



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: January 3, 2012

SUBJECT: Gamble Place Discussion

DEPARTMENT: CITY MANAGER'S OFFICE

RECOMMENDED MOTION: For Discussion

SUMMARY:

In September, Mayor Green sent a letter to the Museum of Arts and Sciences (MOAS) concerning Gamble Place. Recently, MOAS responded to the Mayor's letter. MOAS has indicated a willingness to enter into discussions with the City of Port Orange that could eventually lead to the transfer of the property from MOAS to the City of Port Orange.

Policy Issue #1: Does the City Council believe that Gamble should be part of the City of Port Orange park system?

Policy Issue #2: Does the City Council desire to enter into negotiations with MOAS concerning the terms and conditions of the transfer?

Policy Issue #3: The City is required to obtain an appraisal on the property. Does the City Council desire to have the property appraised? Because of the unique conditions and restrictions in the deed that was transferred to MOAS from Nature Conservancy, we will be using an appraiser who is on the State approved list of appraisers since they are more likely to have appraised properties for the State with development restrictions on them. If we are to go forward, then the property must be appraised.

I have attached the budget prepared by the Parks and Recreation Department. This assumes that the City would maintain Gamble with the City workforce. Prior to any property transfer, the City Council must know:

1. Condition of the buildings and what repairs will be required to restore them. A capital budget would need to be prepared and reviewed by the Council in addition to the operating budget.
2. A controlled burn plan would need to be developed by the City of Port Orange as well as a cost estimate.
3. An evaluation of the trails on the Gamble property to determine what improvements are needed in order to make them passable and safe to the citizens who may visit and tour the property. Capital costs and improvements would have to be provided to the City Council.

If the property is transferred, the City Council would need to determine how the property would be managed – by City staff or a private entity. If a private entity option is selected to manage the property on behalf of the City, a request for proposal would have to be developed and put out to bid. The City could not simply award the bid to a vendor without accepting competitive proposals. At some point, the Council would have to adopt a fee schedule for Gamble if an admission charge is levied.

ATTACHMENTS: Ordinance Resolution Budget Resolution Other
 Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD

Date

FINANCE DEPARTMENT

Approved as to Budget Requirements

Date

CITY ATTORNEY

Approved as to Form and Legality

Date

CITY MANAGER

Approved Agenda Item for January 3, 2012

COUNCIL ACTION:

Approved as Recommended
 Continued to Date Certain

Disapproved
 Approved with Modification:

Tabled Indefinitely



MEMORANDUM

To: Mayor Allen Green
Vice Mayor Dennis Kennedy
Council Member Bob Ford
Council Member Donald Burnette
Council Member Robert Pohlmann

From: Kenneth W. Parker, City Manager

A handwritten signature in blue ink that reads "Kenneth W. Parker". The signature is written in a cursive style and is positioned to the right of the printed name "Kenneth W. Parker, City Manager".

Subject: Gamble Place Discussion

Date: December 22, 2011

The Museum of Arts and Science (MOAS) has responded to Mayor Green's letter concerning Gamble. The MOAS has indicated a willingness to discuss the transfer of the property to the City of Port Orange subject to certain terms, conditions and restrictions. As you are aware, the deed that transferred the property from Nature Conservancy has a number of restrictions on the use of the property.

Then the first policy decision that the City Council must make is whether owning Gamble is in the public's best interest. Although the City Council authorized the Mayor to send the letter, the City Council must authorize staff to move forward in formal negotiations and discussions with the MOAS on transferring the property from MOAS to the City of Port Orange.

If it is the City Council's position that Gamble should be owned by the City of Port Orange, then the staff would need authorization to secure an appraisal to determine the value of the property since the deed restrictions on this property severely limit the property usage. That means the property has a different value than it would have it were developable. The recently adopted policy of the City Council requires that the property be appraised by a MAI appraiser. In this case, we would want an appraiser that was included on the State approved appraiser list and has experience in valuing properties with development and use

restrictions. Staff would bring back the contract with the appraiser for the City Council's review.

Although the City staff has previously provided the City Council with a budget for Gamble, prior to the final decision the staff would bring forward an updated budget for maintenance and operations of Gamble. We will provide you with various options and alternatives related to the operations at Gamble.

We would have our Facilities Manager examine each of the structures at Gamble and determine the condition of the buildings and what repairs would be required to the buildings. When the City left in 2007, the buildings had been renovated and were being used. We need this evaluation in order to provide the City Council with an estimate of capital cost needed to bring the property up to standard. We will put together a five-year capital plan related to the facilities. Additionally, we will need to evaluate the trails at Gamble. The City had made several upgrades to the trail system at Gamble. We would need to check those areas as well and make sure that they are safe and passable. We will need to evaluate what improvements will be required on the trail system. All of those items would be included in both the operations and maintenance budget as well as in the capital improvement budget for the property.

As I recall, the management plan for Gamble requires periodic and regular control burns. If the City Council gives the staff the go ahead to have discussions with MOAS about Gamble, I will have Steve Edgar provide an estimate on control burn for the property as well as to provide us with an estimate on annual forestry management cost related to maintaining the property.

Before staff begins investing time and energy into soliciting proposals for an appraisal, evaluating the buildings and property and providing you with an updated operating and maintenance budget and capital budget, and other essential information the City Council will need before making the final decision on the Gamble property, the City Council needs to answer the threshold question: Does the City Council desire to enter into negotiations with MOAS related to Gamble? If the answer is yes, then the City Council will need to authorize staff to prepare information and enter into discussions with MOAS related to transferring ownership of Gamble to Port Orange.

Should you have questions, please feel free to contact me.

KWP:ckr

M/C/C
If P.O. took over maint. of
Gamble, Susan has estimated

the following MEMORANDUM

cost? This is somewhat lower than what we spent when we maintained the facility -

copy to M/C/C

Call

Jan

To: Shannon Lewis, Assistant City Manager
From: Susan L. Lovallo, Parks & Recreation Director
Subj.: Gamble Place
Date: August 11, 2011

The following will outline the costs to get Gamble place back open and safe for the public, the costs to operate annually and any capitol equipment needed. These costs are based on the assumption that the park will be open to the public seven days a week from sunrise to sunset and that an agreement will be made with neighboring properties for locking and unlocking of the gates. It is also assumed that the houses will not be opened or operated by city staff.

Start up budget

480 man hours that we will contract from a day labor company for the clean up of the park. These people will be supervised by existing staff.

Staffing \$4800

Operational funds will be for gloves, hand tools, connection of ADT, Water meter, benches, trash cans, phone line, chain saw, pole saw trash bags, port a lets, sink, paper products and tree removal.

Operating start up funds \$5,000

Total start up funding \$9800

Capitol Purchases

2 weed eaters \$800
2 hand held blowers \$400
1 hedge trimmer \$200
Gator 4x 2 \$6000
16' Jon boat with motor \$1500

Total Capitol \$8900

Annual Budget

One full time equipment operator and one part time maintenance worker II could handle the duties for this facility. The attached spreadsheet is a listing of tasks we did in 2007 and how many man hours it takes to maintain the 175 acre park. The level at which the park is maintained can be reviewed and standards can be reestablished based on the budgetary changes that have occurred since 2007. For example instead of maintaining all the trails we may choose to only open a couple of trails.

Staffing \$55,096

Operating budget includes ADT alarm service, termite bonds, insecticides, Janitorial supplies, Forester contract for fire line maintenance, dumpster rental, electric and water bills, port a lets, gas and oil, mulch, fertilizer and daily tools and supplies for maintenance.

Operating \$15,000

Total annual budget of \$70,096

These numbers can be adjusted based on the direction of the maintenance expectations. We could go with a full time maintenance worker II instead of an operator and contract out any work that requires heavy equipment, or if we only open the facility Thursday through Sunday we can make additional changes to staffing and some operation dollars. The Gamble property is very labor intensive especially during the rainy season, the amount of palm trees, boardwalks, dock, stone walkways and foot bridges which require daily maintenance to keep them free from debris. In addition it has been many years since I looked at the requirements the nature conservancy has on the property. I know the maintenance of the fire lines and control burns was one of there requirements. The other unknown that is not included in this budget is if we will be required to pay a lease payment to the Museum.

The following will need to be done in the park prior to opening to the public.

- Pressure wash boardwalk, dock and foot bridges.
- Trim and prune around houses and dock
- Drop and remove dead trees
- Clear large trail
- Remove stockade fence
- Repair parking area fence
- Have water and electric hooked up
- Have port a lets delivered
- Install water fountain
- Place benches
- Move equipment in

For the daily and weekly tasks to be performed annually please see attached spreadsheet.

Please let me know if you want to explore any different options or changes.

GAMBLE HOUSE MAINTENANCE MANHOURS REQUIRED FOR LEVEL ONE MAINTENANCE PER YEAR									
ACTIVITY	EMPLOYEE MINUTES	UNIT OF MEASURE	FREQUENCY SEASON	FREQUENCY OFF SEASON	PHYSICAL WORKLOAD	MANHOURS SEASON	MANHOURS OFF SEASON	REQUIRED M.H. PER YEAR	
Mowing Common Areas	75	1 acre	Weekly	Bi-Weekly	10	325	162.5	487.5	
Pump House Maint.	30	Building	Weekly	Weekly	1 Building	13	13	26	
Creeker House Maint.	60	Building	5 Times Per Week	5 Times Per Week	1 Building	130	130	260	
Orange Packing Barn Maint.	60	Building	5 Times Per Week	5 Times Per Week	1 Building	130	130	260	
Snow White House Maint.	60	Building	5 Times Per Week	5 Times Per Week	1 Building	130	130	260	
Debris Removal Roofs	60	Building	Monthly	Monthly	4 Buildings	24	24	48	
Fertilize	25	1 acre	6 Times Per Year	N/A	10 acres	25	N/A	25	
Insecticide	25	1 acre	6 Times Per Year	N/A	10 acres	25	N/A	25	
Herbicide	25	1 acre	6 Times Per Year	N/A	10 acres	25	N/A	25	
Trim / Weedeat	60	Park	Weekly	Bi-Weekly	Park	26	13	39	
Trimming Trees	20	Tree	Annually	Annually	40	13	N/A	13	
Hedge Trimming	90	100 lin. ft.	Bi-Monthly	Every Six Months	200 lin. ft.	18	6	24	
Weed and Edge Shrub Bed	90	1000 sq. ft.	Bi-Weekly	Monthly	6000 sq. ft.	117	54	171	
Mulch Shrub Bed	60	1000 sq. ft.	Every Six Months	Every Six Months	6000 sq. ft.	12	N/A	12	
Nature Trail Maint.	60	each	Weekly	Weekly	3	78	78	156	
Litter/Debris Pickup	15	1 acre	6 Days Per Week	6 Days Per Week	10	390	390	780	
Fountain and Garden Maint.	45	each	Weekly	Weekly	1	19.5	19.5	39	
Dock/Canoe Launch Maint.	90	each	Weekly	Weekly	1	39	39	78	
Check Picnic Tables, Benches	15	Park	Weekly	Weekly	1 Park	6.5	6.5	13.1	
Check Fencing	5	1000 lin. ft.	Weekly	Weekly	1000 lin. ft.	2	2	4	
Clear Bathrooms	60	each set	6 Times Per Week	6 Times Per Week	2 Sets	312	312	624	
Check Facilities for Repairs	45	each	Weekly	Weekly	4	78	78	156	
Misc. Repairs - irrigation, fence, equipment			10% of total					353	
TOTAL MANHOURS REQUIRED PER YEAR FOR LEVEL ONE MAINTENANCE								3878.6	
Subtract Contracted Services Manhours								0	
Total City Employee Manhours Per Year								3878.6	

Excerpt from the August 16, 2011 Regular City Council Meeting minutes, Item 22, Comments/Concerns from Council Members:

“Councilman Ford discussed problems with the lawn maintenance crew at the US 1 and Dunlawton sign in Riverwalk. Mayor Green asked for something to be placed on the back of the sign.

Councilman Burnette asked about the railings at City Hall. Mr. Parker explained that the railings met code in the early 1980’s when they were built; however, the railings would not meet code today. Mr. Parker explained some ideas of fixing the problem; however, the code does not require the railings to be altered. Councilman Burnette asked about the CDBG audit. He wants more information. Mr. Parker explained that it is a utility problem, and that the employee is no longer with the City. Councilman Burnette asked about Willow Run sign for school. Mr. Parker will check on it. Councilman Burnette asked if there is something more the City can do for the foreclosure registry. Mr. Parker will have Staff check into it. He advised that Staff looked into it a few years ago and he will find out why it wasn’t implemented then. Mr. Parker asked Council about special assessment districts that are being implemented in other cities.

Councilman Pohlmann reminded residents of school starting August 22.

Vice Mayor Kennedy advised that Spruce Creek High School traffic patterns have changed.

Mayor Green wants code officers seven days a week. Mayor Green doesn’t agree with impact fees being reduced or cancelled. He believes they are investing in the future. Mayor Green explained that nothing has been decided regarding Gamble property but there is conversation about property exchanges, etc. On the table for consideration is exchanging environmental credits. City would get the property. Susan Lovallo, Parks Director, has run numbers and provided them to Council. Councilman Pohlmann explained that the goal was not to have credits but to use it to buy environmental properties. Vice Mayor Kennedy believes Council needs to do whatever possible to maintain the property. Councilman Burnette would like to see the City take over the property, but would caution Council and Staff relating to maintenance for the old buildings and the property. Councilman Ford believes that Council would need to invest \$250,000 per year to maintain the property. Councilman Ford asked Attorney Roberts for a list of what can be done with the property and what can’t be done. He wants the property open to the public and preserved. He is not opposed to it, but very cautious. Mayor Green disagrees with the numbers Councilman Ford gave and believes the City is a better caretaker. Mayor Green asked for a consensus on getting more information on being a player. Consensus is to move cautiously but yes look into.”



CITY OF PORT ORANGE

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September 29, 2011

Barbara Coleman
President, Board of Trustees
Museum of Arts and Sciences, Inc.
352 South Nova Road
Daytona Beach, FL 32114

Dear Ms. Coleman:

In recent weeks there have been articles about the Museum's plans for a new facility on Nova Road. There have been articles about Gamble Place and how Gamble Place could potentially fit into the overall plan.

In the early 1980s, the City of Port Orange made a commitment to begin acquiring land. The City's first acquisition was west of Tomoka Farms Road. What is unique about this property is that one of the branches of Spruce Creek originates on property owned by the City. In 1986, the City was involved in the initial purchase of land that is now part of the Doris Leeper Spruce Creek Preserve. Our residents understood the importance of this property and its ecological value. They voted to tax themselves in order to participate with County and other local cities to preserve this parcel of land. Some years ago, the City of Port Orange acquired 17 acres along Spruce Creek from Bill Russell in partnership with the State of Florida and Volusia County. A few years later, the City participated with the State and the County in the acquisition of additional land located in our City. That land was added to the Doris Leeper Spruce Creek Preserve this past year.

The City has common interests with the Museum. First, our residents enjoy the Museum and the programs it offers. A new facility on the approximately 30 acre site currently owned by the City of Daytona Beach and Volusia County provide an excellent opportunity to construct a facility that would be free from the flooding dangers that have plagued the Museum in the past. Second, both the City of Port Orange and the Museum understand the historic value of Gamble Place. Both of us understand its ecological significance. Both of us recognize the value of Gamble Place to our residents. Both the City of Port Orange and the Museum have a common interest in seeing Gamble Place opened full time for the public to experience this natural treasure. Both the City and the Museum have a common interest in the property being maintained in accordance with the restrictions that have been placed on the property. Finally, the

"Growing In Beauty and Opportunity"

September 29, 2011

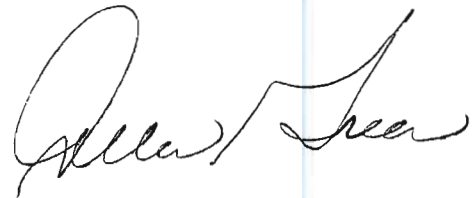
Ms. Barbara Coleman

Museum and the City have a common interest in providing public access to Spruce Creek, itself.

Both the City and the Museum have common goals and a mission to provide for the quality of life for humans, animals and the environment. Each organization has strengths that, when combined, accomplish the goals and mission. Working together, we can identify and implement solutions that benefit all concerned.

The City of Port Orange understands that the 30 acre site owned by the City of Daytona Beach and Volusia County has some environmental constraints that will need to be mitigated before construction can occur. The City of Port Orange has a fully permitted mitigation bank with both state and federal credits available. Is there an interest by the Museum to meet with the City to explore how we can work together to achieve our common goals?

Sincerely,



Allen Green
Mayor

AG: ckr

cc: Vice Mayor Dennis Kennedy
Council Member Bob Ford
Council Member Donald Burnette
Council Member Robert Pohlmann

William M. Cobb
(1881-1939)
Thomas T. Cobb
(1916-2004)
W. Warren Cole, Jr.
(1926-2008)

J. Lester Kaney
Harold C. Hubka
Thomas S. Flair
Scott W. Cichon
Robert A. Merrell III
Bruce A. Hanna
John P. Ferguson
Rhoda Bess Goodson
Thomas J. Leek
Mark A. Watts
Heather Bond Vargas
Robert Taylor Bowling



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December 5, 2011

VIA FACSIMILE ONLY
FAX NO.: 756-5208

Mayor Allen Green
City of Port Orange
c/o City Manager Kenneth W. Parker
1000 City Center Circle
Port Orange, FL 32119-9619

Re: September 29, 2011 letter
Gamble Place property

Dear Mayor Green:

This letter is provided in response to yours of September 29, 2011, to Barbara Coleman, President of the Board of Trustees of the Museum of Arts and Sciences. This is inform that the Board of Trustees has authorized me to proceed with negotiations with the City of Port Orange on terms for the possible conveyance of the Gamble Place property to the City.

Please feel free to contact myself or my partner, Robert A. Merrell, III, Esq., to move ahead with further discussions.

Sincerely,

Thomas S. Hart

Direct Dial (386) 323-9225
Email Thomas.Hart@CobbCole.com
Fax (386) 944-7947

TSH:jg

cc: Robert A. Merrell, III, Esquire
Deborah Allen, Acting Executive Director, Museum of Arts and Sciences

P
Joshua J. Pope
Elan R. Kaney
Kathryn D. Weston
Kelly Parsons Kwiatek
Michael J. Woods
Maja S. Sander
James A. Stowers
Katherine Hurst Miller
Michael O. Sznajstajler
Melissa B. Murphy

OF COUNSEL

C. Allen Watts
Larry D. Marsh
Christopher N. Challis
Andrea M. Kurak

RETIRED

Jay D. Bond, Jr.

CITY OF PORT ORANGE
RECEIVED

DEC 05 2011

CITY MANAGER