreement shall be interpreted under laws of the State of Florida.

15. Attorney's fees and court costs shall be paid by the defendant in the event that judgment must be, and is, obtained to enforce this agreement or any breach thereof.

**For the City of New Smyrna Beach**

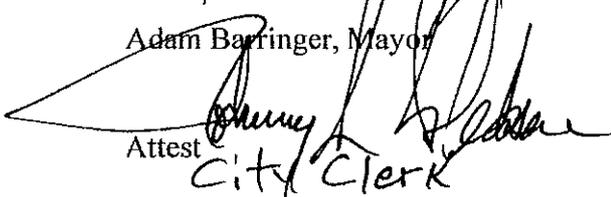
**For the Contractor A.G. Pifer Construction Co. Inc.**

 Date: 4/19/13

 Date: 4/19/13

Adam Barringer, Mayor

Anthony Gregg Pifer, President

  
Attest  
City Clerk

Attest

Attest

Attest

**APPROVED AS TO CORRECTNESS AND FORM:**

BY   
City Attorney

Construction Contract - 2

Receipt of the **NOTICE TO PROCEED** is hereby acknowledged this

\_\_\_\_\_ day of \_\_\_\_\_ 2013.

BY: \_\_\_\_\_  
(Name and Title)

cc: Pam Brangaccio, City Manager  
Khalid Resheidat, PE, Asst. City Manager  
Kyle Fegley, PE, City Engineer  
Mike Knotek, Chief Building Official  
Althea Philord, Finance Director  
Amy Thomas, Public Works



CATEGORY	VENDOR	CHECK DATE	CHECK NO.
SO	NES55720000	03/28/2013	00000000649692

PAYMENT DOCUMENT	REFERENCE DOCUMENT	INVOICE NBR	CHECK DESCRIPTION	ACCOUNT NUMBER	AMOUNT
GAX 400 SO-154935		03182013	Distribution/portion of proceeds form awarded forfeiture money to Fed Vol Bureau of Investigation  <i>LETF</i>  <i>OP!</i>	172 400 2900 3400  <i>Federal Funds</i>	7,731.25
GRAND TOTAL					\$7,731.25

STATE SALES TAX CERTIFICATION OF EXEMPTION NO. 85-8012622393C-9



Bank of America, N.A.  
Daytona Beach, Florida 32114

CHARGEABLE TO: ACCOUNTS PAYABLE ACCOUNT

ACCOUNTS PAYABLE ACCOUNT

Not Valid After 90 Days

Date	Number
03-28-2013	649692

AMOUNT
\$7,731.25

Seven Thousand Seven Hundred Thirty One And 25/100 Dollars

VENDOR NUMBER NES55720000



PAY TO THE ORDER OF

NEW SMYRNA BEACH, CITY OF  
POLICE DEPARTMENT  
210 SAMS AVE  
NEW SMYRNA BEACH, FL 32168

*Chadwick*  
*Chadwick*



CATEGORY	VENDOR	CHECK DATE	CHECK NO.
SO	NES55720000	03/22/2013	000000000649025

PAYMENT DOCUMENT	REFERENCE DOCUMENT	INVOICE NBR	CHECK DESCRIPTION	ACCOUNT NUMBER	AMOUNT
GAX 400 SO-154927		03132013	Distribution of portion of proceeds from awarded forfeiture money  <i>LETF Local</i>  <i>!</i>	170 400 2900 3400	15,801.14

GRAND TOTAL \$15,801.14

STATE SALES TAX CERTIFICATION OF EXEMPTION NO. 85-8012622393C-9



Bank of America, N.A.  
Daytona Beach, Florida 32114

CHARGEABLE TO: ACCOUNTS PAYABLE ACCOUNT

ACCOUNTS PAYABLE ACCOUNT

Not Valid After 90 Days

Date	Number
03-22-2013	649025

AMOUNT
\$*****15,801.14

Fifteen Thousand Eight Hundred One And 14/100 Dollars

VENDOR NUMBER NES55720000



PAY TO THE ORDER OF: NEW SMYRNA BEACH CITY OF POLICE DEPARTMENT  
210 SAMS AVE  
NEW SMYRNA BEACH, FL 32168

*Cherise Wagon*

## Available Properties in NSB Include:

Address	Contact /Number	Location Square Footage
1724 SR 44 - former K-Mart Shadow Plaza	NAI Realvest 407-875-9989	Shadow plaza for sale – 10 Spaces available for lease
653 N. Dixie Building	Keller Williams Jeff Singletary 407-383-1933 Steve Holler : 407-399-9739	Building for Sale Spaces available for lease
901 S. Dixie Frwy. Former ABC	Chris Quarles 407-851-0000 X:2514	Building for Sale or lease 18,000 sq ft. ±
4168 S. Atlantic – A1A	888-532-5327 SE Properties	Beachside Shopping Center 2@ (2,200) and 1@ (6,720) sq.ft. available for lease
1910-1988 SR44 NSB Regional Shopping Center	407-333-1940 Equity One Realty	Unit #2 (3,000), #9 (1,200), 20 (1,545), 27-28 (3,909) and #29 (1,600) sq. ft. available
1998 SR 44 Former WalMart	CCI Properties Nancy Grooms 386-478-9511	Portion of former WalMart 20,000 sq. ft. ± available Total to be divided for lease
1405-1551 S. Dixie Frwy. NSB Shopping Center	386-405-1378 Tom Corso	Beacon Theater Plaza 2 spaces available 2000 and 1400 sq. ft.
524 Canal St. Canal Center	386 -423-5190 Phillip Stephens	Busy signalized US 1 corner Several spaces available for lease
720 S. Dixie Freeway	386-427-4147	8,400 to 16,000 sq. ft. adj. to Ace Hardware available for lease

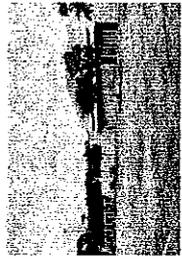
- **Trade Area Population: 94,488**
- **Average Household Income in Trade Area: \$65,400**
- **SR44 traffic count: 17,800 plus 25-40% weekends**
- **Named by National Geographic as one of the world's 20 Best Surf Towns! The favorite beach of Orlando Sentinel readers!**

**Contact: Tony Otte - CRA/Economic Development Director**

[totte@cityofnsb.com](mailto:totte@cityofnsb.com) **386-424-2265** Cell: 386-566-3941

[www.cityofnsb.com](http://www.cityofnsb.com)

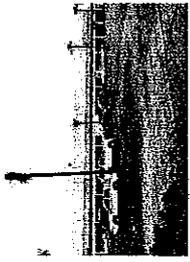
# NEW SMYRNA BEACH



**Property Name:** Former Kmart  
**Address:** 1724 State Rd. 44  
**Size:** 87,407 Sq. ft.  
**Lot size:** 7.81 Acres  
**Utilities to site:** Yes  
**Zoning:** B-5  
**Year Built:** 1982  
**Loading Dock:** Yes, 1  
**Parking:** 289 spaces  
**Distance from Interstate:** 3 miles  
**Frontage:** 647 feet

Located on SR 44, the major arterial connecting I-4 & I-95 with Atlantic Ocean beach access, New Smyrna Beach has the second and third highest beach access ramps in Volusia County. The City has built a gateway feature directly across the four lanes of SR 44 from the subject property. A gateway feature was also built at the I-95 interchange with SR44, three miles to the west. Located at one of the busiest corners in New Smyrna Beach, at a signalized intersection. Multiple ingress and egress points. Numerous national and regional retail/services tenants in surrounding area, including: Burger King, Walgreens, McDonalds, Taco Bell, US Post Office, Circle K, Weis Fargo Bank, TD Bank, Winn Dixie & Publix.

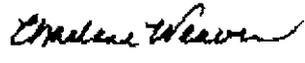
**Contact Information:** Mark Hoffman - 973-467-5000  
 markh@gardenhomes.com



**Property Name:** Outback Plaza  
**Address:** 429 Third Avenue  
**Size:** 39,241 Sq.Ft.  
**Lot Size:** 4.5 Acres  
**Utilities to Site:** Yes  
**Zoning:** B-5  
**Year Built:** 1984  
**Loading Dock:** Yes, 1  
**Parking:** 162+ spaces  
**Distance from Interstate:** 6 miles  
**Frontage:** 570 Feet

Located on SR 44, the major arterial connecting I-4 and I-95 with Atlantic Ocean beach access, New Smyrna Beach has the second and third highest beach access ramps in Volusia County. This center includes a popular Outback Steakhouse Restaurant and is adjacent to other long-time, well-known restaurants and a Dunkin Donuts. The largest open space was originally a Winn Dixie.

**Contact Information:** SPS New England : 978-462-6543

<b>Date:</b> 05/02/2013		<b>AGENDA ITEM</b>		<b>Item:</b> 36
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input checked="" type="checkbox"/> Other	
<b>Department:</b> Community Services <b>Division:</b> Parks, Recreation and Culture				
<b>Subject:</b> ECHO program listening sessions.				
<b>David F. Byron</b> Director Community Services 		<b>Legal</b>  <b>Daniel D. Eckert</b> County Attorney Director Legal Department  	<b>County Manager's Office</b>  <b>Charlene Weaver, CPA,</b> CFO Deputy County Manager  	
<b>Tim Baylie</b> Director Parks 		Approved as to Form and Legality		
<b>Council Action:</b>				
<b>Modification:</b>				
<b>Account Number(s):</b> NA <b>Total Item Budget:</b> NA				
<b>Staff Contact(s):</b>		<b>Phone:</b>	<b>Ext.</b>	
Dave Byron		386 943 7029	12616	
Tim Baylie		386 736 5953	12636	
<b>Summary/Highlights:</b> On April 9, 2013, during a public workshop, the county council directed staff to hold public meetings in each council district to discuss the ECHO program. These meetings have been scheduled as follows:  District 1 - May 14, 2013 at 5:00pm at the Museum of Florida Art, DeLand; District 2 - May 21, 2013 at 5:00pm at the Museum of Arts and Sciences, Daytona Beach; District 3 - May 23, 2013 at 5:00pm at the Atlantic Center for the Arts, New Smyrna Beach; District 4 - May 29, 2013 at 5:00pm at the Casements, Ormond Beach; and District 5 - June 4, 2013 at 5:00pm at the Lyonia Environmental Center, Deltona.  Staff requests approval of the schedule and locations.				
<b>Recommended Motion:</b> Approval.				



**Volusia County**  
FLORIDA

**County Manager**

**JASON P. DAVIS**  
COUNTY CHAIR

**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

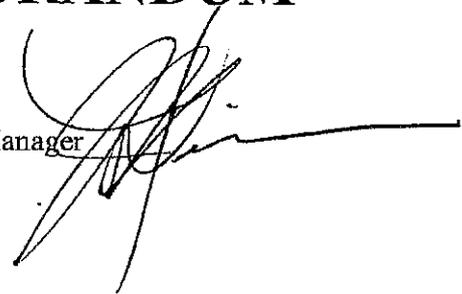
## MEMORANDUM

To: County Council

From: James T. Dinneen, County Manager

Date: April 23, 2013

Re: Gas Tax Interlocal Agreement

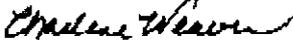
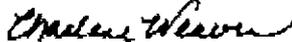


The current interlocal agreement (signed in 2003) that allocates the distribution of gas tax revenues expires in August 2013. A new agreement must be transmitted to the state by July 1. The current agreement allocates 57% of the revenue to the county and 43% to the cities. The subsequent allocation among the cities is done by an agreed upon formula.

The state formula for allocation is based on transportation expenditures by jurisdiction for the previous five years. County staff looked at each jurisdiction's CAFR for an initial estimate and requested information from the cities on their expenses. The latter request produced a wide range of expense information of questionable validity. County staff also suggested an approach whereby a portion of gas tax revenues be allocated to common purposes, eg. mass transit including VOTRAN and Sunrail, off the top with the remaining revenues allocated among the cities and the unincorporated area. This approach was rejected.

It now appears that the allocation negotiations by the cities may generate both disputes among the cities and negative response to any additional revenue allocation for regional transportation purposes countywide. Gas tax revenues are a declining resource and do not represent viable support for future transportation funding needs. Given the current fiscal constraints impacting all local governments and the uncertainties of the next few years, deferral of a new funding formula is recommended. County staff recommends extension of the current agreement for five years so as to protect the interests of all parties. During this period the effect of Sunrail, demands for mass transit, the role of development fees, and the general economic condition in the county may be clearer for a future reallocation formula.

This issue will be on the next agenda for County Council discussion and direction.

<b>Date:</b> 05/02/2013		<b>AGENDA ITEM</b>		<b>Item:</b> 35
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input checked="" type="checkbox"/> Other	
<b>Department:</b> Leadership				
<b>Division:</b> Leadership				
<b>Subject:</b> Five year renewal of local option gas tax interlocal agreement.				
Charlene Weaver, CPA, CFO  		Legal  Daniel D. Eckert County Attorney Director Legal Department    Approved as to Form and Legality	County Manager's Office  Charlene Weaver, CPA, CFO Deputy County Manager  	
<b>Council Action:</b>				
<b>Modification:</b>				
<b>Account Number(s):</b> NA				
<b>Total Item Budget:</b> NA				
<b>Staff Contact(s):</b> Jim Dinneen		<b>Phone:</b> 386 736 5920	<b>Ext.:</b>	
<b>Summary/Highlights:</b> The interlocal agreement between the county and municipalities within the county that governs the distribution of the 6-Cent and 5-Cent Local Option Gas Tax will expire on August 31, 2013, at midnight. This renewal agreement extends the terms of the existing agreement for an additional five years. Prior to taking effect, the agreement must be executed by the county and by municipalities representing a majority of the population of the incorporated area of the county.				
<b>Recommended Motion:</b> Approval.				

**FIVE YEAR RENEWAL TO THE INTERLOCAL AGREEMENT  
FOR DISTRIBUTION OF PROCEEDS OF LOCAL  
OPTION FUEL TAX SEPTEMBER 1, 2013 – AUGUST 31, 2018**

THIS RENEWAL AGREEMENT is entered into between the COUNTY OF VOLUSIA, a political subdivision of the State of Florida, and the municipalities by which it is executed.

WHEREAS, the existing Interlocal Agreement governing the distribution of the local option fuel taxes expires on midnight, August 31, 2013; and

WHEREAS, the parties desire to renew the Interlocal Agreement and its distribution formula for the proceeds of the 6-Cent and 5-Cent Local Option Fuel Taxes for an additional five years.

NOW, THEREFORE, for and in consideration of the premises above, and the mutual covenants contained herein, the parties hereby agree as follows:

1. The Interlocal Agreement for Distribution of Proceeds of Local Option Fuel Tax September 1, 2003 – August 31, 2013 is hereby renewed for an additional five (5) years, beginning 12:01 a.m., September 1, 2013 and ending midnight, August 31, 2018.
2. All other terms and conditions of the Interlocal Agreement are hereby ratified and continue in full force and effect.
3. This Renewal Agreement shall become effective if it shall have been executed by the County and by participating municipalities representing a majority of the population of the incorporated area of the County.
4. This Renewal Agreement may be executed by the parties in counterparts, and each counterpart shall be deemed an original.

IN WITNESS WHEREOF, the parties hereto have duly executed this Renewal Agreement on the date set forth below.

**ATTEST:**

**COUNTY OF VOLUSIA**, a political subdivision  
of the State of Florida

\_\_\_\_\_  
**JAMES T. DINNEEN**  
County Manager

BY: \_\_\_\_\_  
**JASON P. DAVIS**, Chair

DATE: \_\_\_\_\_

## PHASE I ENVIRONMENTAL SITE ASSESSMENT

### Commercial Property

#### New Smyrna Beach, Volusia County, Florida

## 1.0 SUMMARY

Kimley-Horn and Associates, Inc. (KHA) was retained on behalf of the City of New Smyrna Beach to conduct a Phase I Environmental Site Assessment (ESA) of the City of New Smyrna Beach Administrative Office Building site or “AOB” site located at 160 North Causeway, New Smyrna Beach, Volusia County, Florida (referred to herein as the “Property” or the “Site”). The 5.8-acre Site is currently vacant and is located east of the intersection of Quay Assisi and North Causeway (**Figure 1**). Volusia County property appraiser information is attached in **Appendix A**.

This ESA was conducted in general accordance with the accepted principles and methods designed to comply with the procedures outlined in the American Society for Testing and Materials (ASTM) E 1527-05, *Standard Practice for Environmental Site Assessments*. The purpose of this limited investigation was to identify Recognized Environmental Conditions (RECs) as defined in ASTM E 1527-05. The findings contained in this document are based on observations made by KHA’s professional staff and information obtained from readily available Federal, State, County, and City regulatory agencies at the time of the assessment.

### 1.1 RECOGNIZED ENVIRONMENTAL CONDITIONS

Three RECs were identified relative to the Site. A summary of each REC is below.

#### 1.1.1 FORMER USTs ON SITE

Two 1,500-gallon Underground Storage Tanks (USTs) were installed on the Site in 1980. The USTs contained diesel fuel and were reportedly for use by an emergency generator. The USTs were removed in 1995 and no regulatory action was required. The current sampling requirements for closure of USTs are more rigorous than those used during closure of the tanks in 1995. Specifically, there are laboratory analysis of soil samples and a more extensive list of analytical testing parameters is currently required than was conducted at the time of the UST closure. Therefore, the potential exists for soil or groundwater contamination to be present in the area of the former USTs. Based on the above information, the former USTs are considered a REC at this time.

#### 1.1.2 FORMER AST ON SITE

A 2,000-gallon diesel Aboveground Storage Tank (AST) was installed on the Site in 1994. There are no records of closure or testing associated with the removal of this tank. However, the DEP records indicate it was removed in 2000 during the closure of the plant. Due to the fact that there are no closure documents or analytical testing, the AST is considered a REC due to the potential for undocumented releases.

### 1.1.3 FORMER AUTO MAINTENANCE FACILITY ON SITE

The AOB contained a vehicle maintenance shop. The available site plan drawings indicated that the shop contained a parts washer, welding machine, and steam cleaner along the east wall. A sink, work benches, and a drill press were located along the south wall of the shop. The former use of the Site as an auto maintenance facility is considered a REC due to the potential for undocumented releases.

## 1.2 BUSINESS ENVIRONMENTAL RISK

Although not considered a part of the scope of services of the Phase I ESA, the following conditions are considered a Business Environmental Risk (BER) at this time. A BER is a condition that may have a material environmental or an environmental – driven impact on the business associated with the current or planned use of the property. A BER may not be subject to regulatory reporting.

- The existing brine well and monitoring wells.
- Piping and infrastructure beneath 12 inches that was not removed during the waste water treatment plant decommissioning
- There is the potential for lead-based paint and asbestos to be present due to the age of the AOB structure (1981).

## EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-05) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

### TARGET PROPERTY INFORMATION

#### ADDRESS

160 NORTH CAUSEWAY  
NEW SMYRNA BEACH, FL 32169

#### COORDINATES

Latitude (North): 29.0311000 - 29° 1' 51.96"  
Longitude (West): 80.9175000 - 80° 55' 3.00"  
Universal Transverse Mercator: Zone 17  
UTM X (Meters): 508033.2  
UTM Y (Meters): 3211258.0  
Elevation: 2 ft. above sea level

### USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 29080-A8 NEW SMYRNA BEACH, FL  
Most Recent Revision: 1993

### AERIAL PHOTOGRAPHY IN THIS REPORT

Photo Year: 2010  
Source: USDA

### TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

### DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

### STANDARD ENVIRONMENTAL RECORDS

#### *Federal NPL site list*

NPL..... National Priority List

## EXECUTIVE SUMMARY

Proposed NPL..... Proposed National Priority List Sites  
NPL LIENS..... Federal Superfund Liens

### ***Federal Delisted NPL site list***

Delisted NPL..... National Priority List Deletions

### ***Federal CERCLIS list***

CERCLIS..... Comprehensive Environmental Response, Compensation, and Liability Information System  
FEDERAL FACILITY..... Federal Facility Site Information listing

### ***Federal CERCLIS NFRAP site List***

CERC-NFRAP..... CERCLIS No Further Remedial Action Planned

### ***Federal RCRA CORRACTS facilities list***

CORRACTS..... Corrective Action Report

### ***Federal RCRA non-CORRACTS TSD facilities list***

RCRA-TSDF..... RCRA - Treatment, Storage and Disposal

### ***Federal RCRA generators list***

RCRA-LQG..... RCRA - Large Quantity Generators  
RCRA-SQG..... RCRA - Small Quantity Generators  
RCRA-CESQG..... RCRA - Conditionally Exempt Small Quantity Generator

### ***Federal institutional controls / engineering controls registries***

US ENG CONTROLS..... Engineering Controls Sites List  
US INST CONTROL..... Sites with Institutional Controls  
LUCIS..... Land Use Control Information System

### ***Federal ERNS list***

ERNS..... Emergency Response Notification System

### ***State- and tribal - equivalent CERCLIS***

SHWS..... Florida's State-Funded Action Sites

### ***State and tribal landfill and/or solid waste disposal site lists***

SWF/LF..... Solid Waste Facility Database

### ***State and tribal leaking storage tank lists***

LAST..... Leaking Aboveground Storage Tank Listing  
INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land

### ***State and tribal registered storage tank lists***

UST..... Storage Tank Facility Information

## EXECUTIVE SUMMARY

INDIAN UST..... Underground Storage Tanks on Indian Land  
FF TANKS..... Federal Facilities Listing  
FEMA UST..... Underground Storage Tank Listing

### ***State and tribal institutional control / engineering control registries***

ENG CONTROLS..... Institutional Controls Registry  
INST CONTROL..... Institutional Controls Registry

### ***State and tribal voluntary cleanup sites***

VCP..... Voluntary Cleanup Sites  
INDIAN VCP..... Voluntary Cleanup Priority Listing

### **ADDITIONAL ENVIRONMENTAL RECORDS**

#### ***Local Lists of Landfill / Solid Waste Disposal Sites***

DEBRIS REGION 9..... Torres Martinez Reservation Illegal Dump Site Locations  
ODI..... Open Dump Inventory  
SWRCY..... Recycling Centers  
INDIAN ODI..... Report on the Status of Open Dumps on Indian Lands

#### ***Local Lists of Hazardous waste / Contaminated Sites***

US CDL..... Clandestine Drug Labs  
FI Sites..... Sites List  
PRIORITYCLEANERS..... Priority Ranking List  
US HIST CDL..... National Clandestine Laboratory Register

#### ***Local Land Records***

LIENS 2..... CERCLA Lien Information

#### ***Records of Emergency Release Reports***

HMIRS..... Hazardous Materials Information Reporting System  
SPILLS..... Oil and Hazardous Materials Incidents

#### ***Other Ascertainable Records***

RCRA NonGen / NLR..... RCRA - Non Generators  
DOT OPS..... Incident and Accident Data  
DOD..... Department of Defense Sites  
FUDS..... Formerly Used Defense Sites  
CONSENT..... Superfund (CERCLA) Consent Decrees  
ROD..... Records Of Decision  
UMTRA..... Uranium Mill Tailings Sites  
US MINES..... Mines Master Index File  
TRIS..... Toxic Chemical Release Inventory System  
TSCA..... Toxic Substances Control Act  
FTTS..... FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)  
HIST FTTS..... FIFRA/TSCA Tracking System Administrative Case Listing

## EXECUTIVE SUMMARY

SSTS.....	Section 7 Tracking Systems
ICIS.....	Integrated Compliance Information System
PADS.....	PCB Activity Database System
MLTS.....	Material Licensing Tracking System
RADINFO.....	Radiation Information Database
FINDS.....	Facility Index System/Facility Registry System
RAATS.....	RCRA Administrative Action Tracking System
RMP.....	Risk Management Plans
UIC.....	Underground Injection Wells Database Listing
DRYCLEANERS.....	Drycleaning Facilities
DEDB.....	Ethylene Dibromide Database Results
NPDES.....	Wastewater Facility Regulation Database
AIRS.....	Permitted Facilities Listing
FL Cattle Dip. Vats.....	Cattle Dipping Vats
TIER 2.....	Tier 2 Facility Listing
INDIAN RESERV.....	Indian Reservations
SCRD DRYCLEANERS.....	State Coalition for Remediation of Drycleaners Listing
PRP.....	Potentially Responsible Parties
2020 COR ACTION.....	2020 Corrective Action Program List
US AIRS.....	Aerometric Information Retrieval System Facility Subsystem
Financial Assurance.....	Financial Assurance Information Listing
EPA WATCH LIST.....	EPA WATCH LIST
US FIN ASSUR.....	Financial Assurance Information
PCB TRANSFORMER.....	PCB Transformer Registration Database
COAL ASH DOE.....	Steam-Electric Plant Operation Data
COAL ASH EPA.....	Coal Combustion Residues Surface Impoundments List

### EDR HIGH RISK HISTORICAL RECORDS

#### *EDR Exclusive Records*

EDR MGP.....	EDR Proprietary Manufactured Gas Plants
EDR US Hist Auto Stat.....	EDR Exclusive Historic Gas Stations
EDR US Hist Cleaners.....	EDR Exclusive Historic Dry Cleaners

### SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property. Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

### STANDARD ENVIRONMENTAL RECORDS

#### *State and tribal leaking storage tank lists*

## EXECUTIVE SUMMARY

LUST: The Leaking Underground Storage Tank Incident Reports contain an inventory of reported leaking underground storage tank incidents. The data come from the Department of Environmental Protection's PCTO1--Petroleum Contamination Detail Report.

A review of the LUST list, as provided by EDR, and dated 01/09/2013 has revealed that there are 4 LUST sites within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
<b>SEA HARVEST YACHT BASIN</b> Facility-Site Id: 8842267 Discharge Cleanup Status: SRCR - SRCR COMPLETE	<b>201 N RIVERSIDE DR</b>	<b>SW 1/4 - 1/2 (0.377 mi.)</b>	<b>2</b>	<b>9</b>
<b>FISHIN COVE MARINA</b> Facility-Site Id: 8517629 Discharge Cleanup Status: RA - RA ONGOING	<b>111 N RIVERSIDE DR</b>	<b>SSW 1/4 - 1/2 (0.418 mi.)</b>	<b>A4</b>	<b>15</b>
<u>Lower Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
<b>VOLUSIA CNTY SCHOOL BD-NEW SMY</b> Facility-Site Id: 9700132 Discharge Cleanup Status: NFA - NFA COMPLETE	<b>100 BARRACUDA BLVD</b>	<b>N 1/4 - 1/2 (0.395 mi.)</b>	<b>3</b>	<b>12</b>
<b>BELLSOUTH TEL INC #33888</b> Facility-Site Id: 8734242 Discharge Cleanup Status: NREQ - CLEANUP NOT REQUIRED	<b>100 CANAL ST</b>	<b>SSW 1/4 - 1/2 (0.426 mi.)</b>	<b>A5</b>	<b>20</b>

### **State and tribal registered storage tank lists**

AST: Shortly after the Sept 11 event, the DEP was instructed to remove the detail about some of the storage tank facilities in the state from their reports. Federal-owned facilities and bulk storage facilities are included in that set.

A review of the AST list, as provided by EDR, and dated 01/09/2013 has revealed that there is 1 AST site within approximately 0.25 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
<b>GERRYS MARINA</b> Facility-Site Id: 9200545	<b>179 N CAUSEWAY</b>	<b>NNE 1/8 - 1/4 (0.146 mi.)</b>	<b>1</b>	<b>8</b>

### **State and tribal Brownfields sites**

BROWNFIELDS: Brownfield Areas.

A review of the BROWNFIELDS list, as provided by EDR, and dated 01/07/2013 has revealed that there is 1 BROWNFIELDS site within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
<b>NEW SMYRNA BEACH BROWNFIELD EN</b> Facility-Site Id: BF640901000		<b>0 - 1/8 (0.000 mi.)</b>	<b>0</b>	<b>7</b>

# EXECUTIVE SUMMARY

## ADDITIONAL ENVIRONMENTAL RECORDS

### ***Local Brownfield lists***

US BROWNFIELDS: The EPA's listing of Brownfields properties from the Cleanups in My Community program, which provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

A review of the US BROWNFIELDS list, as provided by EDR, and dated 12/10/2012 has revealed that there are 2 US BROWNFIELDS sites within approximately 0.5 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Direction / Distance</u>	<u>Map ID</u>	<u>Page</u>
FORMER ALBA COURT	115 WASHINGTON STREET	SW 1/4 - 1/2 (0.427 mi.)	6	32
FIRST BAPTIST CHURCH PROPERTY	303 FAULKNER STREET	SW 1/4 - 1/2 (0.484 mi.)	7	34

## EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped. Count: 6 records.

Site Name

NSB POWER PLANT SITE  
NEW SMYRNA BEACH AIRPORT  
MURPHY EXPRESS #8646  
PUBLIX SUPER MARKET #335  
ABANDONED DRUM SITE  
WAL-MART #1079

Database(s)

CERCLIS, FINDS  
CERC-NFRAP  
UST, Financial Assurance  
AST, Financial Assurance  
RCRA NonGen / NLR, FINDS  
RCRA NonGen / NLR