

MEMORANDUM
FROM THE OFFICE OF THE CITY MANAGER

To: Mayor and City Commission
From: Pam Brangaccio, City Manager 
Re: City Manager's Report – September 27, 2016
Date: September 19, 2016

Reminder of upcoming events. On Friday, September 30th the 5th Friday Food Trucks event will be held adjacent to Old Fort Park. The Ribbon Cutting Ceremony for Marianne Clancy Park will also take place on the morning of Friday, September 30th.

Please see attached the August monthly reports for the Adopt-a-Park Program. To date 25 out of 27 Parks have been adopted. With only two additional parks up for adoption this program continues to be well received.

CRA/Economic Development Director Tony Otte attended the Chamber of Commerce Board meeting on September 12th. He distributed the September Economic Development Newsletter and gave a presentation reviewing the highlights of the attached report and the September newsletter.

On Friday, September 16th the CM, ACM, Maintenance Operations Director Faith Miller and Finance Director Althea Philord met to further discuss tonight's anticipated award of the Solid Waste and Recycling Contract.

The CM, ACM and Asst. City Attorney met with Travous Dever regarding the Parking Lease Agreement and Option to Purchase the 3rd Avenue and S. Atlantic Avenue property.

The CM, ACM, Project Manager Michelle Vallance, Chief Building Official Mike Knotek and Leisure Services Director Nancy Maddox met on September 15th to discuss the Church Demo and Design Plan. Please see attached a press release regarding the closure of the parking lot on the north side of City Hall adjacent to the church property and the portion of Washington Street between Faulkner and Sams Avenue.

Please see attached the Substantial Completion letter advising Central Florida Building and Inspections that the City is accepting the City Hall Renovation Project as substantially completed.

Attached are the three design options that were offered for input from the residents of the Arts Center Drive segment of the Isleboro Stormwater Project. Twenty responses received from residents on the roadway, a total of sixteen selected option #3, which involves piping the ditch. The remaining 4 selected option #1, which entails shifting the R.O.W. to the north 10'. A formal update to the Commission will follow.

A substantial completion walk through was completed on Friday, September 15th at Marianne Clancy Park. The parking kiosks have been installed as well. The official Ribbon Cutting Ceremony is scheduled for Friday, September 30th.

Please see attached a letter dated September 13th from the US. Army Corps of Engineers that was sent to Webster Creek Development, Inc. providing notification that they have completed a review of the proposed compensatory mitigation project. Due to reasons outlined in the letter, the determination was unfavorable regarding utilization of this property as a mitigation bank.

On Monday, September 19th the Parking System Committee met to review and discuss the annual parking system report and to explore options for the renewal process of parking passes for the coming year. A formal report to the Commission will follow in late October/early November.

On Wednesday, September 21st the ACM and City Engineer Kyle Fegley participated in a conference call with representatives from FDEP and Tetra-Tech to discuss possible funding opportunities, to assist residents with septic tank abandonment/plumbing cost connections.

The Municipal Golf Course greens renovation project is completed and the reopening reception was held Wednesday, September 21st at Noon at Tiano's Restaurant. The Golf Course will officially be open for use on Monday, September 26th.

A Neighborhood Council Meeting is scheduled on Wednesday, September 28th where topics will include: additional traffic calming measures and delivery truck routes.

At the September 28th the River to Sea Transportation Planning Organization (TPO) will be voting on the reallocation of \$1.6M to the Turnbull Bay Bridge project. Please see attached an adopted resolution from the County seeking

reallocation of unobligated Federal SU funds in the current fiscal year from the TPO; to partially offset the \$3M construction shortfall. The County's resolution is also seeking the support of the TPO with regard to their request to the FDOT for additional federal funding to offset the remaining shortfall for the new Turnbull Bay Bridge. The County opened bids for this project in July 2016 and received only two bids with the lowest being \$8,359,000 an approximate \$3M (54%) over the budgeted funding for this project. It is very important that the Commission adopt similar measures as well.

The County has abandoned an earlier concept of using existing paved ROW on Magnolia as the connector for the River to Sea Trail. Instead, the City is pursuing (with County support) FDOT Sun Trail monies to construct the trail from 10th to West Canal along Myrtle Avenue; with a commitment to provide a county-funded link from West Canal to the Marine Discover Center "Trail-Head."

Additional interviews were held this last week for the PIO/Marketing position; which we hope to have filled by mid-October.

Should you have any questions or need additional information or clarification, on any of the items presented in this report, please let me know.



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN-UP REPORT

PARK NAME: North Causeway West Boat Ramp MONTH: August
ADOPTING ORGANIZATION/INDIVIDUAL NAME: Ocean Properties
NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 2 NUMBER OF CLEAN-UP HOURS: 1
DATES OF PARK VISITS: 8-16-2016

CLEAN-UP ACTIVITIES: Picked up trash on park grounds, and removed
Any yard debris as well.

ISSUES/AREAS OF CONCERN: none.

PROPOSED ADDITIONAL ACTIVITIES/PROJECTS: None.

Stanley Tucker
Printed Name (Group Rep./Individual)

[Signature]
Signature

DATE REPORT SUBMITTED: _____

For City use only.
Date Report received: 8/22/16 Received By: [Signature] G. Miller



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN-UP REPORT

PARK NAME: Dog Park on Paige Ave MONTH: August
ADOPTING ORGANIZATION/INDIVIDUAL NAME: Friends of the Dog Park / Thomas McKeelie
NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 20 NUMBER OF CLEAN-UP HOURS: 20
DATES OF PARK VISITS: Daily
CLEAN-UP ACTIVITIES: Cleanup of dead weeds on fence, daily pickup

ISSUES/AREAS OF CONCERN: dead weeds on fence, lawn overgrown, lawn trash pickup, mud around watering stations (gravel?)

PROPOSED ADDITIONAL ACTIVITIES/PROJECTS: Obstacle equipment, Screen shelter cover, 3 watering fountains, expansion, gravel around watering stations

Ellen Weller
Printed Name (Group Rep./Individual) Ellen Weller
Signature

DATE REPORT SUBMITTED: 8-23-16

For City use only.
Date Report received: 8/22/16 Received By: Keith G. Miller



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN -UP REPORT

PARK NAME: Flagler Ave. Boardwalk MONTH: August 2016
ADOPTING ORGANIZATION/INDIVIDUAL NAME: The Dever Family
NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 4 NUMBER OF CLEAN-UP HOURS: 1.5
DATES OF PARK VISITS: Aug 14 and 28, 2016
CLEAN-UP ACTIVITIES: Walked Parking Lot and table area cleaned up removed litter.
ISSUES/AREAS OF CONCERN: _____

PROPOSED ADDITIONAL ACTIVITIES/PROJECTS: Same as last month.... Some weeding and maybe additional vegetation at the parks entrance.

_____Travous Dever_____Travous Dever_____
Printed Name (Group Rep./Individual) Signature

DATE REPORT SUBMITTED: _____

For City use only.
Date Report received: Keith G Miller Received By: 8/30/16



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN-UP REPORT

PARK NAME: Pettis Park MONTH: August 2016

ADOPTING ORGANIZATION/INDIVIDUAL NAME: PEACE ACTS

NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 12 NUMBER OF CLEAN-UP HOURS: 40

DATES OF PARK VISITS: August 12, 13, 20, 27

CLEAN-UP ACTIVITIES: Picking up trash in the park, cleaning off the water fountains. Called for water fountain to be fixed. It was leaking water. Cleaned out the Pavillion.

ISSUES/AREAS OF CONCERN: It's always trash under the pavillion and a lot of leaves due to the beautiful trees in the park.

PROPOSED ADDITIONAL ACTIVITIES/PROJECTS: Painting for Positive Pathways Aug 20th. Sept. 17. Every 3rd Saturday. Container planting project around the Freedom Quilt.

Shyriaka Morris
Printed Name (Group Rep./Individual)

Shyriaka Morris
Signature

DATE REPORT SUBMITTED: 8/28/16

For City use only.

Date Report received: 8/30/16

Received By: Scott G. Miller



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN -UP REPORT

PARK NAME: Detwiler Park MONTH: August 2016

ADOPTING ORGANIZATION/INDIVIDUAL NAME: Peggy Belflower

NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 1 NUMBER OF CLEAN-UP HOURS: 6.25 hours

DATES OF PARK VISITS: Every day August 1 through August 31

CLEAN-UP ACTIVITIES: Daily picked up trash, closed the tennis court gates & straightened the viewer chairs. Check the bathroom's turn of bathroom lights for the day, twice weekly take the trash to the curbs on the east & west side & retrieve them, repaired the open panel door that exposed electrical wiring on one tennis court light, fixed one of the tennis seats at gate. Specialized fire on site. Fixed one of the ISSUES/AREAS OF CONCERN: The west parking area next to the basketball court continues to

used rehab from when Masci used it daily to stage heavy equipment drive on it in heavy equipment. Graffiti still on the bathroom's picnic pavillion. A 2'x2' piece of plywood is missing from the pavillion's ceiling. Mildew on playground equipment walkways, also PROPOSED ADDITIONAL ACTIVITIES/PROJECTS: The floor of the pavillion picnic table is on 5' exterior & pavillion & bathroom trim need to be painted. Grade the west parking area & add sufficient shells to it. Finish killing the west parking area weed growth. Paint the exterior wall trim of the bathroom building & the interior of the two bathroom doors. One door has large unremovable graffiti on it. Replace the missing 2'x2' plywood on the underside of the pavillion roof.

Printed Name (Group Rep./Individual) Peggy Belflower

DATE REPORT SUBMITTED: August 31, 2016
Palmer Trees - They look great! Thank you to the police for their extra-patrols. Thank you to the Maintenance Operations crew for their daily checking on & cleaning of the bathrooms, for mowing and upkeeping the park.

Date Report received: _____ Received By: _____

Miller, Faith

From: PBelflower@aol.com
Sent: Wednesday, August 31, 2016 1:06 PM
To: Miller, Faith
Subject: Report: Detwiler Park August 2016
Attachments: Detwiler Park August 2016 Cleanup Report.pdf

Good afternoon, Faith,

My printing on the attached report, is so miniscule in places, that it might not be readable. I will capsulize it here:

Activities:

- * Daily in August: Picked up trash, closed the tennis court gates & straightened the viewers's chairs; checked the bathrooms and turned off the bathroom lights for the day;
- * Twice weekly took the trash containers to the curbs on the east and west sides and retrieve them;
- * Repaired an open access panel on one of the tennis court light posts, so that the wiring is secured;
- * Fixed one of the tennis court entrance gate's broken latch;
- * Scratched through vulgar graffiti and reported to the City, about graffiti inside the bathrooms and pavillion;
- * Spot-treated fire ants.

Issues/Areas of Concern:

- * The west side parking area near the basketball court continues to need rehab from the damage done while Masci used the area for intense heavy staging and driving of big equipment;
- * City employees cleaned the substantial graffiti off the inside tile walls of the men's bathroom but could not get the big graffiti off the inside men's bathroom door;
- * The plastic playground equipment is mildewed, as is the floor of the pavillion, the sidewalk to the bathrooms/pavillion building, and the picnic tables;
- * The bathrooms/pavillion building has patched-up paint in differing colors from the base color, is oxidized/faded, and the trim has some rotting spots, including a 2' x 2' area of the pavillion's ceiling plywood, is broken off and gone.

Proposed Additional Activities/Projects:

- * Grade the west parking area near the basketball courts, and roll it with a big roller, in order to flatten the ruts, including the damage done by Masci's *very recent* driving upon and staging of heavy equipment and sod pallets *after* Masci's initial paltry rehab several months ago. Following grading *and rolling*, put a *substantial* amount of shell onto the drive/parking area, at least 3 inches deep. The existing shell that Masci laid several months ago, prior to its recent use of the area, is laid so thin that it is almost nonexistent. Finish killing the massive weed growth in the west drive/parking area;
- * Pressure-wash the bathrooms/pavillion building's exterior and trim, also the walkway to the pavillion, the pavillion's concrete floor, and the plastic playground equipment;
- * Repair any rotted wood trim and replace the missing 2' x 2' piece of plywood in the ceiling of the pavillion;
- * Prime and paint the exterior walls and trim of the bathrooms/pavillion building and the interior of the two wood bathroom doors;

Thank you for trimming the sabal palm trees. It gave the whole park a great look.

Thank you to the Police Department, for the extra day and evening patrols at the park.

Thank you to the Maintenance Operations crew who is diligent about keeping the bathrooms clean and the park looking good.

Sincerely,

Peggy Belflower
505 S Cooper St
Telephone 409-5460

Attachment (August 2016 Clean-Up Report)



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN-UP REPORT

PARK NAME: Riverside Park/Manatee Playground MONTH: August

ADOPTING ORGANIZATION/INDIVIDUAL NAME: New Smyrna Beach Public Library

NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 2 NUMBER OF CLEAN-UP HOURS: 1.5

DATES OF PARK VISITS: Sunday August 14th and Sunday, August 28th

CLEAN-UP ACTIVITIES: "A lot of little plastic ware wrappers and other food accompaniments, packets, napkins, cans. A bucket and a half of trash. There were 3 full bags

of trash by the restrooms on the north end broken open by a squirrel (this person thinks) quite a mess of baked beans, etc. Picked up front yard of Brannon Center as well." and a lot of cigarette butts

ISSUES/AREAS OF CONCERN: none

PROPOSED ADDITIONAL ACTIVITIES/PROJECTS: _____

Cory Bust-Sheridan
Printed Name (Group Rep./Individual)

Cory Bust-Sheridan
Signature

DATE REPORT SUBMITTED: 9/1/16

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Date Report received: 9/1/16

Received By: Faith Miller



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN-UP REPORT

PARK NAME: Esther Street Park MONTH: August
ADOPTING ORGANIZATION/INDIVIDUAL NAME: Winterton Family
NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 2 NUMBER OF CLEAN-UP HOURS: 5 hrs total for both of us
DATES OF PARK VISITS: Aug 2, 9, 16, 23, 30
CLEAN-UP ACTIVITIES: pick up any trash in park area

ISSUES/AREAS OF CONCERN: No issues - new mulch in playground area looks great!

PROPOSED ADDITIONAL ACTIVITIES/PROJECTS:

Winterton Family
Printed Name (Group Rep./Individual) Nancy Winterton
Signature

DATE REPORT SUBMITTED: Sept 1, 2016

For City use only.

Date Report received: 9/1/16 Received By: Erin C. Allen



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN -UP REPORT

PARK NAME: Old Fort Park MONTH: August

ADOPTING ORGANIZATION/INDIVIDUAL NAME: New Smyrna Beach Citizens for Smart Growth

NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 6 NUMBER OF CLEAN-UP HOURS: one

DATES OF PARK VISITS: Thursday, August 25, 2016

CLEAN-UP ACTIVITIES: Pulled weeds, raked, picked up trash.

ISSUES/AREAS OF CONCERN: Inside of the "fort" ...needs attention. We tried to get trash but it is a bit steep and maybe unsafe. I know you told me not to worry about it but some of the group was concerned and wanted to try.

PROPOSED ADDITIONAL ACTIVITIES/PROJECTS: Planting of plants, etc. probably in October.

Deborah Dugas
Printed Name (Group Rep./Individual) _____ Deborah Dugas
Signature

DATE REPORT SUBMITTED: 9/2/2016

For City use only.

Date Report received: 9/9/16

Received By: Elizabeth Miller



ADOPT-A-PARK PARTICIPANT MONTHLY CLEAN -UP REPORT

PARK NAME: Callilisa Construction staging/site **MONTH:** August 2016
ADOPTING ORGANIZATION/INDIVIDUAL NAME: New Smyrna Beach Professional Firefighters/ Local 2271
NUMBER OF VOLUNTEERS INVOLVED THIS MONTH: 4 **NUMBER OF CLEAN-UP HOURS:** 10

DATES OF PARK VISITS: 8/2, 8/9, 8/15, 8/23

CLEAN-UP ACTIVITIES: Picked up palm fronds, picked up trash

ISSUES/AREAS OF CONCERN: The park is still be used as a construction site/staging area, the bridge project and a project on peninsula. The park is unable to be used during the week and during the weekend it's still full of construction equipment. I have attached more photos, you can see the semi-trailer that is now there, see the tracks of the equipment going around, and we were unable to pick up due to the traffic on two days. You can also see they mowed to the right of the barricades but not the actual park.

PROPOSED ADDITIONAL ACTIVITIES/PROJECTS: Since the start of the construction from the storm water project they took a lot of trees from this park with none being replaced, they were supposed to hydro seed but it washed away. It is now on the third construction project. We would like to see this return to being a park as soon as possible. There is no way to replace the cedar and oak trees that were removed, but planting some new ones would be a start.

Clayton Crain

Printed Name (Group Rep./Individual)

Signature

DATE REPORT SUBMITTED: 9/8/16

For City use only.

Date Report received: 9/8/16

Received By: *Scott G. Miller*



CHAMBER REPORT

September 12, 2016

- Review of Newsletter
 - In the next issue I will highlight a new business on Tionia Rd, AGERpoint, a software development company serving grove, vineyard, and orchard owners
- SE Volusia Entrepreneur Group – first event was August 30 at The Local Butcher with 30 people in attendance to hear Jayson Meyer and to network. We received good feedback and a request to have the event every other month rather than every quarter. The next Entrepreneur planning event is this Friday at 3 pm here at the Chamber of Commerce building.
- This week: ERAU event for an intern (in the Economic Development office).
- EDAB meeting cancelled this month; October date to be determined (changed due to Board member conflicts with the regular date)
- Business Summit Planning: February dates for keynote speaker (the President & CEO of Space Florida)
- SE Volusia Marketing
 - Team Volusia is preparing a Strategic Plan and a Marketing Plan. We will use portions of that Marketing Plan as our Marketing Plan.
 - At the next Team Volusia meeting, September 27, the consultants will give an update. Final Strategic Plan report is scheduled for late October but officially rolled out at the Team Volusia January meeting.
 - The RFP for the Marketing and Branding RFP has gone out, responses are back, and a firm should be selected in three weeks. Team Volusia staff hopes that the Marketing and Branding Plan is completed by the end of the year.

September 15, 2016

New media contact:

Michelle Vallance, Capital Projects Manager

386-401-2613

NEWS FOR IMMEDIATE RELEASE

NSB to begin kick-off of Historic Preservation efforts on recently acquired church property

The City of New Smyrna Beach, with the support of the Volusia County ECHO program, has recently acquired the historic First Baptist Church located at 214 Sams Avenue (adjacent to NSB City Hall). The City plans to begin demolition of a portion of the building (eastern side) beginning late September 2016.

Demolition efforts are expected to be complete before the end of October 2016.

The long term plan for the City is to preserve and restore the 1930s Weeping Mortar portion of the building (western side along Faulkner Street) with the intent to enhance the public use of the facility by provide public meeting spaces.

Public parking along the South side of the church will be unavailable during demolition. There will also be a temporary planned road closure along Washington Street (Faulkner Street to Sams Ave.) for safety precautions during demolition.

For more information, please contact Michelle Vallance, New Smyrna Beach Capital projects manager at
386-401-2613



City of New Smyrna Beach

September 16, 2016

Lucas Flynn
Central Florida Building and Inspections, LLC.
1351 Lakeview Drive
Deland, FL 32720

**RE: Substantial Completion Inspection:
City Hall Renovation Project
New Smyrna Beach, Florida**

Dear Luke,

In accordance with the contract documents, a Substantial Completion Inspection was conducted on September 6, 2016 attended by a representative of the City and from Central Florida Building and Inspection, LLC.

As a result of this inspection, the original punch list (attached) was generated. Since the initial inspection date of 9/6/16, all major punch list items have been completed. The City therefore accepts the project as being substantially complete. Thank you for a wonderful project, we look forward to working with you on future endeavors.

Sincerely,

Michelle Vallance
Capital Improvements Project Manager

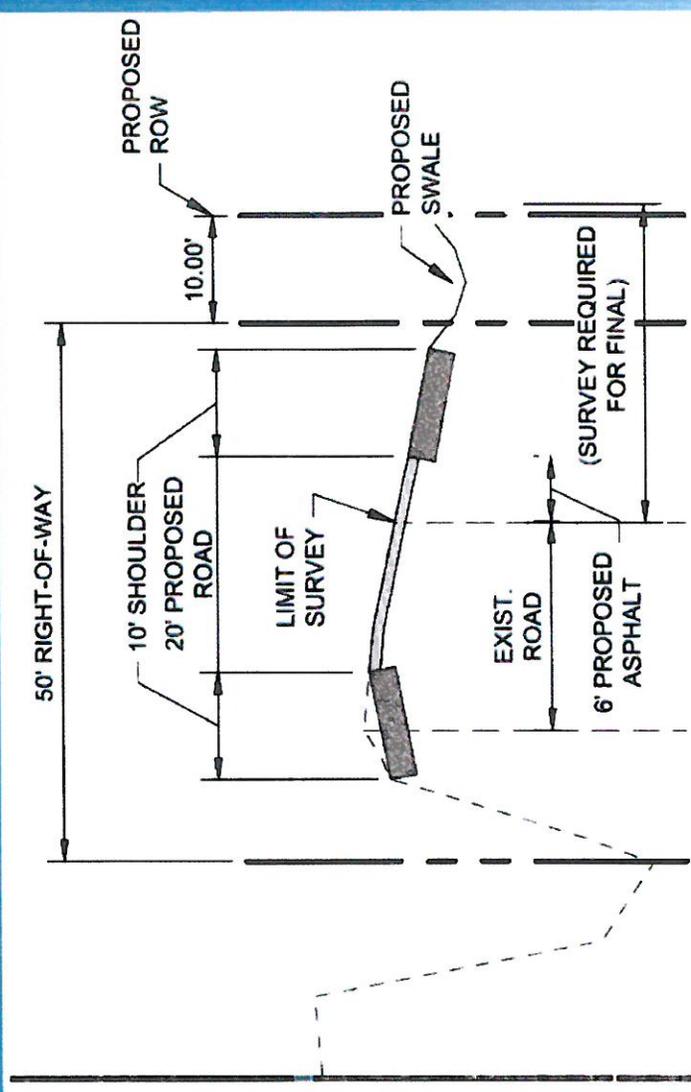
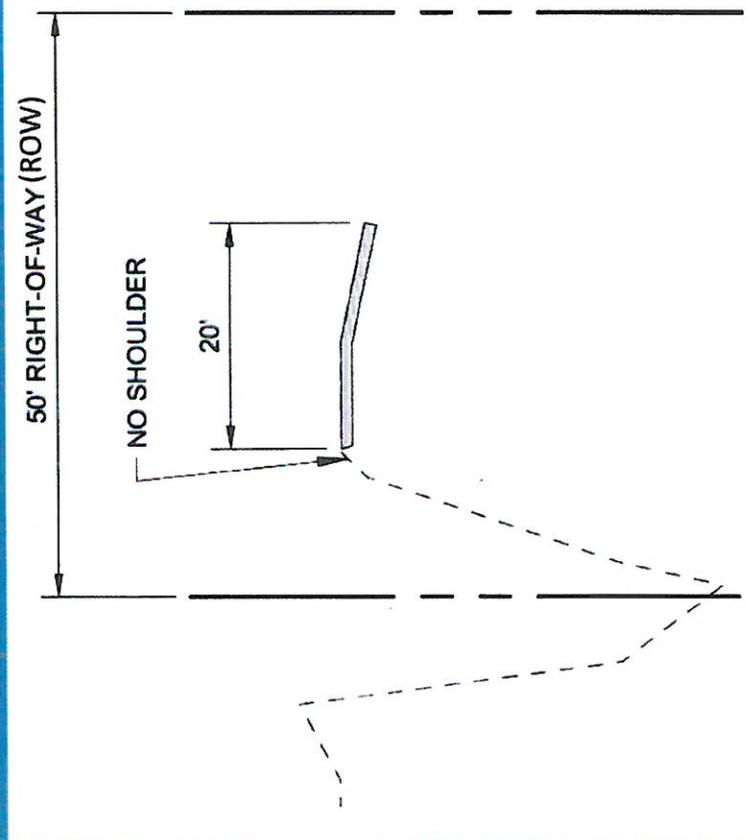
City Hall Renovation Punch list

9/16/2016

updated

Punch Item	Status	Subcontractor
1 Remove all paint splatter from tile floors and bathroom walls	complete	
2 Touch up/Paint/Cover all nail holes in baseboards and at trim on reception counter	complete	
3 replace all data outlets that are covered with paint	complete	
4 cut old phone cord boxes from wall and paint wall behind	complete	
5 Swap ceiling tiles that are stained	complete	
6 Paint Caulk around the new door to the CMs office (both sides)	complete	
7 Cut lock into door frame on new door to CMs office	complete	
8 Paint double doors in Carole's office	complete	
9 reconnect thermostat wire that was cut	complete	
10 replace light fixture in Nancy's office	complete	
11 remove fringe on ballistic door near the strike	complete	
12 remove push bottoms at top/bottom of stairs that operated the chair lift - paint behind	complete	
13 Caulk all base to floor throughout building	complete	
14 Fix hole in tile at reception counter	complete	
15 paint conduit and back box on outlet in women's restroom then replace cover	complete	
16 Check large 220V outlet in small conference room. If not working preference is to remove/cap and then add baseboard	Added Scope	
17 Clean paint from all door hinges throughout	complete	
18 add transition from tile to carpet in City Attorney's office	complete	
19 add transition from tile to carpet in storage closet near small conference room.	complete	
20 Paint Khalid's new back door	complete	
21 Address issue with baseboard in the hallway at CMs area (large gap between the bottom of base and top of carpet	What are the options?	

Option #1 – Additional Right of Way to North



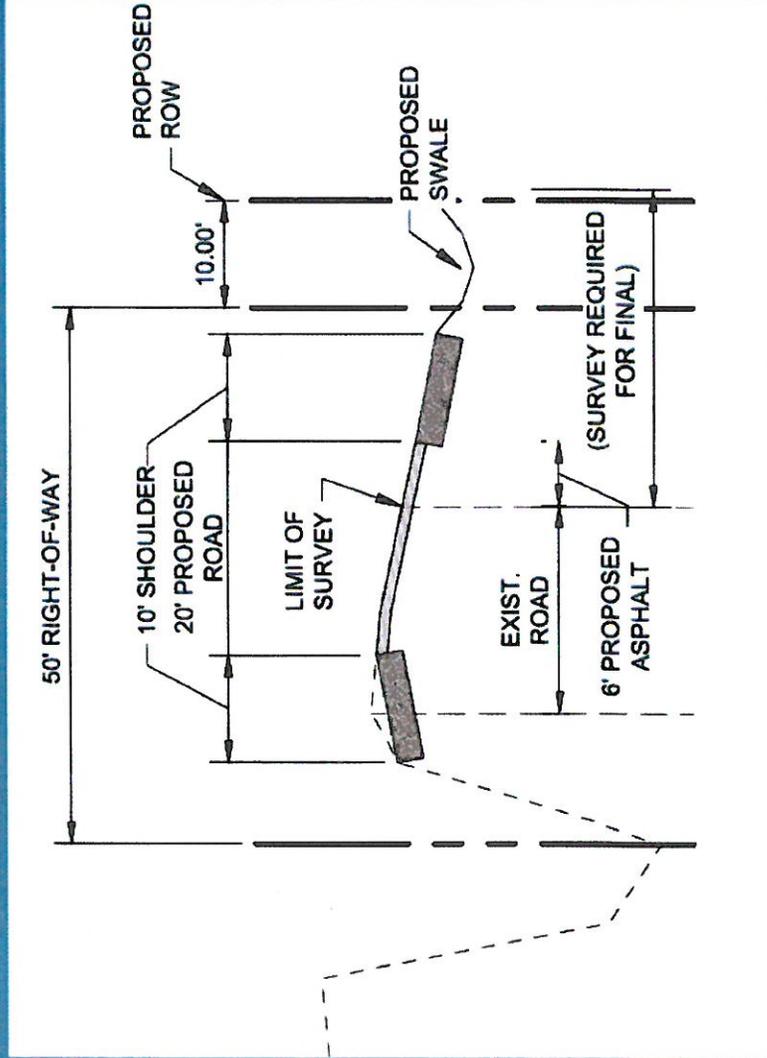
Please Make Option Selection On Back



Option #1 – Additional Right of Way to North



- Key Advantages
 - 10-foot useable shoulder for safety
 - Minimal impact to properties
 - No ecological impacts
- Disadvantages
 - Obtain right-of-way (ROW) from property owners to north.



Option #1 is our Preferred Option

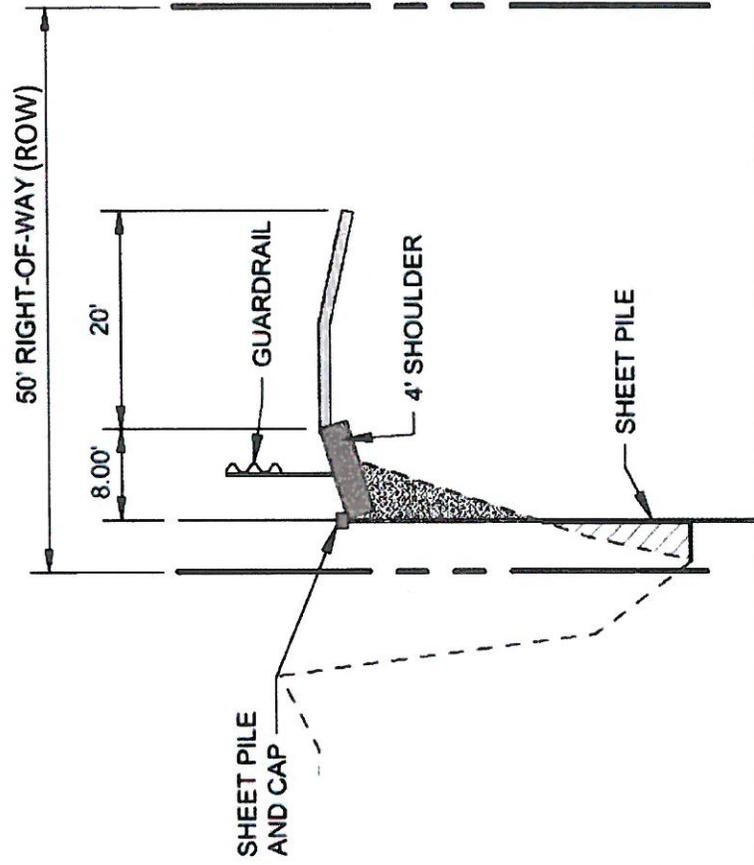
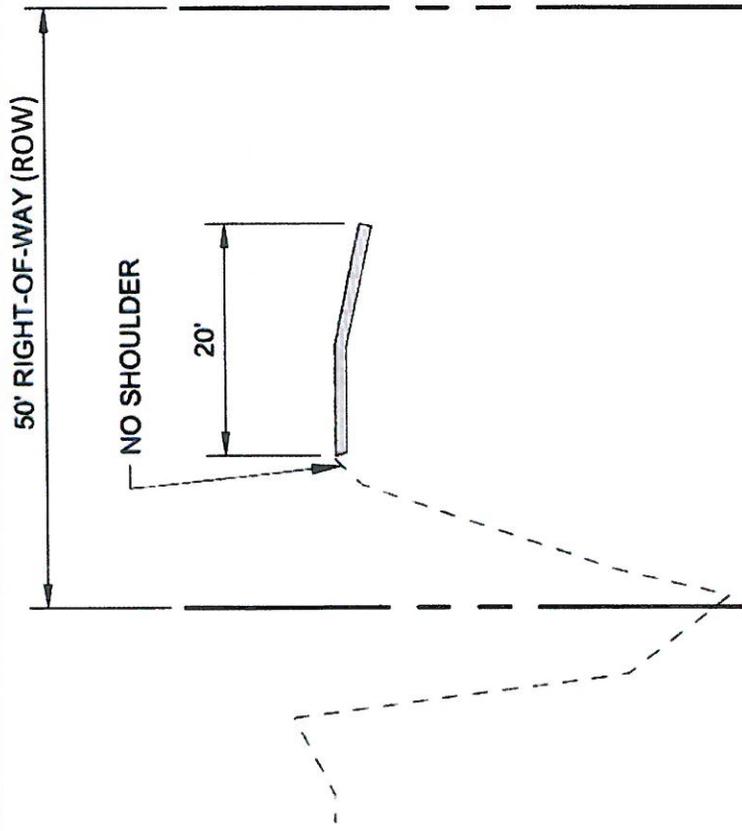
Signed:

Print Name:

Address:



Option #2 – Install Sheet Pile and Guardrail

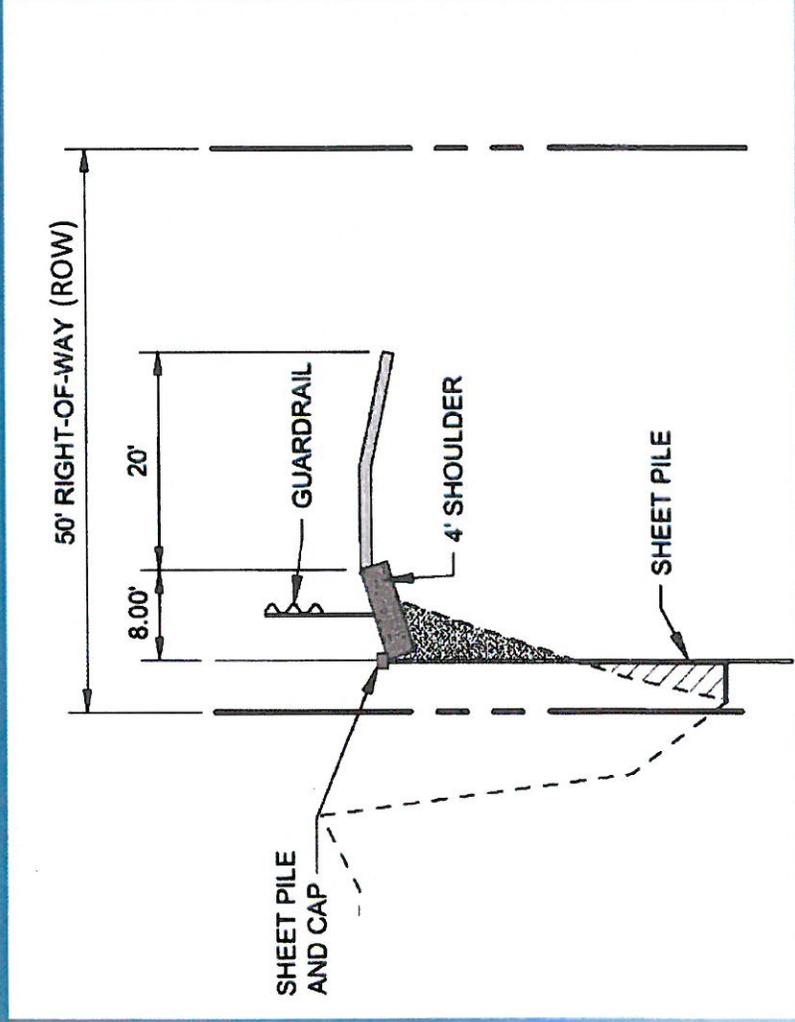


Please Make Option Selection On Back  TETRA TECH

Option #2 – Install Sheet Pile and Guardrail



- Key Advantages
 - 4-foot useable shoulder for safety
 - Protective guardrail
 - Use existing roadway
 - Moderate ecological impacts
- Disadvantages
 - Loss of conveyance capacity may require expanded ditch on southern properties
 - Significant coordination for water and sewer services
 - Noise and vibration during construction



Option #2 is our Preferred Option

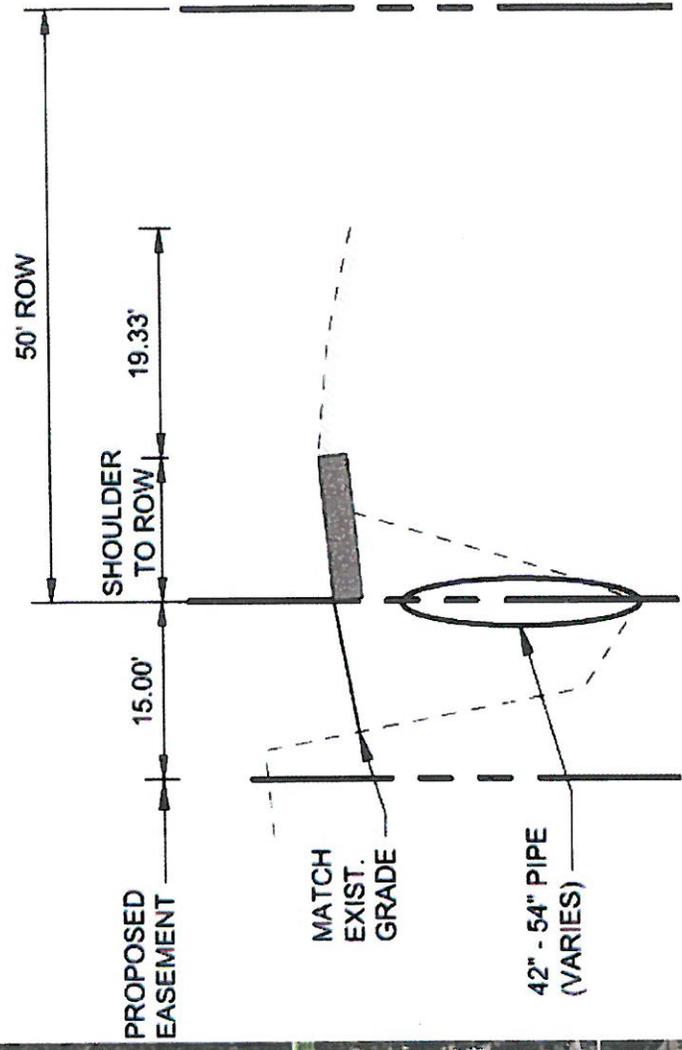
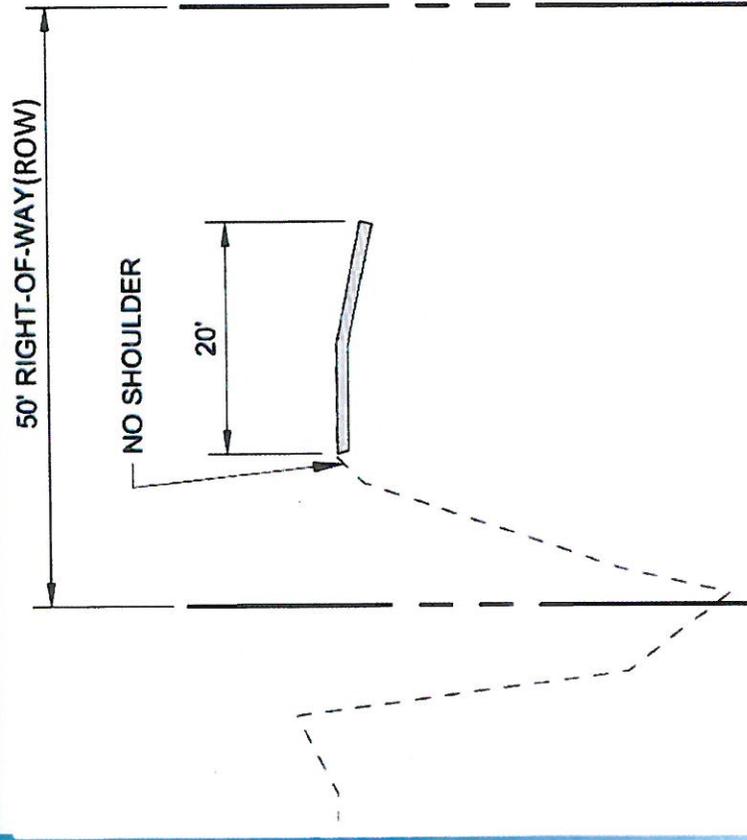
Signed:

Print Name:

Address:



Option #3 – Replace Ditch with Storm Pipe



Please Make Option Selection On Back



Option #3 – Replace Ditch with Storm Pipe



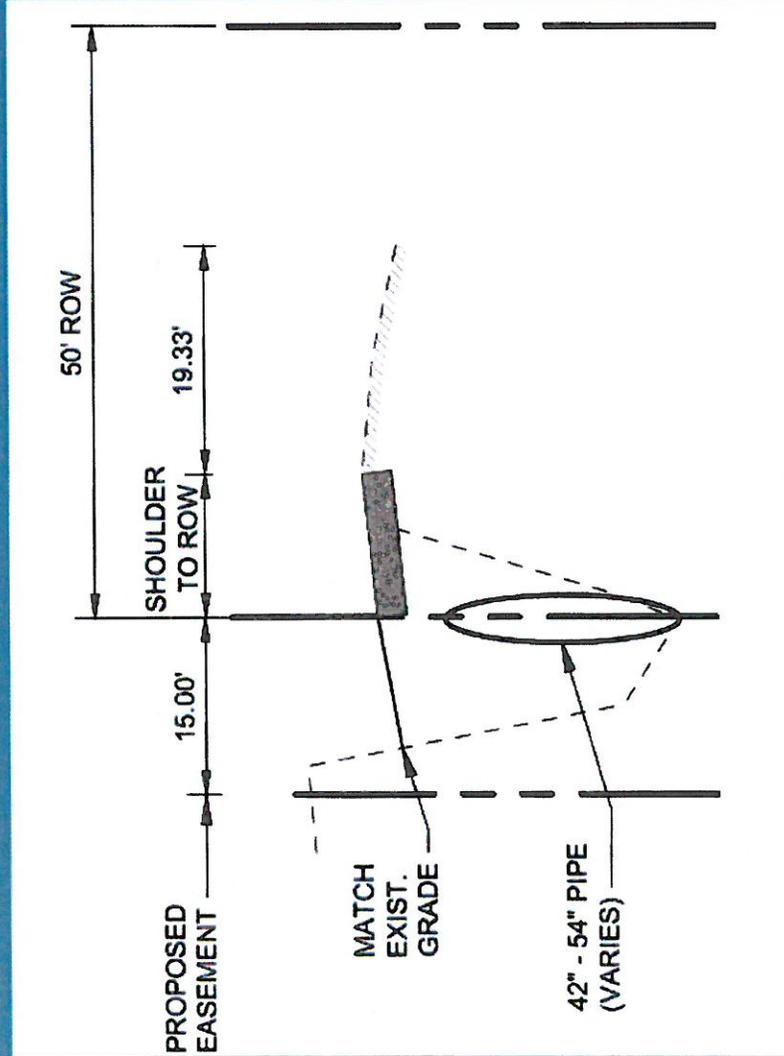
- Key Advantages
 - 10-foot useable shoulder for safety
 - Use of existing roadway
- Disadvantages
 - Existing driveway culverts
 - Driveway access and grading during construction
 - Recording easement from property owners to south
 - Significant coordination for water and sewer services
 - Ecological impact

Option #3 is our Preferred Option

Signed:

Print Name:

Address:





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
POST OFFICE BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

September 13, 2016

Regulatory Division
North Permits Branch
Mitigation Bank Team
SAJ-2010-00413 (ADT)

Mr. David Johnson
Webster Creek Development, Inc.
1064 Howell Branch Drive
Winter Park, Florida 32789

Dear Mr. Johnson:

In accordance with the provisions of the regulations at 33 CFR 332.8(d), the U.S. Army Corps of Engineers (Corps), in consultation with the federal Interagency Review Team (IRT), has completed our review of the proposed compensatory mitigation project as defined within the prospectus received on May 27, 2016. The prospectus provided by your agent, Bio-Tech Consulting, Inc., outlined the establishment of a wetland mitigation bank referred to as the Webster Creek Mitigation Bank (WCMB). The evaluation process included a thorough review of the prospectus, posting of a public notice (PN) on the Corps' Jacksonville District Regulatory web page on June 23, 2016, and an IRT site inspection conducted on July 15, 2016. In response to a request for an extension of the PN comment period, on July 22, 2016, the Corps provided for an additional 30 days for the public to submit comments on the proposed project. The application has been assigned file number SAJ-2010-00413. Please reference this number in all communications regarding this project.

The proposed WCMB project, encompassing 314.87 acres, is located approximately 7.5 miles south of Ponce Inlet and directly east of the Intracoastal Waterway. More specifically, the proposed project is located in Sections 5 and 6, Township 18 south, Range 35 east; in Volusia County, near New Smyrna Beach, Florida.

The stated goal of the WCMB is to restore the endemic wetlands and to support upland vegetative communities and wildlife that originally existed within the property limits. As described in the submitted prospectus, the proposed mitigation plan includes the following activities: preservation of 202.15 acres of high quality mangrove swamp and salt marsh; enhancement of 0.09 acres of upland habitat; enhancement of 101.94 acres of wetlands that have been altered by the creation of mosquito control ditches; and, restoration of 10.68 acres of open drainage ways to mangrove swamp through the placement of upland spoil material in the drainage ways.

The Corps, in consultation with the IRT, has thoroughly reviewed your proposal and offers the following comments/concerns:

1. Information received in response to the PN has raised questions regarding ownership of a significant portion of the proposed WCMB property.

a. A review of the information provided at the Volusia County Property Appraiser's web site indicates that Webster Creek Development, Inc., owns 147.89 acres within the proposed mitigation bank boundaries. Some of the lands included within the proposed mitigation bank boundaries appear to be in ownership of the State of Florida Board of Trustees of the Internal Improvement Trust Fund (TIITF). Of the TIITF lands, 27.77 acres were previously restored by the St. Johns River Water Management District and are covered by an existing conservation easement.

b. The Corps has also received information that the Florida Department of Environmental Protection is currently reviewing the site to determine the mean high water elevation contour in order to determine if portions of the property are owned by the Sponsor or are state sovereign submerged lands.

c. Through the public review process, a number of adjoining property owners have asserted that their property deeds include areas of the proposed mitigation bank between Webster Creek and their residences. Additionally, they are concerned any material placed in the drainage ways could have significant adverse effects on the lagoon, wildlife, and fishing industry within the area.

d. Hydroblasting has been proposed as the preferred method to place spoil material in the drainage ways. This method could exacerbate the mixing of any chemical particles in the water within the lagoon.

2. The Corps and IRT have concerns regarding the potential for direct impacts to existing mangrove swamp, salt marsh, and oyster reefs within the proposed mitigation bank which may result from the proposed mitigation activities. The prospectus did not provide adequate information to ensure that existing communities will be protected during project implementation. The prospectus lacked sufficient information to determine if the proposed activities will provide appropriate habitat conditions necessary to achieve successful restoration.

In consideration of the information provided above, the Corps has determined that the project, as proposed, does not have the potential to provide sufficient compensatory mitigation to compensate for unavoidable impacts to waters of the United States. In order to fully evaluate a proposed mitigation bank, we must have assurance that the

Sponsor either owns property or has a fully binding agreement to utilize the property. Additionally, we must ensure that a proposed mitigation bank will not cause adverse effects on the environment or the public. We regret that the determination is unfavorable regarding utilization of the property as a mitigation bank. Please be advised that as of the date of this letter, the Corps has ended its review of your Prospectus for the WCMB, and your request has been withdrawn.

If you feel that you can address the issues raised and would like to have the proposed WCMB re-evaluated, you will need to provide a new prospectus. The new prospectus must fully address the property ownership issues, should include a Phase I and, if needed, a Phase II Environmental Site Assessment to determine the presence or absence of HTRW within the project boundaries and should include topographic surveys of the areas to be physically manipulated to ensure that spoil is removed and that drainage ways are filled to appropriate elevations which would support the target habitats.

Should you have any questions or if additional information or assistance is required concerning this matter, you may contact Ms. Amy Thompson in writing at the letterhead address, by electronic mail at Amy.D.Thompson@usace.army.mil, or by telephone at 904-232-3974.

Sincerely,



for Donald W. Kinard
Chief, Regulatory Division

cc:

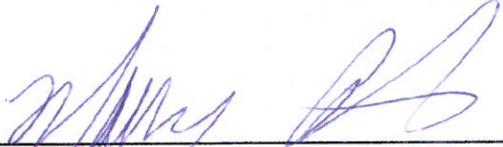
Mr. John Lesman, Bio-Tech Consulting, Inc., jlesman@bio-techconsulting.com
Mr. Ron Miedema, U.S. Environmental Protection Agency, Miedema.Ron@epa.gov
Ms. Erin Gawera, U.S. Fish and Wildlife Service, Erin.Gawera@fws.gov
Mr. Kurtis Gregg, NOAA National Marine Fisheries Service, Kurtis.Gregg@noaa.gov
Ms. Laura DiGruttolo, Florida Fish and Wildlife Conservation Commission,
Laura.DiGruttolo@MyFWC.com
Mr. Reid Hilliard, St. Johns River Water Management District, JHilliard@sjrwmd.com
Ms. Nanette Church, St. Johns River Water Management District,
nchurch@sjrwmd.com

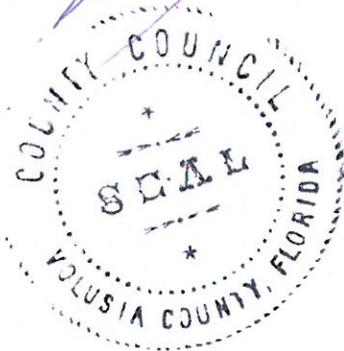
STATE OF FLORIDA
COUNTY OF VOLUSIA

I, JAMES T. DINNEEN, County Manager and Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing RESOLUTION 2016-125 is a true and correct copy of that certain resolution, as adopted by the County Council of Volusia County, Florida, at its meeting held on September 08, 2016.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 12th day of Septmeber, A.D. 2016.

JAMES T. DINNEEN
COUNTY MANAGER AND CLERK TO THE
COUNTY COUNCIL OF VOLUSIA COUNTY,
FLORIDA

BY: 
MARCY A. ZIMMERMAN, DEPUTY CLERK



RESOLUTION 2016 - 125

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, IDENTIFYING THE NEED FOR ADDITIONAL FEDERAL FUNDING FOR CONSTRUCTION OF THE TURNBULL BAY BRIDGE REPLACEMENT AND REQUESTING THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION (TPO) TO ALLOCATE ITS CURRENT YEAR UNOBLIGATED FEDERAL SU FUNDS TO HELP OFFSET THE FUNDING SHORTFALL OF THE PROJECT AND SUPPORT A REQUEST FOR ADDITIONAL FEDERAL FUNDING FROM THE FDOT TO FUND THE REMAINING SHORTFALL; DIRECTING THE COUNTY MANAGER TO TRANSMIT A COPY OF THIS RESOLUTION UPON APPROVAL TO THE TPO AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Turnbull Bay Bridge built in 1967 over Turnbull Bay in New Smyrna Beach has well exceeded its design lifespan; and

WHEREAS, in August 2011 the Turnbull Bay Bridge was deemed unsafe causing the County to immediately close the bridge; and

WHEREAS, due to concerns over public safety response times voiced by area residents, the County and City of New Smyrna Beach shared the additional costs of emergency repairs to reopen the bridge; and

WHEREAS, the FDOT has budgeted \$5,426,434 in federal funds to replace the Turnbull Bay Bridge which is still deemed by the FDOT as structurally deficient with a rating of 11 out of a possible 100 based on its most recent inspection report; and

WHEREAS, the County recently opened construction bids on July 21, 2016 and received only two bids with the lowest being \$8,359,000 an approximately \$3 million (54%) over the budgeted funding; and

WHEREAS, the County staff as well as the Engineer of Record and the County's CEI for this project have performed an analysis of the bids and believe the primary reasons for the bids coming in much higher than the engineer's estimate are due to the ongoing trend of increasing construction prices due to the large amount of current construction workload and the level of complexity and risk in this specific project; and

WHEREAS, the current large amount of construction activity (including all of the bridge work on the I-4 Ultimate project) is having a significant impact on construction labor and contractor availability and, therefore, the low interest by bridge contractors and the resultant high bids; and

WHEREAS, the County has committed approximately \$780,000 of local gas tax funds to the Turnbull Bay Bridge project for CEI services and has no other funds available for funding the \$3 million shortfall without impacting another locally programmed project; and

WHEREAS, the TPO has \$1.6 million in Federal SU funds in the current fiscal year that have not been obligated to any projects and those monies could be allocated to the Turnbull Bay Bridge project to help fund the \$3 million shortfall; and

WHEREAS, the County has also made a request to the FDOT for additional federal funding to cover the difference between the low bid amount and the previously approved federal funding.

NOW THEREFORE BE IT RESOLVED by the County Council of Volusia County, Florida, in open meeting duly assembled at the Thomas C. Kelly Administration Center, County Council Chambers in the City of DeLand, Florida, this 8th day of September, A.D. 2016, as follows:

Section 1. The Volusia County Council has identified a critical need for replacing the structurally deficient Turnbull Bay Bridge in New Smyrna Beach for public safety.

Section 2. The Volusia County Council hereby requests that the River to Sea Transportation Planning Organization allocate at its next Board meeting on September 28, 2016 the unobligated \$1.6 million in Federal SU funds in the current fiscal year to the Turnbull Bay Bridge project to help fund the \$3 million construction shortfall.

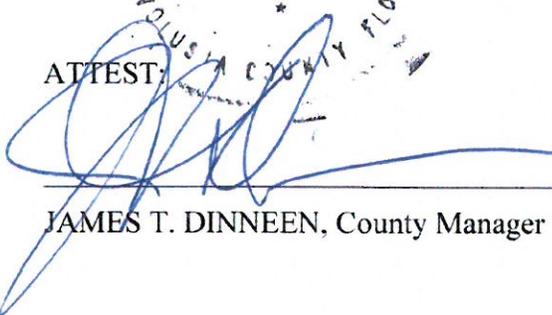
Section 3. The Volusia County Council hereby also requests that the River to Sea Transportation Organization support the County's request to the FDOT for additional federal funding to offset the remaining shortfall for construction of the new Turnbull Bay Bridge.

Section 4. The Volusia County Council directs the County Manager to transmit a certified copy of this Resolution upon approval and adoption to the River to Sea Transportation Planning Organization and the Florida Department of Transportation.

Section 5. This resolution shall take effect immediately upon its adoption.

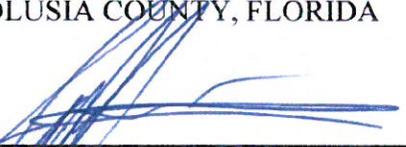
DONE AND ORDERED IN OPEN MEETING.

ATTEST:



JAMES T. DINNEEN, County Manager

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

By 

JASON P. DAVIS, County Chair



Volusia County Council

JASON P. DAVIS
COUNTY CHAIR

PAT PATTERSON
VICE-CHAIR
DISTRICT 1

JOYCE M. CUSACK
AT-LARGE

JOSHUA J. WAGNER
DISTRICT 2

DEBORAH DENYS
DISTRICT 3

DOUG DANIELS
DISTRICT 4

FRED LOWRY, JR.
DISTRICT 5

JAMES T. DINNEEN
COUNTY MANAGER

September 8, 2016

Ms. Noranne Downs, District Secretary
Florida Department of Transportation
719 S. Woodland Blvd.
DeLand, FL 32720

Re: Turnbull Bay Bridge Replacement, 430040-1-58-01
Request for Additional Funds to Award to Low Bidder

Dear Secretary Downs:

As you are aware, Volusia County has a federally funded project to replace the structurally deficient bridge on Turnbull Bay Road over Turnbull Bay in New Smyrna Beach. The County opened construction bids on July 21, 2016 which resulted in only 2 bids. The lowest bidder (\$8,359,000) was 54% above the budgeted amount of \$5,426,434.

County staff as well as the Engineer of Record and the County's CEI for this project have performed an analysis of the bids. At the present time your engineering staff and the County's staff are in discussions regarding whether rebidding the project with perhaps some further clarifications would yield a lower bid price or even more bids. The County has committed approximately \$780,000 of local gas tax funds to the project for CEI services and has no other funds available for the funding shortfall without impacting another programmed project.

In the meantime without knowing FDOT's recommendation regarding rebidding the Volusia County Council has adopted a resolution requesting that the River to Sea Transportation Planning Organization (TPO) allocate at its next Board meeting on September 28, 2016 its unobligated \$1.6 million in Federal SU funds in the current fiscal year to the Turnbull Bay Bridge project to help fund the \$3 million construction shortfall. The resolution also requests that the TPO support the County's request for additional federal funding, if needed, from FDOT.

The Turnbull Bay Bridge was built in 1967 and has well exceeded its design lifespan. As you will recall in August 2011 the bridge was deemed unsafe by the

Ms. Noranne Downs, District Secretary
Florida Department of Transportation
Page Two
September 8, 2016

FDOT's inspection report and the county had to immediately close the bridge. Due to concerns over public safety response times voiced by area residents, the County and the City of New Smyrna Beach shared the additional costs of emergency repairs to reopen the bridge with weight restrictions.

We believe the primary reasons for the bids coming in much higher than the engineer's estimate are due to the ongoing trend of increasing construction prices due to the large amount of current construction workload and the level of complexity and risk in this specific project. The current large amount of construction activity (including all of the bridge work on the I-4 Ultimate project) is having a significant impact on construction labor and contractor availability and, therefore, the low interest by bridge contractors and the resultant high bids. This is reflected in that only two construction bids were received. It also seems that the size and location of the project may have made it less attractive to many bidders given the current construction environment.

On behalf of the Volusia County Council I want to respectfully request your consideration of providing additional federal funding to this critical bridge project if the outcome of the rebidding discussions is that there is still a funding shortfall.

Sincerely,



Jason P. Davis, Chair
Volusia County Council

cc: Volusia County Council
Jim Dinneen, County Manager
George Recktenwald, Deputy County Manager
Frank O'Dea, FDOT
Gene Ferguson, FDOT