



REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

APRIL 2, 2019

AGENDA

ALL CITIZENS DESIRING TO ADDRESS THE PORT ORANGE CITY COUNCIL DURING CITIZEN PARTICIPATION SHOULD COMPLETE A SPECIAL APPLICATION FORM WHICH IS LOCATED ON THE STANDS OUTSIDE THE COUNCIL CHAMBERS. AFTER COMPLETING THE FORM, PRESENT IT TO THE CITY CLERK.

A. OPENING

1. Invocation by Pastor Ken Sharp of High Point Pentecostal Church
2. Pledge of Allegiance
3. Roll Call

B. CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only
5. Agenda Approval
6. Approval of Minutes
 - a. February 26, 2019 - Special City Council Meeting
 - b. March 5, 2019 - Regular City Council Meeting
7. Approval of Fee Reduction Request from ICI Homes relating to the Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan
8. Resolution No. 19-12 - Mayor's Golf Tournament Fees
9. Approval of Revised FY20 Budget Calendar
10. Approval of the Fee Matrix for the American Cancer Society for Relay for Life

C. CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

D. COUNCIL COMMENTS

11. Comments/Concerns from Council Members

E. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

12. Report from KemperSports on the Cypress Head Golf

F. PUBLIC HEARING

13. Second Reading - Ordinance No. 2019-11 - Woodhaven PUD/Small-Scale Comprehensive Plan Future Land Use Amendment (Case No. 18-20000007)
14. Second Reading - Ordinance No. 2019-12 - Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan (Case No. 18-40000003)
15. First Reading - Ordinance No. 2019-14 - First Amendment to the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP), Case No. 19-40000001
16. First Reading - Ordinance No. 2019-15 - LDC Amendment/Chapter 9, Article, II (Case No. 19-25000001)
17. First Reading - Ordinance No. 2019-16 – Fifth Amendment to the Westport Storage and Office Park PCD Master Development Agreement (Case No. 19-40000002)

G. REGULAR AGENDA

18. First Reading - Ordinance No. 2019-6 - Amending Chapter 54 for relating to the General Employee Retirement Systems participation and 401(a) Plan contributions
19. Authorization to submit the proposed project list for the River to Sea TPO 2019 Transportation Improvement Program Priority List
20. FY2018 Audit (CAFR)

H. ADDITIONAL ITEMS

21. City Attorney
22. City Manager

I. COUNCIL COMMITTEE REPORTS

23. City Council Committee Reports
 - a. River to Sea TPO
 - b. General Employees' Pension Board
 - c. First Step Shelter
 - d. Port Orange/South Daytona Chamber of Commerce
 - e. Arthaus

J. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

ANY INVOCATION THAT IS OFFERED BEFORE THE OFFICIAL START OF THE CITY COUNCIL MEETING SHALL BE THE VOLUNTARY OFFERING OF A PRIVATE PERSON, TO AND FOR THE BENEFIT OF THE CITY COUNCIL. THE VIEWS OR BELIEFS EXPRESSED BY THE INVOCATION SPEAKER HAVE NOT BEEN PREVIOUSLY REVIEWED OR APPROVED BY THE CITY COUNCIL OR THE CITY STAFF, AND THE CITY IS NOT ALLOWED BY LAW TO ENDORSE THE RELIGIOUS BELIEFS OR VIEWS OF THIS, OR ANY OTHER SPEAKER. PERSONS IN ATTENDANCE AT THE CITY COUNCIL MEETING ARE INVITED TO STAND DURING THE OPENING INVOCATION AND PLEDGE OF ALLEGIANCE. HOWEVER, SUCH INVITATION SHALL NOT BE CONSTRUED AS A DEMAND, ORDER, OR ANY OTHER TYPE OF COMMAND. NO PERSON IN ATTENDANCE AT THE MEETING SHALL BE REQUIRED TO PARTICIPATE IN ANY OPENING INVOCATION THAT IS OFFERED. A PERSON MAY EXIT THE CITY COUNCIL CHAMBERS AND RETURN UPON COMPLETION OF THE OPENING INVOCATION IF A PERSON DOES NOT WISH TO PARTICIPATE IN OR WITNESS THE OPENING INVOCATION.

CITY COUNCIL SPECIAL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE, PORT ORANGE
FEBRUARY 26, 2019

THE CITY COUNCIL SPECIAL MEETING of the City of Port Orange was called to order by Mayor Donald O. Burnette at 5:30 p.m.

Silent Invocation

Pledge of Allegiance

Roll Call	Present:	Councilman Drew Bastian Councilman Scott Stiltner Vice Mayor Chase Tramont Mayor Donald Burnette
	Also Present:	Assistant City Clerk Shelby Field City Attorney Margaret Roberts City Manager Jake Johansson

DISCUSSION ITEMS

4. Appointment of Interim District 1 Council Member

Mayor Burnette gave an overview of the election schedule and the length of the interim council position. Mayor Burnette addressed there being only one candidate left. Jack Wiles, Candidate, gave a brief overview of himself and why he decided to seek appointment. He addressed questions and comments from Councilmembers.

Motion was made by Vice Mayor Tramont to appoint Jack Wiles to the interim City Council position and Seconded by Councilman Bastian. Motion carried unanimously by roll call vote.

Mr. Wiles accepted the nomination and was sworn in by Shelby Field, Assistant City Clerk.

ADJOURNMENT – 5:45 pm

Mayor Donald O. Burnette

Attest:

Robin Fenwick, CMC
City Clerk

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 5, 2019

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Mayor Donald O. Burnette at 6:30 p.m.

OPENING

Silent Invocation

Pledge of Allegiance

Roll Call	Present:	Interim Council Member Jack Wiles Councilman Drew Bastian Councilman Scott Stiltner Vice Mayor Chase Tramont Mayor Donald Burnette
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Also Present:	City Manager Jake Johansson City Attorney Margaret Roberts City Clerk Robin Fenwick
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CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were no public comments.

5. Agenda Approval

Motion to approve agenda was made by
Vice Mayor Chase Tramont and
Seconded by Councilman Drew Bastian.
Motion carried unanimously by voice
vote.

6. Approval of Minutes

- a. February 19, 2019 - Joint Workshop w/Volusia County School Board
- b. February 19, 2019 - Regular City Council Meeting

7. Bid Awards and Contract Items

- a. Approval of Contract Award - ITB 19-02 - Concrete Installation, Repairs and Replacement to Sparks Concrete, LLC
- b. Approval of Contract Award Bid # 19-04 for Athletic Field Spray Services to TruGreen of Daytona Beach

8. Approval of Carlisle Drive License Agreement/Bella Oaks Townhome Subdivision

9. Approval of Fee Reduction or Waiver - Oak Trail Run Townhomes
10. Resolution No. 19-11 - Providing for a Canvassing Board

Motion to approve the Consent Agenda as amended was made by Councilman Drew Bastian and Seconded by Vice Mayor Chase Tramont Councilman Drew Bastian. Motion carried unanimously by roll call vote.

Motion to pull item 10 for further discussion by Councilman Drew Bastian and Seconded by Vice Mayor Chase Tramont. Motion carried unanimously by voice vote.

Mayor Burnette explained the need for the Canvassing Board and asked if any changes were needed.

Motion to approve agenda was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

ANNUAL MEETING OF CORPORATIONS

11. Port Orange Property Development, Inc. Joint Annual Meeting of the Members, Directors and Design Review Board

Council recessed at 6:34 p.m. to hold the Port Orange Property Development, Inc. Joint Annual Meeting of the Members, Directors and Design Review Board meeting, minutes of which are under separate cover.

12. City Center Corporate Park Property Owner's Association, Inc. Joint Annual Meeting of Members and Directors

Council recessed to hold the City Center Corporate Park Property Owner's Association, Inc. Joint Annual Meeting of Members and Directors, minutes of which are under separate cover.

City Council reconvened at 6:43 p.m.

Michael Dalton, citizen, discussed his concerns regarding construction at 5414 Riverside Drive. He is concerned with encroachment and run-off. He's also concerned with parking. Mayor Burnette will have the City Manager or staff reach out to him with information relating to this plan.

Wayne Walker, citizen, is also concerned with the construction at 5414 Riverside Drive and the occupants who don't seem to be owners of the property.

COUNCIL COMMENTS

13. Comments/Concerns from Council Members

Councilman Stiltner wished Mary Whitmeyer a happy 95th birthday.

Councilman Wiles discussed a complaint from a citizen in Sleepy Hollow regarding pot holes. He'd like to see about getting the barricades removed. Jake Johansson, City Manager, advised Staff is looking for funding and the project is on the list. Councilman Wiles asked if there is a timeline for the bridge repairs. Mayor Burnette said FDOT has said April 2019. Councilman Stiltner explained some of the details for the project.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

14. Environmental Advisory Board Report

John Macaluso, Chairman, provided an update from their recent meetings.

15. Golf Advisory Board Report

Richard Lee, Chairman, provided an update from their recent meeting. Mr. Lee would like Council to consider asking KemperSports to break out the paid rounds vs. non-paid rounds. Council asked Mr. Johansson to ask Bob Duquette, General Manager, to discuss the same in April.

16. Golf Advisory Board Appointments

Motion to re-appoint Richard Lee and Jane Taylor to the Golf Advisory Board was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

17. Second Reading - Ordinance No. 2019-9 - Amending Section 2-186 through 2-189 relating to Administrative Officials

Mayor Burnette read Ordinance No. 2019-9.

ORDINANCE NO. 2019-9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING AND RESTATING THE CODE OF ORDINANCES, SECTION 2-186 THROUGH 2-189, INCLUSIVE, RELATING ADMINISTRATIVE OFFICIAL REGULATIONS, REQUIREMENTS, EMPLOYMENT, TERMINATION, RIGHTS, BENEFITS, COMPENSATION AND EVALUATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-9 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

18. Second Reading - Ordinance No. 2019-10 - Amending the City's Regulations of Dangerous Dogs

Mayor Burnette read Ordinance No. 2019-10.

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 10, SECTION 10-3, CODE OF ORDINANCES, TO REVISE THE DEFINITION OF DANGEROUS DOG; AMENDING SECTION 10-9, CODE OF ORDINANCES, REGARDING THE CONFINEMENT REQUIREMENTS FOR A DANGEROUS DOG; AMENDING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-10 was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew

Bastian. Motion carried unanimously by
roll call vote.

19. Second Reading - Ordinance No. 2019-13 - Amending Chapter 2, Article VI, Section 2-273 of the Code of Ordinances, Finance

Mayor Burnette read Ordinance No. 2019-13.

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 2, SECTION 2-273 RELATING TO FINANCE PURCHASE AND SALE PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2019-13
was made by Vice Mayor Chase Tramont
and Seconded by Councilman Drew
Bastian. Motion carried unanimously by
roll call vote.

REGULAR AGENDA

20. Resolution No. 19-8 - Transfer of 0.84 State Wetland Mitigation Bank Credits for the City of Port Orange Police Department Range and Training Facility.

Mayor Burnette read Resolution No. 19-8.

RESOLUTION NO. 19-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE TRANSFER OF 0.84 STATE WETLAND MITIGATION CREDITS FROM THE PORT ORANGE WETLAND MITIGATION BANK; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL REQUIRED DOCUMENTS ON BEHALF OF THE CITY OF PORT ORANGE; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 19-8 was
made by Vice Mayor Chase Tramont and
Seconded by Councilman Drew Bastian.

Margaret Roberts, City Attorney, explained the need for the transfer.

Savannah Weaver, citizen, expressed concerns regarding environmental impacts from the bullet casings at the shooting range.

Motion carried unanimously by roll call vote.

21. Resolution No. 19-9 - Parks and Recreation Partner Fees

Mayor Burnette read Resolution No. 19-9.

RESOLUTION NO. 19-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ESTABLISHING REVISED; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Resolution No. 19-9 was made by Councilman Drew Bastian and Seconded by Vice Mayor Chase Tramont.

Susan Lovallo, Parks & Recreation Director, explained the process and discussions held regarding the Park Partner fees. Staff supports the recommendation from the Parks & Recreation Advisory Board.

Councilman Jack Wiles explained how the Advisory Board came to the recommendation as presented.

Councilman Scott Stiltner believes the percentage of Port Orange resident players should be higher than 50%. He'd like to see 80% Port Orange residents.

Rachel Truxell, citizen and volunteer with Port Orange Volleyball, spoke regarding the difficulty of recruiting and maintaining more than 50% Port Orange residents. She explained the services the club has done throughout the years.

Mike Bellis, Port Orange Baseball Club, also spoke regarding the residency requirements. He believes the investment in the players is priceless.

Tim Moore, citizen, agreed with Mr. Bellis. He asked Council to support youth activities and not raise the fees by 50%.

Mike Navarro, Port Orange Baseball Club President, is concerned with new clubs being able to pay their way when they are starting out.

Chelsea Nichols, Port Orange Volleyball, expressed concerns with the price increase as a single mother.

Samuel Green, Edgewater resident and Port Orange Volleyball member, spoke regarding the expenses of having three children in sports.

Mike Semple, Port Orange Volleyball parent, spoke regarding the skills learned through competitive sports. He believes the increase is too much.

Shawn Holmes, Port Orange Youth Football and Cheer Association President (Pop Warner), is concerned with the expenses they already have because of wear and tear, as well as changed regulations for safety issues.

Lauren Valley, Port Orange Volleyball, suggested more tournaments as they are now able to charge an entry fee.

Erin Greco, Port Orange Volleyball, is concerned with the increase in fees.

Paul Rozar, citizen, believes the fees need to remain low to keep kids in sports.

Councilman Scott Stiltner explained his issues relating to the 50% residency requirement and cost recovery.

Council members expressed their concerns with budgeting and supports kids in sports.

Motion carried 4-1 by roll call vote with
Mayor Donald Burnette voting no.

22. Resolution No. 19-10 - Authority to reserve and transfer 7.02 federal
Wetland Mitigation Bank Credits for the Reclaimed Lakes Project

Mayor Burnette read Ordinance No. 19-10.

RESOLUTION NO. 19-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORT ORANGE, VOLUSIA COUNTY, FLORIDA,
APPROVING THE RESERVATION AND TRANSFER OF
7.03 FEDERAL WETLAND MITIGATION BANK CREDITS
FOR THE RECLAIMED LAKES PROJECT; AUTHORIZING
THE MAYOR AND CITY CLERK TO EXECUTE ANY AND
ALL REQUIRED DOCUMENTS ON BEHALF OF THE CITY
OF PORT ORANGE; AND PROVIDING AN EFFECTIVE
DATE.

Motion to adopt Resolution No. 19-10 to transfer 7.03 credits was made by Vice Mayor Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

Ms. Roberts advised of the typo in the agenda item (7.02 credits should be 7.03 credits) which was provided to Council prior to the meeting. She also asked for a "Motion to approve the conservation easement for 88.207 acres as required by Permit No. SAJ-2002-3473-MLH" to ensure the project is approved by the current Council as the project is old.

Motion to approve the conservation easement for 88.207 acres as required by Permit No. SAJ-2002-3473-MLH was made by Councilman Chase Tramont and Seconded by Councilman Drew Bastian. Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

23. City Attorney

There was nothing further.

24. City Manager

Mr. Johansson advised the actuarial reports are being submitted to Staff and asked Council if they would like a presentation, report with a summary, or have the actuary provide a video for Council to review. Council consensus is in person presentations but more concise and limited to 10 minutes.

Mr. Johansson advised Staff is looking into the solicitor's permit process, as well as school traffic along Taylor Road near Spruce Creek Elementary School.

COUNCIL COMMITTEE REPORTS

25. City Council Committee Reports

- a. River to Sea TPO – Councilman Scott Stiltner provided an update from the recent meeting.
- b. General Employees' Pension Plan – No update since the last meeting.
- c. Police Pension Plan – Councilman Drew Bastian provided an update.

Mayor Burnette reminded all of the changes in the Council Meeting schedule for March. There is no meeting on March 19, 2019. The Town Center CRA & Eastport CRA meetings will be held on March 26, 2019 at 5:00 p.m. The next regular City Council meeting will be held at 6:30 p.m. on April 2, 2019.

ADJOURNMENT 8:45 p.m.

Mayor Donald O. Burnette

Attest:

Robin Fenwick, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: Yes

SUBJECT: (B7) Approval of Fee Reduction Request from ICI Homes relating to the Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan

DEPARTMENT: Community Development

GOAL:

RECOMMENDED MOTION:

SUMMARY: Request by Richard Smith, ICI Homes, to reduce the application fee to actual cost to process and review a Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) Amendment application.

In December 2018, Mr. Smith, applicant, submitted an application to amend the Woodhaven MDA and CDP to modify the landscape/screening requirement. The staff time for processing and reviewing the PUD amendment was less than a typical case because the language being modified only pertained to modification of text related to landscape buffer width, plant quantities in a right-of-way buffer, and screening options along I-95, and only required in-depth review from Planning and City Attorney staff. Typically, a PCD or PUD amendment involves all members of the Staff Development Review Committee (Fire, Public Utilities, Public Works, Engineering, Planning, and City Attorney) to complete multiple reviews of submittals prior to an amendment going before City Council.

Mr. Smith requests that the City Council reduce the previously paid \$6,500 PUD MDA and CDP Amendment application fee to the actual cost for staff review. The estimated cost for staff's review of the Second Amendment to the Woodhaven PUD MDA and CDP Amendment application is \$924.31.

The Planning Commission recommended approval of the Second Amendment to the Woodhaven PUD MDA and CDP at their January 24, 2019 meeting. City Council approved the First Reading of the amendment at their February 19, 2019 meeting and are scheduled to hear the Second Reading of the amendment at their April 2, 2019 meeting.

Attachment is the request letter.

Project No.: Funding Account No.:

Presenter: Tim Burman

ATTACHMENTS:

1.	ICI Letter of request to track time	ICI Letter of request to track time.pdf
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Penelope Cruz	Created/Initiated - 3/14/2019
Tim Burman	Approved - 3/15/2019
Lori Bockelman	Approved - 3/19/2019
Jake Johansson	Approved - 3/19/2019
Robin Fenwick	Final Approval - 3/20/2019



December 17, 2018

City of Port Orange
Tim Burman

Re: Woodhaven PUD Master Development Agreement and Conceptual Development Plan
Amendment

Dear Tim:

Please consider this letter a formal request for City staff to track and document actual review time with regard to the above referenced application. If the actual City resources allocated to this request are less than the standard fee amount due the rather simple and straightforward nature of the application, please consider a commensurate reduced fee.

Your consideration of this request would be greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard D. Smith", written over a light blue circular stamp.

Richard D Smith
Vice President of Land Development



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: Yes

SUBJECT: (B8) Resolution No. 19-12 - Mayor's Golf Tournament Fees

DEPARTMENT: Parks & Recreation

GOAL:

RECOMMENDED MOTION: Move to approve Resolution No. 19-12 and authorize the Mayor and City Clerk to execute the associated documents.

SUMMARY: The Annual Mayors Golf Tournament player and sponsor fees have not seen an increase since 2010. Due to rising costs it is necessary to raise the player fee and set sponsor ranges for this event. All proceeds from this event benefit the Port Orange Youth Scholarship fund.

Staff is recommending the player fee be raised from \$70 to \$80 per person and sponsor ranges be set at \$250- \$5,000 for various items.

Project No.: Funding Account No.:

Presenter: Susan Lovallo

ATTACHMENTS:

1.	Reso. No. 19-12 - Mayor's Golf Tournament Fees	Reso. No. 19-12 - Mayor's Golf Tournament Fees.pdf
2.	Reso 10-102 Mayors Golf Tournament Fee	Reso 10-102 Mayors Golf Tournament Fee.pdf

Susan Lovallo
Susan Lovallo
Lori Bockelman
Matthew Jones
Jake Johansson
Robin Fenwick

Created/Initiated - 3/13/2019
Approved - 3/13/2019
Approved - 3/19/2019
Approved - 3/22/2019
Approved - 3/22/2019
Final Approval - 3/22/2019

RESOLUTION NO. 19-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORT ORANGE, VOLUSIA COUNTY, FLORIDA;
ESTABLISHING THE FEE FOR PARTICIPANTS IN AND
SPONSORS OF THE MAYOR'S GOLF TOURNAMENT;
SETTING ASIDE THE ADDITIONAL FUNDS FOR
SCHOLARSHIP PROGRAMS FOR THE PARKS AND
RECREATION DEPARTMENT PROGRAM
PARTICIPANTS; PROVIDING FOR CONFLICTING
RESOLUTIONS; PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Parks and Recreation Department has experienced increased request for the fee waivers from residents to participate in recreational programs; and

WHEREAS, the fee for participation in the Mayor's Golf Tournament in 2010 was \$70.00 per player; and

WHEREAS, the City Council has recognized that there are various sponsorship opportunities for the Mayor's Golf Tournament that can generate additional revenues for the scholarship fund; and

WHEREAS, the City Council has determined that additional revenues can be generated to fund scholarships by increasing the fees for participation in the Mayor's Golf Tournament as set forth hereinafter.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The fee for participation in the Mayor's Golf Tournament is hereby established as follows: \$80.00 per player.

Section 2. The range of fees for sponsorship of the Mayor's Golf Tournament is hereby established as follows: \$250 - \$5,000 per sponsor.

Section 3. The net proceeds of the Mayor's Golf Tournament are hereby designated to fund the Parks and Recreation Department Scholarship Program for residents who are eligible for a fee waiver to participate in the recreational programs.

Section 4. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict.

Section 5. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

Section 6. This Resolution shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Adopted on the day of

Reviewed and Approved: _____
Matthew J. Jones, Deputy City Attorney

RESOLUTION NO. 10-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ESTABLISHING THE FEE FOR PARTICIPANTS IN THE MAYOR'S GOLF TOURNAMENT; SETTING ASIDE THE ADDITIONAL FUNDS FOR SCHOLARSHIP PROGRAMS FOR THE PARKS AND RECREATION DEPARTMENT PROGRAM PARTICIPANTS; PROVIDING FOR CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Parks and Recreation Department has experienced increased requests for fee waivers from residents to participate in recreational programs; and

WHEREAS, the fee for participation in the Mayor's Golf Tournament in 2009 was \$60.00 per player; and

WHEREAS, the City Council has determined that additional revenues can be generated to fund scholarships by increasing the fees for participation in the Mayor's Golf Tournament as set forth hereinafter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, as follows:

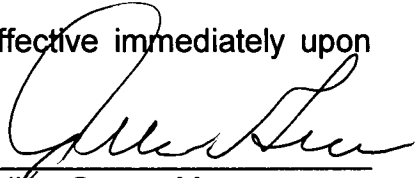
SECTION 1. The fee for the Mayor's Golf Tournament is hereby established as follows: \$70.00 per player.

SECTION 2. The net proceeds of the Mayor's Golf Tournament are hereby designated to fund the Parks and Recreation Department Scholarship Program for residents who are eligible for a fee waiver to participate in recreational programs.

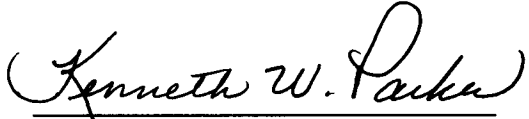
SECTION 3. All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed to the extent of such conflict.

SECTION 4. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared severable.

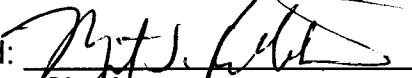
SECTION 5. This Resolution shall become effective immediately upon adoption.


Allen Green, Mayor

Attest:


Kenneth W. Parker, City Manager

Adopted on this 7th day of December, 2010.

Reviewed and Approved: 
City Attorney



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (B9) Approval of Revised FY20 Budget Calendar

DEPARTMENT: Finance

GOAL:

RECOMMENDED MOTION: Move to approve the revised FY20 Budget Calendar.

SUMMARY: Staff was required to revise the FY20 Budget Calendar to avoid the County and School Board's hearing dates.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

1.	FY20 Budget Calendar - Final 3-19-19	FY20 Budget Calendar - Final 3-19-19.pdf
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Lisa Pallante
Scott Neils
Jake Johansson
Robin Fenwick

Created/Initiated - 3/19/2019
Approved - 3/19/2019
Approved - 3/21/2019
Final Approval - 3/21/2019

FY2020 Budget Calendar

Date	Item
Friday, February 15	Finance Distributes Capital Improvement Plan (CIP) documents to Departments.
Tuesday, February 19	Budget Calendar submitted to Council for approval at their Regular Meeting.
Wednesday, February 15	Human Resources sends current Personnel Roster to Departments.
Friday, March 8	Departments submit CIP requests to Finance. Finance and internal service departments review CIP requests. All requests should tie to the Strategic Plan and conform to the Comprehensive Plan.
March 25 – March 29	Finance meets with Departments to discuss CIP.
March 6 – March 15	Departments work with Human Resources to develop additional personnel recommendations. All requests for additional personnel should tie to Strategic Plan.
Monday, March 18	Community Development provides a list of new development, for revenue estimating purposes, to Finance.
Friday, March 15	Departments verify and submit current personnel rosters to Human Resources.
Monday, March 18	Departments submit new personnel requests to Human Resources, copying Finance. Related forms requesting Fleet and IT equipment for additional positions must be completed.
Friday, March 29	Finance meets with Departments to Review Budget Process and distribute Budget Packets.
Monday, April 1	NaviLine/HTE opens to Departments
Friday, April 15	Finance finalizes initial CIP review and sends to City Manager for review.
April 1 – April 26	Finance Meets with Departments to provide assistance with Budget.
April 1 – April 26	Departments develop new program requests. All requests should tie to Strategic Plan.
April 16 – April 30	City Manager reviews CIP requests with Finance and Departments.
Friday, April 12	Departments submit new program requests to Finance. Departments must also put these requests in the NaviLine/HTE system as part of their budget.
April 15 – April 26	Finance/HR/Fleet/IT work together to review new position and program requests.

FY2020 Budget Calendar

Date	Item
Tuesday, April 30	Finance sends Draft CIP to City Manager and City Council (3 months prior to adoption)
Friday, April 26	NaviLine/HTE system closes for department line item entries.
April (TBD)	Budget workshop with City Council on FY20 Budget
Monday, May 6	Finance submits consolidated position/position program requests to City Manager.
May 6 – May 10	City Manager and Finance review new position/program requests with Departments.
May 10 – June 21	Finance creates preliminary draft budgets.
Friday, May 31	Finance submits preliminary revenue estimates to City Manager
Friday, June 21	Finance submits preliminary draft budget to City Manager and departments.
June 24 – 28	City Manager reviews preliminary operating and capital budgets with Department Heads.
Tuesday, June 25	City Council conducts workshop on CIP.
Beginning of July (TBD)	Property Appraiser releases preliminary tax roll. (Form DR-420)
July 1 – 3	Council provides City Manager guidance.
July 5	Finance adjusts budget as needed.
Friday, July 5	Preliminary proposed budget submitted to City Manager
July (TBD)	Budget workshop on all operating and capital budgets
Tuesday, July 16	Regular Scheduled Council Meeting City Council sets proposed millage rate. City Council sets public hearing dates for tentative and final adoption (1 st hearing date must be within 80 days after certification of values and cannot conflict with County or School Board hearing dates).
Friday, August 2	Deadline for submitting proposed millage rate to Property Appraiser, and time, date, and place of 1 st Public Hearing to Property Appraiser (Form DR-420).
Tuesday, August 6	City Council adopts CIP Program in concept by Resolution. (Must be on or before August 15th).

FY2020 Budget Calendar

Date	Item
Friday, August 23	Post proposed budget on website.
Wednesday, September 11 Special Meeting	1 st Public Hearing to adopt tentative millage (must be within 80 days but no earlier than 65 days after certification of values, 09/03 - 09/18, cannot conflict with County or School Board hearing dates)
Friday, September 19	Advertise 2 nd Public Hearing with Budget Summary (within 15 days after the tentative budget hearing)
Tuesday, September 24 Special Meeting	Public Hearing to adopt final budget and millage resolutions (Must be within 20 days of first Public Hearing and cannot conflict with County or School Board hearing dates)



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: Yes

SUBJECT: (B10) Approval of the Fee Matrix for the American Cancer Society for Relay for Life

DEPARTMENT: Parks & Recreation

GOAL:

RECOMMENDED MOTION: Move to approve the fee matrix results of a 15% charge (85% discount) for the 2019 American Cancer Society Relay for Life.

SUMMARY: The American Cancer Society will be hosting the 2019 Relay for Life at Riverwalk Park on April 13, 2019, from 12:00pm - 10:00pm. They are requesting a fee waiver of the facility costs for this year's event.

Riverwalk Park Rental: \$520.00

Staffing Cost: \$195.00 (not requesting a fee waiver for staffing)

Total: \$715.00

The Fee Matrix yielded a 15% charge of normal facility fees (85% discount).

Riverwalk Park Rental with 85% Discount: \$78.00

Staffing Cost: \$195.00 (no change)

Total: \$273.00

Project No.: Funding Account No.:

Presenter: Peter Ferreira

ATTACHMENTS:

1.	Relay for Life Application	Relay for Life Application.pdf
2.	Relay For Life Fee Waiver Matrix	Relay For Life Fee Waiver Matrix.xlsx
3.	Relay for Life Invoice and Letter	Relay for Life Invoice and Letter.pdf

Peter Ferreira
Susan Lovallo
Margaret Roberts

Created/Initiated - 3/4/2019
Approved - 3/11/2019
Approved - 3/19/2019

Jake Johansson
Robin Fenwick

Approved - 3/19/2019
Final Approval - 3/20/2019

Need Deposit

Revised July 2017



CITY OF PORT ORANGE SPECIAL EVENT APPLICATION

THIS FORM MUST BE COMPLETED IN FULL AND SUBMITTED 30 DAYS PRIOR TO THE EVENT
Port Orange Parks and Recreation, 4655 City Center Circle, Port Orange, FL 32129 Fax: 386-756-5351

Please submit a check for \$100.00 rendered to the City of Port Orange upon application

SECTION 1: LESSEE INFORMATION

Individual

(This section is for use by individuals only)

Name: _____ Email: _____
Address: _____ City: _____ State: _____ Zip Code: _____
Daytime Phone: _____ Cell: _____ Fax No: _____
Event Point of Contact: _____ POC Phone: _____

Company/Organization

Company/Organization Name: American Cancer Society Email: jeffery.ritter@cancer.org
Address: 1737 N. Clyde Morris Blvd #140 City: Daytona Beach State: FL Zip Code: 32117
Organization Website: www.cancer.org
Authorized Representative Point of Contact Name & Title: Jeffery Ritter Community Manager
POC Daytime Phone: 386-267-8904 Cell: 386-235-6680 Fax No: 386-274-5582

Tax Exempt:

No



(Florida Exemption Certificate Required)

SECTION 2: EVENT INFORMATION

Date of Event: April 13, 2019 Name of Event: Relay For Life
Times: Set-Up/Assembly: 9 am Event Hours: Noon Clean-Up: 10 pm Estimated Attendance: 300
Describe Event: Fundraiser

Please check the facility/facilities you will be utilizing:

____ Veteran's Park

____ City Hall Plaza

Other (please specify) _____

____ Amphitheater

☒ Riverwalk Park

____ City Center Circle

____ Riverwalk Pavilions

SECTION 3: EVENT DETAILS

Please answer the following questions regarding your event:

Is the event Open to the Public?

☒ Yes

No

Will your event be promoted/advertised?

☒ Yes

No

If yes, please describe all methods _____

Will admission be charged for event

Yes

☒ No

If yes, detail cost per person and revenue sources _____

(tickets, donations, solicitations)?

Does your event have vendors selling or

Yes

☒ No

If yes, who and what will be sold? _____

distributing food, beverages, services?

Will you be catering the event?

Yes

☒ No

If yes, who will be catering? _____

Is alcohol being requested at the event?

Yes

☒ No

If yes, an additional alcohol application is required to be
and approved by the Special Event Alcohol Committee

SECTION 3: EVENT DETAILS (CONTINUED)

The following activities/uses may require a permit, fee and/or additional documentation. Please check all that apply to your event.

☒ Amplified sound	☐ Amusement Rides	☒ Street, lane, sidewalk closure	☒ Live or recorded music
☒ Stages	☐ Additional power source	☒ Tents/banners/signs	☐ Commercial filming/photography
☐ Parade	☐ Parachutes	☒ Inflatable devices	☐ Fireworks/pyrotechnics
☐ Aircraft	☐ Watercraft	☐ Portable restrooms	☐ Live animals

If you checked any of the above items, please provide a complete description of the activity or need.

Tented Stage with music and speeches, another large tent with tables, closure of E. Ocean Ave from the river to USF, bounce house

SECTION 4: HOLD HARMLESS/INSURANCE AGREEMENT

The contractor, vendor, or user, hereby promises and agrees to indemnify and save harmless the City of Port Orange, a municipal corporation, its officers, agents, and employees from and against any and all liability claims, damages, demands, expenses, fees, fines, penalties, suits, proceedings, actions and costs of actions, including attorney's fees, for trial and on appeal of any kind and nature arising or growing out of, or in any way connected with the performance of the agreement whether by act or omission of the contractor, vendor, officers, agents, servants, employees, or others, or because of, or due to the mere existence of the agreement between parties.

The licensee shall supply a "Certificate of Liability Insurance" reflecting minimum coverage of \$1,000,000 (one million dollars) per occurrence. The City of Port Orange shall be named as an additional insured, which shall be noted on the certificate. The certificate shall indicate that the applicant's insurance policy shall not be cancelable without thirty days prior written notice to the City. The undersigned agrees to abide by the regulations governing the said facility and is responsible for charges incurred and must supply a "Certificate of Insurance" to the Department of Recreation no later than thirty (30) calendar days prior to program/event date.

COPYRIGHT LAW: Licensee assumes all costs arising from the use of patented, trademarked, or copyrighted materials, equipment, devices, processes, or dramatic rights used on, or incorporated in the conduct of any event covered under the agreement; and licensee agrees to indemnify and hold harmless the City, from all damages, costs and expenses in law or equity for, or on account of, any patented, trademarked or copyrighted materials, equipment, devices, processes, or dramatic rights furnished or used by licensee in connection with this agreement and will defend the City from any such suit, or action, regardless of whether it be groundless, or fraudulent.

Licensee Signature: Jeffery Betton

Date: 7/23/18

SECTION 5: RULES AND REGULATIONS

Deposits & Refunds

1. Applications must be received at least 30 days prior to the event.
2. A refundable reservation deposit of \$100.00 is due when the application is submitted. To receive a full refund of the reservation deposit, written notification must be received within 30 days of rental.
3. All cancellations must be received in writing.
4. 100% of fees must be paid 14 days prior to the rental date.

Licensee Initials: JB

Special Event Facilities Guidelines

1. All events and functions must file a permit with the City of Port Orange Parks and Recreation Department. Sub-leasing is prohibited.
2. The City of Port Orange prohibits gate admission being charged to the public on City property without the express written consent of the City Manager, or his designee.
3. All lessees must supply the City with a certificate of liability insurance in the amount of \$1,000,000 (1 million dollars) per occurrence, listing the City of Port Orange as an additional insured, unless otherwise noted by the Risk Manager.
4. If additional staging is added to the present stage, a \$1,000.00 bond (cash) must be posted before construction.
5. No heavy equipment or props will be brought onto event sight, or seating area without the expressed written consent of the City.
6. Lessee's are responsible for the clean-up of the facility proceeding their event and may be charged for excessive clean up incurred by the Parks and Recreation Department once the lessee has vacated the premises. Facility/property must be left in the same condition, as when rented; if not, the damage/clean-up costs will be charged back to the applicant.

7. The lessee agrees to remove any equipment, decorations, props, etc. at the termination of their permit. The lessee agrees to pay any costs associated with the storage, moving or disposal of such items and holds harmless the City for any damage, which may occur during the moving or storage of items.
8. Permanent attachment of props or decorations by using screws, nails etc. is prohibited on event grounds.
9. Lessees are responsible for any damage obtained as a direct result of the lessee's guests, activities etc.
10. Alcoholic beverages are prohibited in all City parks and facilities without the express written consent of the City Manager, or his designee. Any event that is requesting alcohol at their event must fill out an alcohol application that must be approved by the Special Event Alcohol Committee.
11. Profanity or unacceptable behavior by performers, lessee, or their guests will not be tolerated. If Parks and Recreation personnel deem behavior and/or performances unacceptable, they have the right to revoke all permits, present and future, for this facility and terminate any and all activities.
12. The City holds the right to cancel, or terminate any permit if they feel that the public's safety is in jeopardy.
13. It is the lessee's responsibility to hire and pay for any required City Services such as, but not limited to, Police, Fire, Parks, Public Works etc., unless written consent has been granted by the City Manager, City Council or their designees.
14. Amplified sound is not permissible during the times of 10pm-7am as deemed by the City noise ordinance without the express written consent of the City Manager, or his designee.

Licensee Initials: JR

As a representative of the event, I do hereby accept that I have read and agree to all of the provided rules, regulations and guidelines for facility rentals as put forth by the City of Port Orange.

Licensee Signature: Jeffery Ritter Print Name: Jeffery Ritter Date: 7/23/18

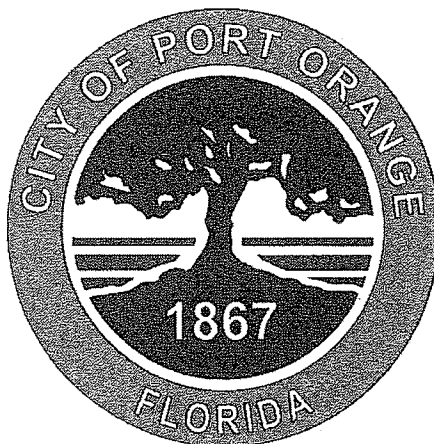
SECTION 6: LICENSEE ACKNOWLEDGEMENT

You are required to sign and date your agreement. Falsification of information may result in rejection of the agreement, or cancellation of the event by the City of Port Orange.

Licensee Signature: Jeffery Ritter Date: 7/23/18

The program/event will be terminated should it create or cause any violation of Local, State, Federal laws or ordinances.

THE PARKS AND RECREATION DEPARTMENT IS NOT AUTHORIZED TO WAIVE FEES WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE CITY'S CHIEF ADMINISTRATIVE OFFICER.





Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 10/15

85-8016047816C-6	11/30/2017	11/30/2022	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

AMERICAN CANCER SOCIETY INC
3709 W JETTON AVE
TAMPA FL 33629-5111

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



Important Information for Exempt Organizations

DR-14
R. 10/15

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (F.A.C.).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others of tangible personal property, sleeping accommodations, or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, F.A.C.).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third-degree felony. Any violation will require the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Account Management at 800-352-3671. From the available options, select "Registration of Taxes," then "Registration Information," and finally "Exemption Certificates and Nonprofit Entities." The mailing address is PO Box 6480, Tallahassee, FL 32314-6480.

**Request for Taxpayer
Identification Number and Certification**

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)
AMERICAN CANCER SOCIETY, INC.

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:
☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶
☒ Other (see instructions) ▶ **NON-PROFIT**

Address (number, street, and apt. or suite no.)
250 WILLIAMS STREET, NW SUITE 400
City, state, and ZIP code
ATLANTA, GA 30303-1002

Requester's name and address (optional)

List account number(s) here (optional)

☐ Exempt payee

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number

--	--	--	--	--	--	--	--	--	--

Employer identification number

1	3		1	7	8	8	4	9	1
---	---	--	---	---	---	---	---	---	---

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here Signature of U.S. person ▶ *Catherine E. Nickle* Date ▶ *1/7/2013*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.



Department of the Treasury
Internal Revenue Service

OGDEN UT 84201-0046

In reply refer to: 0423291515
Apr. 15, 2013 LTR 1224C 0
13-1788491 000000 00

00013477
BODC: TE

AMERICAN CANCER SOCIETY INC
NATIONAL HOME OFFICE
% FINANCE
250 WILLIAMS ST 4TH FLR
ATLANTA GA 30303-1032

003456

Taxpayer Identification Number: 13-1788491

Dear Taxpayer:

Thank you for your correspondence dated Mar. 08, 2013.

Our records indicate that your organization is exempt under Section 501(c) 3 of the Internal Revenue Code.

If you need forms, schedules or publications to respond to this letter, you can obtain them by visiting the IRS website at www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you have any further questions about your organization's filing requirements, accounting period, or exempt status, please contact our Customer Service Site at 1-877-829-5500.

Whenever you write, please include this letter and, in the spaces below, give us your telephone number with the hours we can reach you. Keep a copy of this letter for your records.

Telephone Number () _____ Hours _____

We apologize for any inconvenience we may have caused you, and thank you for your cooperation.

Event	RELAY FOR LIFE 2019	
Question	Checklist	Yes
1	Open to public participation without regard to religious or other membership requirements	x
2	Activity or event is aimed at promoting and facilitating physical, social or cultural activities for the community	x
3	Free Admission	x
4	Proceeds benefit a non-profit, government or public educational institution (Select "No" if proceeds benefit a for-profit or individual)	x
5	Local Preference	Port Orange

TOTAL FINAL CHARGE (as a percent of normal fees)

Directions:
Answer the questions as best you can based on the response from the person requesting a waiver.
Answer "Yes" or "No" by placing an "X" in the correct column
Questions 1 and 2 must have an "X" in one of the columns
Question 3 can be left blank if it is a "private event"
Question 4 can be left blank if there are no proceeds (i.e., ticket sales, food sales, clothing sales, etc.)
Question 5 is a drop down box. Pick the appropriate response. Leave it blank if the person or organization is from outside the State of Florida
The resulting percentage is the recommended amount someone would pay as a percent of the total normal fees.

	Total Charge
No	100%
	-18%
	-23%
	-13%
	-23%
	-8%
	15%

[illegible]



City of Port Orange
Parks & Recreation Department
1395 Dunlawton Avenue
Phone: 386-506-5851
www.port-orange.org/parks

Facility Rental Invoice

Customer American Cancer Society
1737 N. Clyde Morris Blvd #140
Daytona Beach, FL 32117

Invoice #: 5692 Page 1 of 1
Invoice Date: 07/26/2018
Payment Due: 03/31/2019
Permit #: 18-00419
Use Type: Special Event
Description: Relay For Life

Location: Riverwalk Park - Riverwalk 1A Hours: 13.00

Date	Day	Time	Fee Description	Qty	Unit	Rate	Total	Tax
04/13/2019	Sat	9:00 AM-10:00 PM	Riverwalk Park Hourly	13.00	Hours	\$40.00	\$520.00	\$0.00
04/13/2019	Sat	9:00 AM-10:00 PM	Special Event Staff Flat Rate	13.00	Each	\$15.00	\$195.00	\$0.00

Total Hours	13.00
Total Fees	\$715.00
Total Tax	\$0.00
Invoice Total	\$715.00
Amount Paid	\$100.00
Balance Due	\$615.00

February 12, 2019

Port Orange City Council
4655 City Center Circle
Port Orange, FL 32129

RE: Relay for Life of Port Orange

Members of the City Council;

I am requesting City Council waive a portion of the rental fees for our 2019 Relay for Life event. Relay for Life is a community based fundraising event of the American Cancer Society. During Relay, our community comes together to honor cancer survivors, remember loved ones lost and fight back against a disease that has already taken too much. The funds raised by our community truly make a difference in the fight against cancer.

Our event is being held on April 13, 2019 from noon to 10:00 PM. Our event worked out so well at Riverwalk Park last year, that we are planning to have it there again. The invoice documenting our fees is attached. We are asking for a waiver of special event fees for the park rental and pavilions rental. We understand the staff is an expense the City has to pay so we are NOT asking for those costs to be waived.

If the \$520 cannot be waived in totality, we would request a partial waiver.

I appreciate your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Shaw". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Cheryl Shaw
Relay for Life Event Lead

The Golf Club at Cypress Head
For the Five Months Ending February 28, 2019

	<u>02/28/19</u>	<u>09/30/18</u>	<u>02/28/18</u>
ASSETS			
CURRENT ASSETS:			
Cash			
Cash - Depository	170,172	113,142	196,260
Cash - Payroll	28,584	31,383	35,063
Cash - Manual Checks	850	850	850
Cash - Housebank & Other	500	500	700
Total Cash	<u>200,106</u>	<u>145,875</u>	<u>232,873</u>
Accounts Receivable			
A/R Member	1,708	107,885	1,311
Total Accounts Receivable	<u>1,708</u>	<u>107,885</u>	<u>1,311</u>
Other Current Assets			
Inventory - Merchandise	25,343	16,567	15,322
Inventory - Food & Beverage	0	0	9,526
Prepaid Insurance	7,903	20,601	8,073
Prepaid Exp - Other	14,711	10,969	628
Total Other Current Assets	<u>47,957</u>	<u>48,137</u>	<u>33,548</u>
TOTAL CURRENT ASSETS	<u>249,771</u>	<u>301,897</u>	<u>267,732</u>
PROPERTY, PLANT AND EQUIPMENT:			
Buildings & Improvements	30,598	30,598	30,598
Machinery & Equipment	5,550	5,550	5,550
Property Plant and Equipment	36,148	36,148	36,148
Accumulated Depreciation	<u>(27,007)</u>	<u>(26,529)</u>	<u>(25,860)</u>
TOTAL PROPERTY, PLANT AND EQUIPMENT	<u>9,141</u>	<u>9,619</u>	<u>10,288</u>
OTHER ASSETS:			
Deposits (in ST section of chart)	0	0	3,000
TOTAL OTHER ASSETS	<u>0</u>	<u>0</u>	<u>3,000</u>
TOTAL ASSETS	<u><u>258,912</u></u>	<u><u>311,516</u></u>	<u><u>281,019</u></u>

The Golf Club at Cypress Head
For the Five Months Ending February 28, 2019

	<u>02/28/19</u>	<u>09/30/18</u>	<u>02/28/18</u>
LIABILITIES AND STOCKHOLDERS' EQUITY			
CURRENT LIABILITIES:			
Accts Pay - Trade	47,330	29,464	25,645
Accts Pay - Other	22,983	22,055	21,889
Accrued Expenses	600	480	5,799
Accrued Payroll	27,253	29,420	26,344
Accrued Taxes	8,573	3,477	9,928
Deferred Revenue	144,267	255,063	165,121
TOTAL CURRENT LIABILITIES	<u>251,006</u>	<u>339,958</u>	<u>254,725</u>
 TOTAL LIABILITIES	 <u>251,006</u>	 <u>339,958</u>	 <u>254,725</u>
 STOCKHOLDER'S EQUITY			
Retained Earnings	7,906	(28,442)	26,294
Net Retained Earnings	7,906	(28,442)	26,294
Stockholders Equity	7,906	(28,442)	26,294
TOTAL STOCKHOLDER'S EQUITY	<u>7,906</u>	<u>(28,442)</u>	<u>26,294</u>
 TOTAL LIABILITIES AND STOCKHOLDER'S EQUITY	 <u>258,912</u>	 <u>311,516</u>	 <u>281,019</u>

The Golf Club at Cypress Head
Comparative Income Statement
For the Five Months Ending February 28, 2019

	MTD Prior Year	YTD Prior Year	Audited Prior Year	Percent of Total	MTD Actual	YTD Actual	Annual Budget	Percent of Total
REVENUES								
Green Fees & Cart Fees	141,741	503,465	1,111,456	45%	133,088	501,963	1,193,457	42%
Merchandise	6,047	26,381	68,906	38%	5,115	25,926	66,700	39%
Other Pro Shop	1,271	3,353	15,010	22%	1,240	4,255	12,341	34%
Range	3,861	15,623	34,886	45%	3,512	14,256	41,000	35%
Food and Beverage	20,111	99,661	121,455	82%	0	0	0	
Other Operating Revenues	4,323	16,390	36,815	45%	3,802	15,468	39,300	39%
Other G&A Income	0	0	0		0	472	0	
TOTAL REVENUE	177,354	664,873	1,388,528	48%	146,757	562,339	1,352,798	42%
COST OF SALES								
Merchandise	3,504	15,805	41,273	38%	3,449	15,960	40,020	40%
Food & Beverage	9,221	39,505	55,573	71%	0	0	0	
TOTAL COGS	12,724	55,310	96,846	57%	3,449	15,960	40,020	40%
COGS - Merchandise %	57.9%	59.9%	59.9%	100.0%	67.4%	61.6%	60.0%	102.6%
COGS - Food %	45.8%	39.7%	45.8%	86.7%				
PAYROLL								
Course and Grounds	24,167	119,509	286,413	42%	22,720	121,115	410,798	29%
Carts, Range, Starters, Etc.	6,902	37,491	86,159	44%	7,664	36,806	95,625	38%
Pro Shop	5,245	18,663	56,997	33%	4,090	21,996	60,916	36%
Food and Beverage	12,125	67,163	81,967	82%	0	0	0	
General and Administrative	10,579	57,566	138,756	41%	10,313	58,499	148,394	39%
Marketing	3,853	20,890	51,006	41%	3,886	21,198	51,051	42%
TOTAL PAYROLL	62,871	321,282	701,298	46%	48,673	259,615	766,784	34%
OPERATING EXPENSES								
Course and Grounds	18,830	75,094	208,057	36%	19,476	81,233	260,225	31%
Carts, Range, Starters, Etc.	6,541	34,574	82,037	42%	8,223	38,150	80,417	47%
Pro Shop	0	59	6,359	1%	750	1,287	6,900	19%
Food and Beverage	2,680	16,504	17,884	92%	0	0	0	
General and Administrative	18,585	93,913	208,210	45%	19,621	94,057	226,888	41%
Marketing	1,465	7,943	20,064	40%	864	5,492	25,200	22%
TOTAL OPERATING EXPENSES	48,101	228,087	542,612	42%	48,933	220,220	599,630	37%
TOTAL EXPENSES	123,696	604,680	1,340,755	45%	101,055	495,795	1,406,434	35%
OTHER INCOME (EXPENSE)								
MANAGEMENT FEES	(6,684)	(33,420)	(75,067)	45%	(5,944)	(29,718)	(70,608)	42%
Depreciation & Amortization	(96)	(478)	(1,146)	42%	(96)	(478)	(1,140)	42%
TOTAL OTHER INCOME (EXPENSE)	(6,780)	(33,898)	(76,213)	44%	(6,039)	(30,196)	(71,748)	42%
NET INCOME	46,879	26,295	(28,441)	-92%	39,663	36,348	(125,384)	-29%
Paid Rounds	4,237	15,629	35,583	17%	3,918	15,654	38,434	41%
Annual Pass Rounds	936	3,219	6,899	16%	487	2,152	8,541	25%
Other Rounds	225	1,114	2,590	17%	230	1,097	1,594	69%
Total Rounds	5,398	19,962	45,072	16%	4,635	18,903	48,569	39%
Revenue/Paid Rounds	41.86	42.54	39.02	106%	37.46	35.92	35.20	102%
Revenue/Total Rounds	32.86	33.31	30.81	106%	31.66	29.75	27.85	107%

[illegible]

The Golf Club at Cypress Head
Summary of All Units
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
REVENUES												
82,951	88,089	94%	85,522	97%	Green Fees	312,147	329,657	95%	305,143	102%	714,205	669,112
50,137	44,016	114%	56,219	89%	Cart Fee	189,816	200,480	95%	198,321	96%	479,252	440,843
140	60	233%	80	175%	Handicap Fee	890	140	636%	161	552%	4,280	4,898
840	850	99%	851	99%	Lessons	2,195	2,341	94%	2,052	105%	4,861	7,484
250	340	76%	340	75%	Rental Clubs	1,170	1,210	97%	1,100	106%	3,200	3,530
5,115	6,200	82%	6,047	85%	Retail	25,926	27,000	96%	26,381	98%	66,700	68,451
3,512	4,100	86%	3,861	91%	Range	14,256	16,900	84%	15,623	91%	41,000	33,519
0	0	0%	9,701	0%	Food & Beverage	0	0	0%	52,835	0%	0	10,483
0	0	0%	6,727	0%	Beer	0	0	0%	26,963	0%	0	7,363
0	0	0%	3,006	0%	Liquor	0	0	0%	16,382	0%	0	3,341
0	0	0%	677	0%	Wine	0	0	0%	3,290	0%	0	606
0	0	0%	0	0%	F&B Other	0	0	0%	191	0%	0	0
3,802	4,400	86%	4,323	88%	City Surcharge R & R	15,468	16,700	93%	16,390	94%	39,300	35,892
0	0	0%	0	0%	Miscellaneous G&A	472	0	0%	0	0%	0	472
<u>146,757</u>	<u>148,055</u>	<u>99%</u>	<u>177,354</u>	<u>83%</u>	Total Revenues	<u>562,339</u>	<u>594,428</u>	<u>95%</u>	<u>664,873</u>	<u>85%</u>	<u>1,352,798</u>	<u>1,285,994</u>
COST OF GOODS SOLD												
3,449	3,720	93%	3,504	98%	COGS - Merchandise	15,960	16,200	99%	15,805	101%	40,020	41,428
0	0	0%	4,882	0%	COGS - Food & Beverage	0	0	0%	21,842	0%	0	7,718
0	0	0%	3,572	0%	COGS - Beer	0	0	0%	12,308	0%	0	5,360
0	0	0%	471	0%	COGS - Liquor	0	0	0%	4,034	0%	0	2,604
0	0	0%	296	0%	COGS - Wine	0	0	0%	1,321	0%	0	386
<u>3,449</u>	<u>3,720</u>	<u>93%</u>	<u>12,724</u>	<u>27%</u>	Total COGS	<u>15,960</u>	<u>16,200</u>	<u>99%</u>	<u>55,310</u>	<u>29%</u>	<u>40,020</u>	<u>57,495</u>
<u>143,308</u>	<u>144,335</u>	<u>99%</u>	<u>164,630</u>	<u>87%</u>	GROSS MARGIN	<u>546,379</u>	<u>578,228</u>	<u>94%</u>	<u>609,562</u>	<u>90%</u>	<u>1,312,778</u>	<u>1,228,499</u>
67.44%	60.00%	112.40%	57.94%	116.39%	COGS - Merchandise %	61.56%	60.00%	102.60%	59.91%	102.75%	60.00%	721.88%
0.00%	0.00%	0.00%	50.32%	0.00%	COGS - Food & Beverage %	0.00%	0.00%	0.00%	41.34%	0.00%	0.00%	63.51%
0.00%	0.00%	0.00%	53.10%	0.00%	COGS - Beer %	0.00%	0.00%	0.00%	45.65%	0.00%	0.00%	60.87%
0.00%	0.00%	0.00%	15.68%	0.00%	COGS - Liquor %	0.00%	0.00%	0.00%	24.62%	0.00%	0.00%	38.39%
0.00%	0.00%	0.00%	43.69%	0.00%	COGS - Wine %	0.00%	0.00%	0.00%	40.16%	0.00%	0.00%	22.13%
0.00%	0.00%	0.00%	45.85%	0.00%	COGS - All Food & Bev	0.00%	0.00%	0.00%	39.72%	0.00%	0.00%	57.62%
PAYROLL												
16,742	18,965	88%	16,730	100%	Gross Payroll - Salaried	92,096	94,440	98%	82,250	112%	227,198	224,524
0	0	0%	4,615	0%	Gross Kitchen Payroll - Salaried	0	0	0%	26,648	0%	0	6,607
23,069	31,114	74%	25,382	91%	Gross Payroll - Hourly	121,195	167,729	72%	127,423	95%	405,532	293,089
0	0	0%	5,400	0%	Gross Kitchen Payroll - Hourly	0	0	0%	29,842	0%	0	4,708
<u>39,811</u>	<u>50,080</u>	<u>79%</u>	<u>52,127</u>	<u>76%</u>	S/T Wages	<u>213,291</u>	<u>262,169</u>	<u>81%</u>	<u>266,163</u>	<u>80%</u>	<u>632,730</u>	<u>528,929</u>
2,878	3,831	75%	3,316	87%	Payroll Tax - FICA	15,357	20,056	77%	18,853	81%	48,404	38,196
408	733	56%	537	76%	Payroll Tax - UC	992	2,118	47%	1,896	52%	5,240	2,608
656	934	70%	956	69%	Payroll Tax - WC	3,674	4,889	75%	5,086	72%	12,146	9,222
4,920	5,596	88%	5,935	83%	Benefits	26,302	27,983	94%	29,284	90%	68,264	60,676
8,862	11,094	80%	10,743	82%	S/T Adders	46,324	55,047	84%	55,119	84%	134,054	110,702
<u>48,673</u>	<u>61,174</u>	<u>80%</u>	<u>62,871</u>	<u>77%</u>	TOTAL PAYROLL	<u>259,615</u>	<u>317,216</u>	<u>82%</u>	<u>321,282</u>	<u>81%</u>	<u>766,784</u>	<u>639,631</u>
OPERATING EXPENSES												
0	0	0%	0	0%	Bar Supplies	0	0	0%	144	0%	0	0
26	0	0%	7	377%	Cart Supplies	497	605	82%	615	81%	2,005	1,366
152	200	76%	202	75%	Chemicals	616	2,550	32%	2,663	31%	5,350	3,002
0	300	0%	305	0%	Course Accessories	1,281	480	267%	493	260%	1,805	3,537
0	0	0%	626	0%	Dining Room Supplies	0	0	0%	3,784	0%	0	244
4,788	4,400	109%	4,348	110%	Fertilizer	12,765	12,300	104%	9,708	131%	32,900	24,882
0	0	0%	0	0%	Flowers/Decor	0	0	0%	0	0%	750	59
1,063	1,200	89%	1,277	83%	Fuel	5,034	5,900	85%	4,919	102%	14,400	10,734
0	0	0%	0	0%	Fungicides	200	800	25%	850	24%	4,450	801
3,129	2,700	116%	2,643	118%	Herbicides	5,085	7,350	69%	7,326	69%	23,200	17,915
0	550	0%	526	0%	Insecticides	653	1,705	38%	1,646	40%	19,805	13,445
663	400	166%	385	172%	Janitorial Supplies	2,485	2,300	108%	2,384	104%	5,300	5,873
0	0	0%	274	0%	Kitchen Supplies	0	0	0%	824	0%	0	150
0	0	0%	220	0%	Laundry/Linens	0	0	0%	1,207	0%	0	258
0	0	0%	0	0%	Laundry/Uniforms	492	780	63%	1,212	41%	1,780	994
348	275	127%	274	127%	Office Supplies	1,582	3,215	49%	3,615	44%	5,177	3,587
0	0	0%	0	0%	Range Balls	1,325	1,300	102%	1,325	100%	2,900	2,650
1,013	200	506%	207	488%	Range Equipment	1,344	485	277%	501	268%	1,085	2,205
0	0	0%	0	0%	Range Expenses	0	0	0%	0	0%	0	439
0	800	0%	1,031	0%	Sand/Topdress	1,079	2,400	45%	2,042	53%	14,300	6,169
1,650	0	0%	0	0%	Seeds/Trees	9,545	4,400	217%	0	0%	4,400	12,725
0	0	0%	0	0%	Small Tools	91	450	20%	221	41%	1,050	159
0	0	0%	0	0%	Staff/Volunteer Uniforms	0	0	0%	0	0%	850	0
680	100	680%	0	0%	Supplies	680	500	136%	249	273%	1,075	2,066
0	80	0%	0	0%	Tournament Expense	48	400	12%	(278)	-17%	960	517
262	100	262%	114	230%	Alarm System	1,665	620	269%	651	256%	1,490	2,790

The Golf Club at Cypress Head
Summary of All Units
For the Five Months Ending February 28, 2019

MTD	MTD	% of	MTD	% of		YTD	YTD	% of	YTD	% of	Annual	
Actual	Budget	Budget	Prior Year	PY		Actual	Budget	Budget	Prior Year	PY	Budget	
0	0	0%	0	0%	Carpet Cleaning	0	0	0%	0	0%	550	0
0	100	0%	0	0%	Cart Repairs	141	500	28%	589	24%	1,200	192
0	150	0%	151	0%	Computer Service	0	750	0%	757	0%	2,400	470
812	812	100%	812	100%	Contract Cleaning	4,060	4,060	100%	4,113	99%	9,744	9,744
0	0	0%	0	0%	Guest Relations	54	60	90%	64	85%	60	54
0	0	0%	0	0%	Handicap Expense	150	0	0%	0	0%	4,225	4,306
0	0	0%	0	0%	Indoor Plant Maint	0	0	0%	0	0%	100	0
2	0	0%	0	0%	Irrigation	1,189	1,530	78%	1,587	75%	6,685	6,685
0	75	0%	0	0%	Lesson Expense	0	225	0%	0	0%	450	286
0	0	0%	0	0%	Pest Control	0	0	0%	375	0%	0	0
1,836	1,600	115%	1,577	116%	Repair & Maint - Equipment	7,314	9,030	81%	9,314	79%	22,950	19,469
0	0	0%	90	0%	Repair & Maint - Building	1,515	1,300	117%	1,260	120%	3,700	3,874
6,225	5,136	121%	5,356	116%	Cart Lease	30,274	25,678	118%	26,778	113%	61,627	67,763
5,356	6,445	83%	5,466	98%	Equipment Lease	27,627	32,223	86%	27,340	101%	77,335	64,990
176	175	101%	168	105%	Off-Site Storage	880	875	101%	840	105%	2,100	2,116
1,143	1,150	99%	1,194	96%	Utilities - Electric	5,614	5,780	97%	5,852	96%	14,030	13,861
0	0	0%	572	0%	Utilities - Gas	0	0	0%	4,624	0%	0	(234)
2,631	3,160	83%	3,095	85%	Utilities - Other	16,296	15,660	104%	15,402	106%	40,860	40,549
303	250	121%	243	125%	Utilities - Telephone/Fax	1,458	1,250	117%	795	183%	3,000	3,473
212	250	85%	236	90%	Utilities - Water	1,101	1,200	92%	1,124	98%	2,800	2,610
725	2,000	36%	1,465	49%	Advertising & Promotion	5,354	9,600	56%	8,000	67%	24,000	15,375
293	475	62%	477	62%	Bank Charges	3,411	2,250	152%	2,292	149%	4,525	6,562
80	0	0%	(167)	-48%	Cash Short(Over)	(238)	0	0%	(1,331)	18%	0	(1,136)
200	200	100%	242	83%	Cell Phone	900	1,000	90%	992	91%	2,400	2,250
3,802	4,400	86%	4,323	88%	City Surcharge R & R	15,468	16,700	93%	16,390	94%	39,300	35,892
0	0	0%	0	0%	Copier/Photocopies	0	175	0%	0	0%	175	0
2,208	2,000	110%	2,225	99%	Credit Card Discounts	9,683	12,400	78%	12,683	76%	29,300	23,350
(5)	300	-2%	316	-2%	Donations	(135)	300	-45%	316	-43%	300	399
0	0	0%	0	0%	Dues & Subscriptions	358	200	179%	200	179%	1,160	897
0	0	0%	0	0%	Education & Training	0	0	0%	0	0%	200	45
75	75	100%	78	96%	Employee Relations	555	1,175	47%	1,086	51%	1,945	813
0	30	0%	11	0%	Employee Testing	87	150	58%	104	84%	360	106
4,320	4,471	97%	4,341	100%	Insurance Expense	21,602	22,355	97%	21,707	100%	53,652	51,887
443	40	1108%	0	0%	Member Relations	2,027	200	1013%	0	0%	480	2,027
73	30	244%	0	0%	Messenger Service - Fedex	73	150	49%	142	51%	360	207
0	0	0%	0	0%	Miscellaneous	20	0	0%	(57)	-36%	0	20
1,500	2,360	64%	2,000	75%	O/S - Accounting	9,690	12,360	78%	12,000	81%	12,360	12,690
0	0	0%	0	0%	O/S - Legal	0	700	0%	720	0%	780	0
0	0	0%	0	0%	O/S - Other	0	0	0%	0	0%	7,900	6,550
346	500	69%	450	77%	Payroll Processing Fee	2,540	2,950	86%	2,928	87%	6,450	5,552
158	100	158%	95	167%	Postage/Shipping	585	590	99%	571	102%	1,340	1,437
(20)	0	0%	(30)	67%	Tax/Licenses/Fees	(140)	0	0%	(150)	93%	0	(275)
0	0	0%	0	0%	Theft Loss	0	0	0%	82	0%	0	0
1,059	0	0%	727	146%	Travel - Meals	1,992	0	0%	1,570	127%	0	2,461
1,204	1,150	105%	86	1400%	Travel - Other	2,048	5,750	36%	815	251%	13,800	8,703
0	0	0%	0	0%	Website Expenses	0	0	0%	0	0%	0	2,100
0	0	0%	63	0%	Employee Meals	0	0	0%	113	0%	0	56
48,933	48,738	100%	48,101	102%	TOTAL OPERATING EXPENSES	220,220	237,666	93%	228,087	97%	599,630	534,744
45,702	34,423	133%	53,658	85%	EBITDA	66,544	23,346	285%	60,193	111%	(53,636)	54,124
5,944	5,884	101%	6,684	89%	Management Fee	29,718	29,420	101%	33,420	89%	70,608	71,365
5,944	5,884	101%	6,684	89%	Management Fees	29,718	29,420	101%	33,420	89%	70,608	71,365
23	23	101%	23	100%	Deprec - Mach & Equip	116	115	101%	116	100%	276	278
72	72	101%	72	100%	Deprec - Buildings	362	360	101%	362	100%	864	869
96	95	101%	96	100%	S/T DEPR. & AMORT	478	475	101%	478	100%	1,140	1,146
39,663	28,444	139%	46,879	85%	NET INCOME	36,348	(6,549)	-555%	26,295	138%	(125,384)	(18,387)

The Golf Club at Cypress Head
Course & Grounds
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
REVENUES												
82,951	88,089	94%	85,522	97%	Green Fees	312,147	329,657	95%	305,143	102%	714,205	669,112
3,802	4,400	86%	4,323	88%	City Surcharge R & R	15,468	16,700	93%	16,390	94%	39,300	35,892
86,753	92,489	94%	89,845	97%	Total Revenues	327,615	346,357	95%	321,533	102%	753,505	705,004
86,753	92,489	94%	89,845	97%	GROSS MARGIN	327,615	346,357	95%	321,533	102%	753,505	705,004
PAYROLL												
6,379	7,303	87%	6,308	101%	Gross Payroll - Salaried	35,209	36,130	97%	26,673	132%	87,253	85,560
12,108	19,334	63%	13,626	89%	Gross Payroll - Hourly	63,819	104,268	61%	72,926	86%	252,038	151,894
18,487	26,638	69%	19,934	93%	S/T Wages	99,028	140,397	71%	99,600	99%	339,291	237,454
1,296	2,038	64%	1,259	103%	Payroll Tax - FICA	6,987	10,740	65%	6,937	101%	25,956	16,552
195	396	49%	207	94%	Payroll Tax - UC	437	982	44%	633	69%	2,570	962
280	497	56%	342	82%	Payroll Tax - WC	1,658	2,618	63%	1,893	88%	6,513	4,066
2,461	2,989	82%	2,425	101%	Benefits	13,006	14,946	87%	10,446	125%	36,468	28,985
4,233	5,919	72%	4,233	100%	S/T Adders	22,087	29,287	75%	19,910	111%	71,507	50,565
22,720	32,557	70%	24,167	94%	TOTAL PAYROLL	121,115	169,684	71%	119,509	101%	410,798	288,019
OPERATING EXPENSES												
152	200	76%	202	75%	Chemicals	816	2,550	32%	2,663	31%	5,350	3,002
0	300	0%	305	0%	Course Accessories	1,281	480	267%	493	260%	1,805	3,537
4,788	4,400	109%	4,348	110%	Fertilizer	12,765	12,300	104%	9,708	131%	32,900	24,882
0	0	0%	0	0%	Flowers/Decor	0	0	0%	0	0%	750	59
1,063	1,200	89%	1,277	83%	Fuel	5,034	5,900	85%	4,919	102%	14,400	10,734
0	0	0%	0	0%	Fungicides	200	800	25%	850	24%	4,450	801
3,129	2,700	116%	2,643	118%	Herbicides	5,085	7,350	69%	7,326	69%	23,200	17,915
0	550	0%	526	0%	Insecticides	653	1,705	38%	1,646	40%	19,805	13,445
0	800	0%	1,031	0%	Sand/Topdress	1,079	2,400	45%	2,042	53%	14,300	6,169
0	0	0%	0	0%	Seeds/Trees	7,895	4,400	179%	0	0%	4,400	11,075
0	0	0%	0	0%	Small Tools	91	450	20%	221	41%	1,050	159
0	0	0%	0	0%	Staff/Volunteer Uniforms	0	0	0%	0	0%	850	0
2	0	0%	0	0%	Irrigation	1,189	1,530	78%	1,587	75%	6,680	6,685
1,836	1,500	122%	1,551	118%	Repair & Maint - Equipment	6,228	8,500	73%	8,529	73%	20,800	18,362
0	0	0%	0	0%	Repair & Maint - Building	0	100	0%	100	0%	700	218
5,356	6,445	83%	5,316	101%	Equipment Lease	27,627	32,223	86%	26,580	104%	77,335	64,840
183	200	92%	223	82%	Utilities - Electric	1,065	1,030	103%	1,086	98%	2,730	2,885
906	1,160	78%	1,162	78%	Utilities - Other	6,705	5,660	118%	5,709	117%	15,660	16,856
140	100	140%	0	0%	Utilities - Telephone/Fax	558	500	112%	408	137%	1,200	1,393
212	250	85%	236	90%	Utilities - Water	1,101	1,200	92%	1,124	98%	2,800	2,610
0	0	0%	0	0%	Employee Relations	0	0	0%	0	0%	200	0
0	30	0%	11	0%	Employee Testing	87	150	58%	104	84%	360	106
0	0	0%	0	0%	O/S - Other	0	0	0%	0	0%	7,900	6,550
58	50	116%	0	0%	Travel - Other	124	250	50%	0	0%	600	243
17,826	19,885	90%	18,830	95%	TOTAL OPERATING EXPENSES	79,583	89,478	89%	75,094	106%	260,225	212,546
46,208	40,047	115%	46,848	99%	EBITDA	126,917	87,195	146%	126,930	100%	82,482	204,439
46,208	40,047	115%	46,848	99%	NET INCOME	126,917	87,195	146%	126,930	100%	82,482	204,439

The Golf Club at Cypress Head
Maintenance
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
					OPERATING EXPENSES							
1,650	0	0%	0	0%	Seeds/Trees	1,650	0	0%	0	0%	0	1,650
1,650	0	0%	0	0%	TOTAL OPERATING EXPENSES	1,650	0	0%	0	0%	0	1,650
(1,650)	0	0%	0	0%	EBITDA	(1,650)	0	0%	0	0%	0	(1,650)
(1,650)	0	0%	0	0%	NET INCOME	(1,650)	0	0%	0	0%	0	(1,650)

The Golf Club at Cypress Head
Carts
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
50,137	44,016	114%	56,219	89%	REVENUES	189,816	200,480	95%	198,321	96%	479,252	440,843
50,137	44,016	114%	56,219	89%	Cart Fee	189,816	200,480	95%	198,321	96%	479,252	440,843
50,137	44,016	114%	56,219	89%	Total Revenues	189,816	200,480	95%	198,321	96%	479,252	440,843
					GROSS MARGIN	189,816	200,480	95%	198,321	96%	479,252	440,843
6,932	6,600	105%	6,203	112%	PAYROLL	33,295	35,593	94%	33,749	99%	86,036	77,138
6,932	6,600	105%	6,203	112%	Gross Payroll - Hourly	33,295	35,593	94%	33,749	99%	86,036	77,138
					S/T Wages							
537	505	106%	488	110%	Payroll Tax - FICA	2,618	2,723	96%	2,685	98%	6,582	6,039
77	102	76%	82	94%	Payroll Tax - UC	289	471	61%	379	76%	1,248	857
108	123	88%	118	92%	Payroll Tax - WC	579	664	87%	633	91%	1,652	1,355
9	8	109%	10	94%	Benefits	26	44	59%	45	58%	108	86
732	738	99%	698	105%	S/T Adders	3,512	3,902	90%	3,741	94%	9,589	8,338
7,664	7,338	104%	6,902	111%	TOTAL PAYROLL	36,806	39,495	93%	37,491	98%	95,625	85,475
26	0	0%	7	377%	OPERATING EXPENSES	497	605	82%	615	81%	2,005	1,366
0	100	0%	0	0%	Cart Supplies	141	500	28%	589	24%	1,200	192
6,225	5,136	121%	5,356	116%	Cart Repairs	30,274	25,678	118%	26,778	113%	61,627	67,763
960	950	101%	971	99%	Cart Lease	4,550	4,750	96%	4,766	95%	11,300	10,976
7,210	6,186	117%	6,334	114%	Utilities - Electric	35,460	31,533	112%	32,748	108%	76,132	80,298
35,262	30,493	116%	42,984	82%	TOTAL OPERATING EXPENSES	117,549	129,452	91%	128,083	92%	307,495	275,070
35,262	30,493	116%	42,984	82%	EBITDA	117,549	129,452	91%	128,083	92%	307,495	275,070
					NET INCOME	117,549	129,452	91%	128,083	92%	307,495	275,070

The Golf Club at Cypress Head
Range
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
3,512	4,100	86%	3,861	91%	REVENUES	14,256	16,900	84%	15,623	91%	41,000	33,519
3,512	4,100	86%	3,861	91%	Range	14,256	16,900	84%	15,623	91%	41,000	33,519
3,512	4,100	86%	3,861	91%	Total Revenues	14,256	16,900	84%	15,623	91%	41,000	33,519
					GROSS MARGIN	14,256	16,900	84%	15,623	91%	41,000	33,519
					OPERATING EXPENSES							
0	0	0%	0	0%	Range Balls	1,325	1,300	102%	1,325	100%	2,900	2,650
1,013	200	506%	207	488%	Range Equipment	1,344	485	277%	501	268%	1,085	2,205
0	0	0%	0	0%	Range Expenses	0	0	0%	0	0%	0	439
0	0	0%	0	0%	Repair & Maint - Equipment	21	0	0%	0	0%	300	21
1,013	200	506%	207	488%	TOTAL OPERATING EXPENSES	2,690	1,785	151%	1,826	147%	4,285	5,316
2,499	3,900	64%	3,653	68%	EBITDA	11,566	15,115	77%	13,796	84%	36,715	28,204
2,499	3,900	64%	3,653	68%	NET INCOME	11,566	15,115	77%	13,796	84%	36,715	28,204

The Golf Club at Cypress Head
F & B Cafe
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
REVENUES												
0	0	0%	9,701	0%	Food & Beverage	0	0	0%	52,835	0%	0	10,483
0	0	0%	6,727	0%	Beer	0	0	0%	26,963	0%	0	7,363
0	0	0%	3,006	0%	Liquor	0	0	0%	16,382	0%	0	3,341
0	0	0%	677	0%	Wine	0	0	0%	3,290	0%	0	606
0	0	0%	0	0%	F&B Other	0	0	0%	191	0%	0	0
0	0	0%	20,111	0%	Total Revenues	0	0	0%	99,661	0%	0	21,793
COST OF GOODS SOLD												
0	0	0%	4,882	0%	COGS - Food & Beverage	0	0	0%	21,842	0%	0	7,718
0	0	0%	3,572	0%	COGS - Beer	0	0	0%	12,308	0%	0	5,360
0	0	0%	471	0%	COGS - Liquor	0	0	0%	4,034	0%	0	2,604
0	0	0%	296	0%	COGS - Wine	0	0	0%	1,321	0%	0	386
0	0	0%	9,221	0%	Total COGS	0	0	0%	39,505	0%	0	16,067
0	0	0%	10,890	0%	GROSS MARGIN	0	0	0%	60,156	0%	0	5,726
0.00%	0.00%	0.00%	50.32%	0.00%	COGS - Food & Beverage %	0.00%	0.00%	0.00%	41.34%	0.00%	0.00%	63.51%
0.00%	0.00%	0.00%	53.10%	0.00%	COGS - Beer %	0.00%	0.00%	0.00%	45.65%	0.00%	0.00%	60.87%
0.00%	0.00%	0.00%	15.68%	0.00%	COGS - Liquor %	0.00%	0.00%	0.00%	24.62%	0.00%	0.00%	38.39%
0.00%	0.00%	0.00%	43.69%	0.00%	COGS - Wine %	0.00%	0.00%	0.00%	40.16%	0.00%	0.00%	22.13%
0.00%	0.00%	0.00%	45.85%	0.00%	COGS - All Food & Bev	0.00%	0.00%	0.00%	39.72%	0.00%	0.00%	57.62%
PAYROLL												
0	0	0%	4,615	0%	Gross Kitchen Payroll - Salaried	0	0	0%	26,648	0%	0	6,607
0	0	0%	5,400	0%	Gross Kitchen Payroll - Hourly	0	0	0%	29,842	0%	0	4,708
0	0	0%	10,016	0%	S/T Wages	0	0	0%	56,490	0%	0	11,316
0	0	0%	728	0%	Payroll Tax - FICA	0	0	0%	4,186	0%	0	991
0	0	0%	122	0%	Payroll Tax - UC	0	0	0%	523	0%	0	90
0	0	0%	212	0%	Payroll Tax - WC	0	0	0%	1,123	0%	0	289
0	0	0%	1,047	0%	Benefits	0	0	0%	4,841	0%	0	2,118
0	0	0%	2,109	0%	S/T Adders	0	0	0%	10,673	0%	0	3,488
0	0	0%	12,125	0%	TOTAL PAYROLL	0	0	0%	67,163	0%	0	14,803
OPERATING EXPENSES												
0	0	0%	0	0%	Bar Supplies	0	0	0%	144	0%	0	0
0	0	0%	626	0%	Dining Room Supplies	0	0	0%	3,784	0%	0	244
0	0	0%	274	0%	Kitchen Supplies	0	0	0%	824	0%	0	150
0	0	0%	220	0%	Laundry/Linens	0	0	0%	1,207	0%	0	258
0	0	0%	0	0%	Office Supplies	0	0	0%	316	0%	0	0
0	0	0%	812	0%	Contract Cleaning	0	0	0%	4,113	0%	0	812
0	0	0%	26	0%	Repair & Maint - Equipment	0	0	0%	650	0%	0	0
0	0	0%	150	0%	Equipment Lease	0	0	0%	760	0%	0	150
0	0	0%	572	0%	Utilities - Gas	0	0	0%	4,624	0%	0	(234)
0	0	0%	0	0%	Theft Loss	0	0	0%	82	0%	0	0
0	0	0%	2,680	0%	TOTAL OPERATING EXPENSES	0	0	0%	16,504	0%	0	1,380
0	0	0%	(3,915)	0%	EBITDA	0	0	0%	(23,511)	0%	0	(10,458)
0	0	0%	857	0%	Management Fee	0	0	0%	4,285	0%	0	857
0	0	0%	857	0%	Management Fees	0	0	0%	4,285	0%	0	857
0	0	0%	(4,772)	0%	NET INCOME	0	0	0%	(27,795)	0%	0	(11,315)

The Golf Club at Cypress Head
Golf Shop
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
					REVENUES							
140	60	233%	80	175%	Handicap Fee	890	140	636%	161	552%	4,280	4,898
840	850	99%	851	99%	Lessons	2,195	2,341	94%	2,092	105%	4,861	7,484
260	340	76%	340	76%	Rental Clubs	1,170	1,210	97%	1,100	106%	3,200	3,530
5,115	6,200	82%	6,047	85%	Retail	25,926	27,000	96%	26,381	98%	66,700	68,451
6,355	7,450	85%	7,318	87%	Total Revenues	30,181	30,691	98%	29,734	102%	79,041	84,363
					COST OF GOODS SOLD							
3,449	3,720	93%	3,504	98%	COGS - Merchandise	15,960	16,200	99%	15,805	101%	40,020	41,428
3,449	3,720	93%	3,504	98%	Total COGS	15,960	16,200	99%	15,805	101%	40,020	41,428
2,906	3,730	78%	3,815	76%	GROSS MARGIN	14,221	14,491	98%	13,929	102%	39,021	42,935
67.44%	60.00%	112.40%	57.94%	116.39%	COGS - Merchandise %	61.56%	60.00%	102.60%	59.91%	102.75%	60.00%	721.88%
					PAYROLL							
3,694	4,220	88%	4,774	77%	Gross Payroll - Hourly	20,010	22,758	88%	16,917	118%	55,011	54,744
3,694	4,220	88%	4,774	77%	S/T Wages	20,010	22,758	88%	16,917	118%	55,011	54,744
287	323	89%	336	85%	Payroll Tax - FICA	1,551	1,741	89%	1,294	120%	4,208	4,236
47	65	73%	55	87%	Payroll Tax - UC	82	244	34%	142	58%	641	430
62	79	79%	81	77%	Payroll Tax - WC	353	424	83%	310	114%	1,056	921
396	467	85%	471	84%	S/T Adders	1,986	2,409	82%	1,746	114%	5,905	5,586
4,090	4,687	87%	5,245	78%	TOTAL PAYROLL	21,996	25,167	87%	18,663	118%	60,916	60,330
					OPERATING EXPENSES							
70	0	0%	0	0%	Office Supplies	180	90	200%	89	202%	190	183
680	100	680%	0	0%	Supplies	680	500	136%	249	273%	1,075	2,066
0	80	0%	0	0%	Tournament Expense	48	400	12%	(278)	-17%	960	517
0	0	0%	0	0%	Handicap Expense	150	0	0%	0	0%	4,225	4,306
0	75	0%	0	0%	Lesson Expense	0	225	0%	0	0%	450	286
0	0	0%	0	0%	Repair & Maint - Building	230	0	0%	0	0%	0	230
750	255	294%	0	0%	TOTAL OPERATING EXPENSES	1,287	1,215	106%	59	2166%	6,900	7,587
(1,934)	(1,212)	160%	(1,430)	135%	EBITDA	(9,063)	(11,891)	76%	(4,794)	189%	(28,795)	(24,982)
(1,934)	(1,212)	160%	(1,430)	135%	NET INCOME	(9,063)	(11,891)	76%	(4,794)	189%	(28,795)	(24,982)

The Golf Club at Cypress Head
G & A
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
REVENUES												
0	0	0%	0	0%	Miscellaneous G&A	472	0	0%	0	0%	0	472
0	0	0%	0	0%	Total Revenues	472	0	0%	0	0%	0	472
0	0	0%	0	0%	GROSS MARGIN	472	0	0%	0	0%	0	472
PAYROLL												
7,253	8,260	88%	7,274	100%	Gross Payroll - Salaried	39,799	41,300	96%	38,556	103%	99,120	97,062
335	960	35%	779	43%	Gross Payroll - Hourly	4,071	5,111	80%	3,830	106%	12,448	9,314
7,589	9,220	82%	8,052	94%	S/T Wages	43,870	46,411	95%	42,386	104%	111,568	106,376
536	705	76%	357	150%	Payroll Tax - FICA	2,977	3,550	84%	2,596	115%	8,535	7,337
53	118	44%	35	152%	Payroll Tax - UC	112	305	37%	149	75%	562	179
150	172	87%	144	104%	Payroll Tax - WC	783	866	91%	802	98%	2,141	1,892
1,986	2,098	95%	1,991	100%	Benefits	10,757	10,490	103%	11,633	92%	25,588	23,906
2,725	3,094	88%	2,526	108%	S/T Adders	14,630	15,211	96%	15,180	96%	36,826	33,314
10,313	12,314	84%	10,579	97%	TOTAL PAYROLL	58,499	61,621	95%	57,566	102%	148,394	139,690
OPERATING EXPENSES												
663	400	166%	385	172%	Janitorial Supplies	2,485	2,300	108%	2,384	104%	5,300	5,873
0	0	0%	0	0%	Laundry/Uniforms	492	780	63%	1,212	41%	1,780	994
278	275	101%	274	102%	Office Supplies	1,402	3,125	45%	3,209	44%	4,987	3,405
262	100	262%	114	230%	Alarm System	1,665	620	269%	651	256%	1,490	2,790
0	0	0%	0	0%	Carpet Cleaning	0	0	0%	0	0%	550	0
0	150	0%	151	0%	Computer Service	0	750	0%	757	0%	2,400	470
812	812	100%	0	0%	Contract Cleaning	4,060	4,060	100%	0	0%	9,744	8,932
0	0	0%	0	0%	Guest Relations	54	60	90%	64	85%	60	54
0	0	0%	0	0%	Indoor Plant Maint	0	0	0%	0	0%	100	0
0	0	0%	0	0%	Pest Control	0	0	0%	375	0%	0	0
0	100	0%	0	0%	Repair & Maint - Equipment	1,065	530	201%	135	789%	1,850	1,065
0	0	0%	90	0%	Repair & Maint - Building	1,285	1,200	107%	1,160	111%	3,000	3,425
176	175	101%	168	105%	Off-Site Storage	880	875	101%	840	105%	2,100	2,116
1,725	2,000	86%	1,933	89%	Utilities - Other	9,591	10,000	96%	9,693	99%	25,200	23,693
163	150	109%	243	67%	Utilities - Telephone/Fax	900	750	120%	387	232%	1,800	2,081
293	475	62%	477	62%	Bank Charges	3,411	2,250	152%	2,292	149%	4,525	6,562
80	0	0%	(167)	-48%	Cash Short/(Over)	(238)	0	0%	(1,331)	18%	0	(1,136)
200	200	100%	242	83%	Cell Phone	900	1,000	90%	992	91%	2,400	2,250
3,802	4,400	86%	4,323	88%	City Surcharge R & R	15,468	16,700	93%	16,390	94%	39,300	35,892
0	0	0%	0	0%	Copier/Photocopies	0	175	0%	0	0%	175	0
2,208	2,000	110%	2,225	99%	Credit Card Discounts	9,683	12,400	78%	12,683	76%	29,300	23,350
(5)	300	-2%	316	-2%	Donations	(135)	300	-45%	316	-43%	300	399
0	0	0%	0	0%	Dues & Subscriptions	358	200	179%	200	179%	1,160	897
0	0	0%	0	0%	Education & Training	0	0	0%	0	0%	200	45
75	75	100%	78	96%	Employee Relations	555	1,175	47%	1,086	51%	1,745	813
4,320	4,471	97%	4,341	100%	Insurance Expense	21,602	22,355	97%	21,707	100%	53,652	51,887
443	40	1108%	0	0%	Member Relations	2,027	200	1013%	0	0%	480	2,027
73	30	244%	0	0%	Messenger Service - Fedex	73	150	49%	142	51%	360	207
0	0	0%	0	0%	Miscellaneous	20	0	0%	0	0%	0	20
1,500	2,360	64%	2,000	75%	O/S - Accounting	9,690	12,360	78%	12,000	81%	12,360	12,690
0	0	0%	0	0%	O/S - Legal	0	700	0%	720	0%	780	0
346	500	69%	450	77%	Payroll Processing Fee	2,540	2,950	86%	2,928	87%	6,450	5,552
158	100	158%	95	167%	Postage/Shipping	585	590	99%	571	102%	1,437	1,437
(20)	0	0%	(30)	67%	Tax/Licenses/Fees	0	0	0%	(150)	93%	0	(275)
1,059	0	0%	727	146%	Travel - Meals	1,992	0	0%	1,570	0%	0	2,461
1,007	1,000	101%	86	1171%	Travel - Other	1,785	5,000	36%	815	219%	12,000	8,322
0	0	0%	63	0%	Employee Meals	0	0	0%	113	0%	0	56
19,621	20,113	98%	18,585	106%	TOTAL OPERATING EXPENSES	94,057	103,555	91%	93,913	100%	226,888	208,355
(29,934)	(32,427)	92%	(29,164)	103%	EBITDA	(152,085)	(165,176)	92%	(151,478)	100%	(375,282)	(347,573)
5,944	5,884	101%	5,827	102%	Management Fee	29,718	29,420	101%	29,136	102%	70,608	70,508
5,944	5,884	101%	5,827	102%	Management Fees	29,718	29,420	101%	29,136	102%	70,608	70,508
23	23	101%	23	100%	Deprec - Mach & Equip	116	115	101%	116	100%	276	278
72	72	101%	72	100%	Deprec - Buildings	362	360	101%	362	100%	864	869
96	95	101%	96	100%	S/T DEPR. & AMORT	478	475	101%	478	100%	1,140	1,146
(35,973)	(38,406)	94%	(35,086)	103%	NET INCOME	(182,281)	(195,071)	93%	(181,091)	101%	(447,030)	(419,227)

The Golf Club at Cypress Head
Marketing
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
PAYROLL												
3,110	3,402	91%	3,148	99%	Gross Payroll - Salaried	17,089	17,010	100%	17,021	100%	40,824	41,902
3,110	3,402	91%	3,148	99%	S/T Wages	17,089	17,010	100%	17,021	100%	40,824	41,902
221	260	85%	147	150%	Payroll Tax - FICA	1,224	1,301	94%	1,154	106%	3,123	3,042
36	52	69%	37	99%	Payroll Tax - UC	73	116	63%	71	103%	220	90
55	63	87%	59	94%	Payroll Tax - WC	301	317	95%	326	92%	784	699
463	501	93%	463	100%	Benefits	2,512	2,503	100%	2,319	108%	6,100	5,580
776	877	89%	705	110%	S/T Adders	4,109	4,238	97%	3,870	106%	10,227	9,411
3,886	4,279	91%	3,853	101%	TOTAL PAYROLL	21,198	21,248	100%	20,890	101%	51,051	51,313
OPERATING EXPENSES												
725	2,000	36%	1,465	49%	Advertising & Promotion	5,354	9,600	56%	8,000	67%	24,000	15,375
0	0	0%	0	0%	Miscellaneous	0	0	0%	(57)	0%	0	0
138	100	138%	0	0%	Travel - Other	138	500	28%	0	0%	1,200	138
0	0	0%	0	0%	Website Expenses	0	0	0%	0	0%	0	2,100
864	2,100	41%	1,465	59%	TOTAL OPERATING EXPENSES	5,492	10,100	54%	7,943	69%	25,200	17,613
(4,749)	(6,379)	74%	(5,318)	89%	EBITDA	(26,690)	(31,348)	85%	(28,834)	93%	(76,251)	(68,926)
(4,749)	(6,379)	74%	(5,318)	89%	NET INCOME	(26,690)	(31,348)	85%	(28,834)	93%	(76,251)	(68,926)

The Golf Club at Cypress Head
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
REVENUES												
133,088	132,105	101%	141,741	94%	Green Fees & Cart Fees	501,963	530,137	95%	503,465	100%	1,193,457	1,109,955
5,115	6,200	82%	6,047	85%	Merchandise	25,926	27,000	96%	26,381	98%	66,700	68,451
1,240	1,250	99%	1,271	98%	Other Pro Shop	4,255	3,691	115%	3,353	127%	12,341	15,912
3,512	4,100	86%	3,861	91%	Range	14,256	16,900	84%	15,623	91%	41,000	33,519
0	0	0%	20,111	0%	Food and Beverage	0	0	0%	99,661	0%	0	21,793
3,802	4,400	86%	4,323	88%	Other Operating Revenues	15,468	16,700	93%	16,390	94%	39,300	35,892
0	0	0%	0	0%	Other G&A Income	472	0	0%	0	0%	0	472
146,757	148,055	99%	177,354	83%	TOTAL REVENUE	562,339	594,428	95%	664,873	85%	1,352,798	1,285,994
COST OF SALES												
3,449	3,720	93%	3,504	98%	Merchandise	15,960	16,200	99%	15,805	101%	40,020	41,428
0	0	0%	9,221	0%	Food & Beverage	0	0	0%	39,505	0%	0	16,067
3,449	3,720	93%	12,724	27%	TOTAL COGS	15,960	16,200	99%	55,310	29%	40,020	57,495
67.4%	60.0%	112.4%	57.9%	116.4%	COGS - Merchandise %	61.6%	60.0%	102.6%	59.9%	102.8%	60.0%	721.9%
0.0%	0.0%	0.0%	45.8%	0.0%	COGS - Food %	0.0%	0.0%	0.0%	39.7%	0.0%	0.0%	57.6%
PAYROLL												
22,720	32,557	70%	24,167	94%	Course and Grounds	121,115	169,684	71%	119,509	101%	410,798	288,019
7,664	7,338	104%	6,902	111%	Carts, Range, Starters, Etc.	36,806	39,495	93%	37,491	98%	95,625	85,475
4,090	4,687	87%	5,245	78%	Pro Shop	21,996	25,167	87%	18,663	118%	60,916	60,330
0	0	0%	12,125	0%	Food and Beverage	0	0	0%	67,163	0%	0	14,803
10,313	12,314	84%	10,579	97%	General and Administrative	58,499	61,621	95%	57,566	102%	148,394	139,690
3,886	4,279	91%	3,853	101%	Marketing	21,198	21,248	100%	20,890	101%	51,051	51,313
48,673	61,174	80%	62,871	77%	TOTAL PAYROLL	259,615	317,216	82%	321,282	81%	766,784	639,631
OPERATING EXPENSES												
19,476	19,885	98%	18,830	103%	Course and Grounds	81,233	89,478	91%	75,094	108%	260,225	214,196
8,223	6,386	129%	6,541	126%	Carts, Range, Starters, Etc.	38,150	33,318	115%	34,574	110%	80,417	85,613
750	255	294%	0	0%	Pro Shop	1,287	1,215	106%	59	2166%	6,900	7,587
0	0	0%	2,680	0%	Food and Beverage	0	0	0%	16,504	0%	0	1,380
19,621	20,113	98%	18,585	106%	General and Administrative	94,057	103,555	91%	93,913	100%	226,888	208,355
864	2,100	41%	1,465	59%	Marketing	5,492	10,100	54%	7,943	69%	25,200	17,613
48,933	48,738	100%	48,101	102%	TOTAL OPERATING EXPENSES	220,220	237,666	93%	228,087	97%	599,630	534,744
101,055	113,632	89%	123,696	82%	TOTAL EXPENSES	495,795	571,082	87%	604,680	82%	1,406,434	1,231,870
45,702	34,423	133%	53,658	85%	EBITDA	66,544	23,346	285%	60,193	111%	(53,636)	54,124

The Golf Club at Cypress Head
For the Five Months Ending February 28, 2019

MTD Actual	MTD Budget	% of Budget	MTD Prior Year	% of PY		YTD Actual	YTD Budget	% of Budget	YTD Prior Year	% of PY	Annual Budget	
45,702	34,423	133%	53,658	85%	EBITDA	66,544	23,346	285%	60,193	111%	(53,636)	54,124
(5,944)	(5,884)	101%	(6,684)	89%	MANAGEMENT FEES	(29,718)	(29,420)	101%	(33,420)	89%	(70,608)	(71,365)
(96)	(95)	101%	(96)	100%	OTHER INCOME (EXPENSE)	(478)	(475)	101%	(478)	100%	(1,140)	(1,146)
(96)	(95)	101%	(96)	100%	Depreciation & Amortization	(478)	(475)	101%	(478)	100%	(1,140)	(1,146)
39,663	28,444	139%	46,879	85%	TOTAL OTHER INCOME (EXPENSE)	36,348	(6,549)	-555%	26,295	138%	(125,384)	(18,387)
3,918	3,514	111%	4,237	92%	NET INCOME	15,654	15,622	100%	15,629	100%	38,434	35,608
487	809	60%	936	52%	Paid Rounds	2,152	3,949	54%	3,219	67%	8,541	5,832
230	100	230%	225	102%	Annual Pass Rounds	1,097	596	184%	1,114	98%	1,594	2,573
4,635	4,423	105%	5,398	86%	Other Rounds	18,903	20,167	94%	19,962	95%	48,569	44,013
37	42	89%	42	89%	Total Rounds	36	38	94%	43	84%	35	429
32	33	95%	33	96%	Revenue/Paid Rounds	30	29	101%	33	89%	28	345
					Revenue/Total Rounds							

Ranges: From: To:

Date: 2/1/2019

Account: First Last

Sorted By: Account

Include: Posting, Unit

Print Currency In: Functional (Z-US\$)

Inactive	Account	Description	Beginning Balance	Debit	Credit	Net Change	Ending Balance
	10020-5950-900	Cash - Course Depository NEW	\$131,731.72	\$140,454.54	\$102,014.70	\$38,439.84	\$170,171.56
	10050-5950-900	Cash - Course Payroll BMO	\$29,127.80	\$39,521.22	\$40,065.06	(\$543.84)	\$28,583.96
	10100-5950-900	Cash - Course Other	\$850.00	\$0.00	\$0.00	\$0.00	\$850.00
	10180-5950-900	Cash - Pro Shop Bank	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00
	11160-5950-900	A/R Member	\$460.02	\$3,619.19	\$2,371.19	\$1,248.00	\$1,708.02
	12000-5950-900	Inventory - Merchandise	\$18,788.44	\$10,185.27	\$3,630.32	\$6,554.95	\$25,343.39
	13020-5950-900	Prepaid Insurance	\$12,223.10	\$0.00	\$4,320.44	(\$4,320.44)	\$7,902.66
	13040-5950-900	Prepaid Exp - Other	\$1,131.81	\$13,841.88	\$262.28	\$13,579.60	\$14,711.41
	20100-5950-900	Machinery & Equipment	\$5,550.40	\$0.00	\$0.00	\$0.00	\$5,550.40
	20160-5950-900	Buildings and Improvements	\$30,597.54	\$0.00	\$0.00	\$0.00	\$30,597.54
	22040-5950-900	Accum. Deprec - Mach & Equip	(\$3,699.66)	\$0.00	\$23.12	(\$23.12)	(\$3,722.78)
	22080-5950-900	Accum. Deprec - Buildings	(\$23,211.67)	\$0.00	\$72.41	(\$72.41)	(\$23,284.08)
	30000-5950-900	Accts Pay - Trade	(\$19,014.84)	\$86,916.89	\$115,231.95	(\$28,315.06)	(\$47,329.90)
	30040-5950-900	Accts Pay - Other	(\$22,986.81)	\$11,966.51	\$11,963.14	\$3.37	(\$22,983.44)
	31000-5950-900	Accrued Expenses	(\$630.00)	\$630.00	\$600.00	\$30.00	(\$600.00)
	31020-5950-900	Accrued Payroll	(\$26,768.29)	\$16,509.63	\$16,996.87	(\$487.24)	(\$27,255.53)
	31080-5950-900	Accrued Tips Payable	(\$58.00)	\$160.00	\$99.00	\$61.00	\$3.00
	31220-5950-900	Accrued Sales Tax	(\$7,424.05)	\$7,424.05	\$8,572.58	(\$1,148.53)	(\$8,572.58)
	31400-5950-900	Accrued City Surcharge	\$0.00	\$3,802.30	\$3,802.30	\$0.00	\$0.00
	32000-5950-900	Deferred Rev - Rainchecks	(\$1,478.99)	\$935.19	\$637.72	\$297.47	(\$1,181.52)
	32020-5950-900	Deferred Rev - Outing Deposits	(\$1,768.61)	\$399.00	\$2,167.53	(\$1,768.53)	(\$3,537.14)
	32040-5950-900	Deferred Rev - Legacy GF Passes	(\$29,838.46)	\$3,729.81	\$0.00	\$3,729.81	(\$26,108.65)
	32050-5950-900	Deferred Revenue - Cypress GF Passes	(\$21,536.86)	\$2,692.11	\$0.00	\$2,692.11	(\$18,844.75)
	32060-5950-900	Deferred Rev - Gift Certificates	(\$125.14)	\$0.00	\$0.00	\$0.00	(\$125.14)
	32070-5950-900	Deferred Rev - Gift Cards	(\$24,917.24)	\$1,849.71	\$31.09	\$1,818.62	(\$23,098.62)
	32100-5950-900	Deferred Rev - Credit Books	(\$13,166.39)	\$866.67	\$1,241.12	(\$374.45)	(\$13,540.84)
	32120-5950-900	Deferred Rev - Trail Fee Pass	(\$65,240.00)	\$8,155.00	\$0.00	\$8,155.00	(\$57,085.00)
	32220-5950-900	Deferred Rev - Founders Pass	(\$852.06)	\$106.51	\$0.00	\$106.51	(\$745.55)
	49020-5950-900	Retained Earnings - Current	\$28,442.07	\$0.00	\$0.00	\$0.00	\$28,442.07
	50000-5950-100	Green Fees - Annual Pass	(\$25,441.03)	\$0.00	\$6,528.43	(\$6,528.43)	(\$31,969.46)
	50040-5950-100	Green Fees - Member	(\$192,089.39)	\$0.00	\$72,620.39	(\$72,620.39)	(\$264,709.78)
	50070-5950-100	Green Fees - (surcharge)	(\$11,665.40)	\$3,802.30	\$7,604.60	(\$3,802.30)	(\$15,467.70)
	50500-5950-200	Cart Fee 18	(\$108,319.01)	\$0.00	\$41,981.81	(\$41,981.81)	(\$150,300.82)
	50520-5950-200	Cart Fee - Annual Trail	(\$31,360.00)	\$0.00	\$8,155.00	(\$8,155.00)	(\$39,515.00)
	52090-5950-600	Handicap Fee	(\$750.00)	\$0.00	\$140.00	(\$140.00)	(\$890.00)
	52150-5950-600	Lessons	(\$1,355.00)	\$0.00	\$840.00	(\$840.00)	(\$2,195.00)
	52280-5950-600	Rental Clubs	(\$910.00)	\$0.00	\$260.00	(\$260.00)	(\$1,170.00)
	52310-5950-600	Retail	(\$20,811.06)	\$0.00	\$5,114.85	(\$5,114.85)	(\$25,925.91)
	53050-5950-220	Range Pass Revenue	(\$10,744.20)	\$0.00	\$3,511.84	(\$3,511.84)	(\$14,256.04)
	56120-5950-100	City Surcharge R & R	(\$11,665.40)	\$0.00	\$3,802.30	(\$3,802.30)	(\$15,467.70)
	59010-5950-900	Miscellaneous G&A	(\$472.00)	\$0.00	\$0.00	\$0.00	(\$472.00)
	60000-5950-600	COGS - Merchandise - Accessories	\$12,510.70	\$3,449.32	\$0.00	\$3,449.32	\$15,960.02
	70000-5950-100	Gross Payroll - Salaried	\$28,829.70	\$8,978.02	\$2,598.91	\$6,379.11	\$35,208.81
	70000-5950-900	Gross Payroll - Salaried	\$32,545.37	\$10,139.88	\$2,886.60	\$7,253.28	\$39,798.65
	70000-5950-950	Gross Payroll - Salaried	\$13,979.05	\$4,252.56	\$1,142.92	\$3,109.64	\$17,088.69
	70010-5950-100	Gross Payroll - Hourly	\$51,711.37	\$16,363.82	\$4,256.19	\$12,107.63	\$63,819.00
	70010-5950-200	Gross Payroll - Hourly	\$26,362.60	\$8,919.89	\$1,987.96	\$6,931.93	\$33,294.53
	70010-5950-600	Gross Payroll - Hourly	\$16,316.63	\$5,446.66	\$1,752.89	\$3,693.77	\$20,010.40
	70010-5950-900	Gross Payroll - Hourly	\$3,735.80	\$1,555.79	\$1,220.37	\$335.42	\$4,071.22
	71000-5950-100	Payroll Tax - FICA	\$5,690.33	\$1,820.88	\$524.41	\$1,296.47	\$6,986.80
	71000-5950-200	Payroll Tax - FICA	\$2,081.07	\$689.43	\$152.08	\$537.35	\$2,618.42
	71000-5950-600	Payroll Tax - FICA	\$1,263.58	\$421.07	\$134.10	\$286.97	\$1,550.55
	71000-5950-900	Payroll Tax - FICA	\$2,441.23	\$811.12	\$275.21	\$535.91	\$2,977.14
	71000-5950-950	Payroll Tax - FICA	\$1,002.44	\$308.58	\$87.43	\$221.15	\$1,223.59
	71010-5950-100	Payroll Tax - UC	\$241.86	\$194.87	\$0.00	\$194.87	\$436.73
	71010-5950-200	Payroll Tax - UC	\$211.25	\$77.34	\$0.00	\$77.34	\$288.59
	71010-5950-600	Payroll Tax - UC	\$34.61	\$47.29	\$0.00	\$47.29	\$81.90

TRIAL BALANCE SUMMARY FOR 2018

The Golf Club at Cypress Head

Inactive	Account	Description	Beginning Balance	Debit	Credit	Net Change	Ending Balance
	71010-5950-900	Payroll Tax - UC	\$59.01	\$52.58	\$0.00	\$52.58	\$111.59
	71010-5950-950	Payroll Tax - UC		\$36.85	\$0.00	\$36.24	\$73.09
	71020-5950-100	Payroll Tax - WC	\$1,377.13	\$280.49	\$0.00	\$280.49	\$1,657.62
	71020-5950-200	Payroll Tax - WC	\$470.15	\$108.49	\$0.00	\$108.49	\$578.64
	71020-5950-600	Payroll Tax - WC	\$291.54	\$61.82	\$0.00	\$61.82	\$353.36
	71020-5950-900	Payroll Tax - WC	\$633.86	\$149.62	\$0.00	\$149.62	\$783.48
	71020-5950-950	Payroll Tax - WC	\$245.47	\$55.36	\$0.00	\$55.36	\$300.83
	71030-5950-100	Benefits	\$10,544.93	\$4,657.42	\$2,196.26	\$2,461.16	\$13,006.09
	71030-5950-200	Benefits	\$17.23	\$51.70	\$42.69	\$9.01	\$26.24
	71030-5950-900	Benefits	\$8,770.91	\$3,240.85	\$1,254.46	\$1,986.39	\$10,757.30
	71030-5950-950	Benefits	\$2,048.49	\$842.90	\$379.52	\$463.38	\$2,511.87
	80110-5950-200	Cart Supplies	\$470.80	\$25.74	\$0.00	\$25.74	\$496.54
	80120-5950-100	Chemicals	\$664.00	\$151.71	\$0.00	\$151.71	\$815.71
	80170-5950-100	Course Accessories	\$1,280.67	\$0.00	\$0.00	\$0.00	\$1,280.67
	80230-5950-100	Fertilizer	\$7,977.32	\$5,050.00	\$262.08	\$4,787.92	\$12,765.24
	80270-5950-100	Fuel	\$3,970.96	\$1,063.37	\$0.00	\$1,063.37	\$5,034.33
	80280-5950-100	Fungicides	\$200.00	\$0.00	\$0.00	\$0.00	\$200.00
	80320-5950-100	Herbicides	\$1,955.58	\$3,129.27	\$0.00	\$3,129.27	\$5,084.85
	80370-5950-100	Insecticides	\$652.78	\$0.00	\$0.00	\$0.00	\$652.78
	80380-5950-900	Janitorial Supplies	\$1,822.40	\$662.71	\$0.00	\$662.71	\$2,485.11
	80420-5950-900	Laundry/Uniforms	\$492.11	\$0.00	\$0.00	\$0.00	\$492.11
	80520-5950-600	Office Supplies	\$109.66	\$70.23	\$0.00	\$70.23	\$179.89
	80520-5950-900	Office Supplies	\$1,124.40	\$277.98	\$0.00	\$277.98	\$1,402.38
	80610-5950-220	Range Balls	\$1,325.00	\$0.00	\$0.00	\$0.00	\$1,325.00
	80620-5950-220	Range Equipment	\$331.13	\$1,012.94	\$0.00	\$1,012.94	\$1,344.07
	80690-5950-100	Sand/Topdress	\$1,078.57	\$0.00	\$0.00	\$0.00	\$1,078.57
	80710-5950-100	Seeds/Trees	\$7,895.00	\$0.00	\$0.00	\$0.00	\$7,895.00
	80710-5950-150	Seeds/Trees	\$0.00	\$1,650.00	\$0.00	\$1,650.00	\$1,650.00
	80730-5950-100	Small Tools	\$91.06	\$0.00	\$0.00	\$0.00	\$91.06
	80780-5950-600	Supplies	\$0.00	\$679.88	\$0.00	\$679.88	\$679.88
	80810-5950-600	Tournament Expense	\$48.02	\$0.00	\$0.00	\$0.00	\$48.02
	81010-5950-900	Alarm System	\$1,403.17	\$262.28	\$0.00	\$262.28	\$1,665.45
	81090-5950-200	Cart Repairs	\$140.50	\$0.00	\$0.00	\$0.00	\$140.50
	81140-5950-900	Contract Cleaning	\$3,248.00	\$812.00	\$0.00	\$812.00	\$4,060.00
	81200-5950-900	Guest Relations	\$54.00	\$0.00	\$0.00	\$0.00	\$54.00
	81220-5950-600	Handicap Expense	\$149.50	\$3,731.00	\$3,731.00	\$0.00	\$149.50
	81250-5950-100	Irrigation	\$1,187.25	\$2.22	\$0.00	\$2.22	\$1,189.47
	81350-5950-100	Repair & Maint - Equipment	\$4,392.45	\$1,835.71	\$0.00	\$1,835.71	\$6,228.16
	81350-5950-220	Repair & Maint - Equipment	\$20.86	\$0.00	\$0.00	\$0.00	\$20.86
	81350-5950-900	Repair & Maint - Equipment	\$1,065.37	\$0.00	\$0.00	\$0.00	\$1,065.37
	81360-5950-600	Repair & Maint - Building	\$230.04	\$0.00	\$0.00	\$0.00	\$230.04
	81360-5950-900	Repair & Maint - Building	\$1,285.37	\$0.00	\$0.00	\$0.00	\$1,285.37
	82000-5950-200	Cart Lease	\$24,049.17	\$6,224.50	\$0.00	\$6,224.50	\$30,273.67
	82020-5950-100	Equipment Lease	\$22,271.51	\$5,355.67	\$0.00	\$5,355.67	\$27,627.18
	82060-5950-900	Off-Site Storage	\$704.00	\$176.00	\$0.00	\$176.00	\$880.00
	83000-5950-100	Utilities - Electric	\$881.33	\$183.37	\$0.00	\$183.37	\$1,064.70
	83000-5950-200	Utilities - Electric	\$3,589.56	\$960.03	\$0.00	\$960.03	\$4,549.59
	83020-5950-100	Utilities - Other	\$5,799.48	\$905.61	\$0.00	\$905.61	\$6,705.09
	83020-5950-900	Utilities - Other	\$7,866.18	\$1,724.91	\$0.00	\$1,724.91	\$9,591.09
	83030-5950-100	Utilities - Telephone/Fax	\$417.70	\$140.39	\$0.00	\$140.39	\$558.09
	83030-5950-900	Utilities - Telephone/Fax	\$737.00	\$313.05	\$150.00	\$163.05	\$900.05
	83050-5950-100	Utilties - Water	\$888.37	\$212.24	\$0.00	\$212.24	\$1,100.61
	84040-5950-950	Adv/Promo - Mktg/Bus Dev	\$4,628.62	\$725.14	\$0.00	\$725.14	\$5,353.76
	85020-5950-900	Bank Charges	\$3,117.09	\$293.46	\$0.00	\$293.46	\$3,410.55
	85050-5950-900	Cash Short/(Over)	(\$317.65)	\$125.76	\$45.93	\$79.83	(\$237.82)
	85060-5950-900	Cell Phone	\$700.00	\$200.00	\$0.00	\$200.00	\$900.00
	85070-5950-900	City Surcharge R & R	\$11,665.40	\$3,802.30	\$0.00	\$3,802.30	\$15,467.70
	85120-5950-900	Credit Card Discounts	\$7,474.38	\$2,208.37	\$0.00	\$2,208.37	\$9,682.75
	85140-5950-900	Donations	(\$130.00)	\$0.00	\$5.00	(\$5.00)	(\$135.00)
	85150-5950-900	Dues & Subscriptions	\$357.83	\$0.00	\$0.00	\$0.00	\$357.83
	85190-5950-900	Employee Relations	\$480.05	\$474.00	\$399.00	\$75.00	\$555.05
	85200-5950-100	Employee Testing	\$87.00	\$0.00	\$0.00	\$0.00	\$87.00
	85280-5950-900	Insurance Expense	\$17,281.76	\$4,320.44	\$0.00	\$4,320.44	\$21,602.20

TRIAL BALANCE SUMMARY FOR 2018
The Golf Club at Cypress Head

Inactive	Account	Description	Beginning Balance	Debit	Credit	Net Change	Ending Balance
	85320-5950-900	Member Relations	\$1,583.37	\$443.23	\$0.00	\$443.23	\$2,026.60
	85330-5950-900	Messenger Service - Fedex	\$0.00	\$73.13	\$0.00	\$73.13	\$73.13
	85340-5950-900	Miscellaneous	\$20.09	\$0.00	\$0.00	\$0.00	\$20.09
	85390-5950-900	O/S - Accounting	\$8,190.34	\$1,500.00	\$0.00	\$1,500.00	\$9,690.34
	85480-5950-900	Payroll Processing Fee	\$2,193.96	\$826.32	\$480.00	\$346.32	\$2,540.28
	85490-5950-900	Postage/Shipping	\$426.91	\$158.41	\$0.00	\$158.41	\$585.32
	85610-5950-900	Tax/Licenses/Fees	(\$120.00)	\$10.04	\$30.00	(\$19.96)	(\$139.96)
	85710-5950-900	Travel - Meals	\$933.14	\$1,059.05	\$0.00	\$1,059.05	\$1,992.19
	85720-5950-100	Travel - Other	\$66.17	\$58.07	\$0.00	\$58.07	\$124.24
	85720-5950-900	Travel - Other	\$778.01	\$1,007.11	\$0.00	\$1,007.11	\$1,785.12
	85720-5950-950	Travel - Other	\$0.00	\$138.45	\$0.00	\$138.45	\$138.45
	90000-5950-900	Management Fee	\$23,774.64	\$11,887.32	\$5,943.66	\$5,943.66	\$29,718.30
	98020-5950-900	Deprec - Mach & Equip	\$92.48	\$23.12	\$0.00	\$23.12	\$115.60
	98040-5950-900	Deprec - Buildings	\$289.64	\$72.41	\$0.00	\$72.41	\$362.05
	RCMWD-5950-100	Rounds - Complimentary - Weekday	13,471.00	94.00	0.00	94.00	13,565.00
	REMWD-5950-100	Rounds - Employee - Weekday	19,411.00	136.00	0.00	136.00	19,547.00
	RMBWD-5950-100	Rounds - Member - Weekday	73,363.00	487.00	0.00	487.00	73,850.00
	RPKWD-5950-100	Rounds - Peak - Weekday	386,364.00	3,918.00	0.00	3,918.00	390,282.00
	RPKWE-5950-100	Rounds - Peak - Weekend	5,071.00	0.00	0.00	0.00	5,071.00
Grand Totals:			139	\$0.00	\$496,600.71	\$496,600.71	\$0.00



March 19th, 2019

Robin Fenwick
City of Port Orange
100 City Center Circle
Port Orange, FL 32129

Dear Ms. Fenwick,

The following is the financial and operational summary report for February 2019 at Cypress Head Golf Club. These numbers reflect only the Golf portion for the month and year to date.

FINANCIAL SUMMARY FOR GOLF MONTH ENDING February 2019								
	Current				Year to Date			
	Actual	Budget	Variance vs. Budget		Actual	Budget	Prior Year	Variance vs. Budget
Revenue								
Green Fees	\$ 82,951	\$ 88,089	\$ (5,138)		\$ 312,147	\$ 329,657	\$ 305,143	\$ (17,510)
Cart Fees	\$ 50,137	\$ 44,016	\$ 6,121		\$ 189,816	\$ 200,480	\$ 198,321	\$ (10,664)
Range	\$ 3,512	\$ 4,100	\$ (588)		\$ 14,256	\$ 16,900	\$ 15,623	\$ (2,644)
Pro- Shop Revenues	\$ 6,355	\$ 7,450	\$ (1,095)		\$ 30,653	\$ 30,691	\$ 29,734	\$ (38)
City Surcharge R/R	\$ 3,802	\$ 4,400	\$ (598)		\$ 15,468	\$ 16,700	\$ 16,390	\$ (1,232)
Total Revenue	\$ 146,757	\$ 148,055	\$ (1,298)		\$ 562,340	\$ 594,428	\$ 565,211	\$ (32,088)
Cost of Sales	\$ 3,449	\$ 3,720	\$ (271)		\$ 15,960	\$ 16,200	\$ 15,805	\$ (240)
Merchandise	\$ 3,449	\$ 3,720	\$ (271)	67%	\$ 15,960	\$ 16,200	\$ 15,805	\$ (240) 61%
Gross Margin	\$ 143,308	\$ 144,335	\$ (1,027)		\$ 546,380	\$ 578,228	\$ 549,406	\$ (31,848)
Total Payroll	\$ 48,673	\$ 61,174	\$ (12,501)		\$ 259,615	\$ 317,216	\$ 254,119	\$ (57,601)
Total Operating Expenses	\$ 48,973	\$ 48,738	\$ 235		\$ 220,220	\$ 237,666	\$ 211,583	\$ (17,446)
Net Operating Income	\$ 45,702	\$ 34,428	\$ 11,274		\$ 66,544	\$ 23,346	\$ 83,704	\$ 43,198
Other Expenses	\$ 6,040	\$ 5,979	\$ 61		\$ 30,196	\$ 29,895	\$ 29,613	\$ 301
Management Fee	\$ 5,944	\$ 5,884	\$ 60		\$ 29,718	\$ 29,420	\$ 29,135	\$ 298
Interest Expense	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Depreciation	\$ 96	\$ 95	\$ 1		\$ 478	\$ 475	\$ 478	\$ 3
Net Cash From Ops	\$ 39,662	\$ 28,449	\$ 11,213		\$ 36,348	\$ (6,549)	\$ 54,091	\$ 42,897
Rounds								
Total Rounds	4,635	4,423	212		18,903	20,167	19,962	(1,264)
Paid Rounds	3,918	3,514	404		15,654	15,622	15,629	32
Avg. GF/CF Total rounds	\$28.71	\$29.87	\$ (1.15)		\$26.55	\$26.29	\$25.22	\$ 0.27
Avg. GF/CF Paid rounds	\$33.97	\$37.59	\$ (3.63)		\$32.07	\$33.94	\$32.21	\$ (1.87)
Avg. Merchandise/round	\$1.37	\$1.68	\$ (0.31)		\$1.62	\$1.52	\$1.49	\$ 0.10

Overview:

- Overall golf revenues for February finished slightly lower than the projected budget for the month due to several days of rain resulting in multiple days of cart path restrictions. Range revenue was slightly lower than budgeted and the pro shop revenues were slightly lower than budgeted.
- Total payroll for the month was lower than the projected budgeted amount, for a savings of \$12,500. This was as a result of controlling labor costs during days when rounds were reduced.
- Our operating expenses finished equal to the budgeted amount.
- The month of February is the fifth month in our fiscal year 2018-2019. YTD revenues were lower than projected, the range was slightly lower & the Pro Shop revenues were equal to the amount budgeted. The payroll and operating expenses are both lower than the projected budgeted amounts.
- Currently for the year we are ahead of budget due to cost control from labor and expenses.

Food & Beverage:

Our entire team continues to support Flagsticks restaurant and we continue to build a strong relationship with Kevin Hannah, the owner. Our Sales Director, Reggie Hunter continues to work with Kevin to promote the facility to all our guests by e-mail blasts, promotional advertising, along with posts on Facebook and Instagram.

R&R Projects:

- There were no projects for the month of February 2019.

Tee Sheet Activity:

- There were 4,635 total rounds for the month which included 3,918 paid rounds, 487 Annual with Cypress Pass member rounds and 230 other rounds. The round type for the month included 3,534 eighteen hole rounds and 1,022 nine hole rounds.
- The Golf staff continues to monitor daily tee sheet activity and they are trained to recognize underutilization of the tee sheet and offer promotional prices through the website to increase the number of potential players.

February 2019 and YTD rounds mix:

Type	Actual	Budget	Month- P.Y.	Y.T.D	P.Y-Y.T.D
Paid	3918	3514	4237	15654	15629
Annual	487	809	936	2152	3219
Other rounds	230	100	225	1097	1114
Total Rounds	4635	4423	5398	18903	19962

Departmental Summaries:

Course & Grounds/Range

- The maintenance team continues to follow their agronomic plan.
- Fertilizers were applied to the putting surfaces and tees. Herbicides were applied to the greens, tees, roughs and fairways. The greens were spiked, rolled and top dressed as per our agronomic plan.
- The maintenance team is continuing with ongoing maintenance projects around the golf course including removal of several trees along with beautification of the grounds for the clubhouse areas.

Golf Shop/Carts

- New merchandise continues to arrive and is regularly updated to enhance the professional nature of the golf shop and help promote merchandise sales. Vendors include Antigua, Footjoy, Titleist, Callaway, Bridgestone, Nancy Lopez, Ahead merchandise and St Andrews products. There was \$200.00 in gift card sales purchased for the month with \$6,355 in pro-shop sales.
- I am pleased to announce that the city of Port Orange has recently purchased 72 brand new EZ-GO TXT golf carts to update the fleet which were almost 4 years old. We received delivery of the new carts on February 22nd. We will continue to follow all regular maintenance procedures regarding the cart fleet which includes registering monthly totals for battery amperage and mileage as well as proper watering of all batteries to protect all warranties associated with the fleet. In addition to the monthly process our carts are inspected daily for any damage which may have occurred during normal play. We continue to be committed to providing quality carts for the enjoyment of all our players.
- The staff at Cypress Head Golf Course continues to offer lesson packages for beginners as well as advanced players. Cypress Head has signed on to join the PGA Junior League to help promote junior golfers in our community.

- Cypress Head hosted a Callaway Demo Day which was very successful. We introduced the new Epic Flash club line to over 50 participants resulting in multiple sales.
- The MGA and the WGA are continuing their league play. We also host a weekly Homeowner's Nine & Dine event where the players enjoy nine holes of golf and return to the clubhouse for their dinner and cocktails.
- Range lights will be operational on Friday & Saturday evenings to promote the practice facility for after work availability. We continued to offer golf clinics under the lights for the month of February.

Marketing and Sales:

- Ms. Reggie Hunter, our Director of Sales & Marketing, is booking tournament events for the 2019/20 season.
- Ms. Hunter continues to assist Mr. Hannah in his marketing efforts to promote Flagsticks restaurant at Cypress Head.
- We are continuing our involvement with Daytona CVB, Golf Pac, and Tee-Times USA along with other National wholesaler and Golf Now to maximize utilization of our tee sheet.
- We continue to maintain our database of emails with approximately 11,000 unique e-mail addresses. The golf staff continues to register player profiles including residency, phone numbers and proper classifications of all players. This process will allow us an opportunity to offer promotions to our database to experience all that Cypress Head has to offer.
- Ms. Hunter continues to cultivate her relationships in the community by her continued involvement in the POSD Chamber, Daytona Beach Chamber, SEV Chamber and the POSD Rotary club.
- We continue to increase the visibility of Cypress Head Golf Course on the various social media platforms such as Facebook, twitter and Instagram.

Mindshare Reviews and Comments:

Report run: 3/6/2019 7:24 AM MST
Data current as of: 3/6/2019 7:23 AM MST

REPORT CRITERIA	
Date of Survey	2/1/19 - 2/28/19
Select level	Cypress Head Golf Club

Number of Surveys: 37



#	Zip Code	Date Golfer	Date of Survey	Tee Time	Overall Rating	Service Rating	Course Rating	Food Rating	Recommend Rating	NPS	Overall Rating w/o F&B	Comments	
Totals					8.5	9.2	7.5	8.8	8.8	56.8	8.5		
Cypress Head Golf Club					8.5	9.2	7.5	8.8	8.8	56.8	8.5		
Golf					8.5	9.2	7.5	8.8	8.8	56.8	8.5		

- There were over 400 questionnaires mailed out to players during the month of February 2019. The overall rating for the golf course received an 8.5 with a recommended rating of 8.8 and our service rating is at 9.2.

- We continue to assist all players by helping them to enjoy their experience here at Cypress Head. There were some reviews that had constructive ideas to help us improve in some areas which we will evaluate as a team. The comments returned by the players in this avenue are useful tools in helping our maintenance and golf staff team improve. We also review all negative comments and they are discussed by our team and if required we will contact the individual to help us better understand their concerns. Players also have access to a suggestion box which is located at the clubhouse near the Men's and Ladies bulletin boards.



Corporate Support:

- Kemper Sports Center for Excellence – Ongoing resource. We have been participating in monthly webinars designed to share best practices used at Kemper properties throughout the country.

Insights:

- Our entire team is dedicated to serving the needs of our community and continues in providing the best in class service for all of our guests throughout the season.
- We will be hosting two complimentary clinics in conjunction with the POSD Chamber of Commerce to help promote Cypress Head Golf Course and the game of golf.
- We will be welcoming back our after work golf leagues with the beginning of Daylight Saving time.
- Our tournament season will open with the Spruce Creek Academy of Finance golf tournament in March.
- Cypress Head will be promoting the PGA Junior League of America. This is a nationwide initiative to engage junior golfers in a fun but competitive format where they get to play and meet new friends.

Respectfully Submitted,

Bob Duquette, PGA

General Manager
The Golf Club at Cypress Head

Matt Lindley

Regional Operating Executive
KemperSports Management



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (F13) Second Reading - Ordinance No. 2019-11 - Woodhaven PUD/Small-Scale Comprehensive Plan Future Land Use Amendment (Case No. 18-20000007)

DEPARTMENT: Community Development

GOAL:

RECOMMENDED MOTION: Move to approve Ordinance No. 2019-11, to change the Future Land Use (FLU) designation for ±6.3 acres from *Conservation* to *Mixed-Use Center*.

SUMMARY: Planning Commission Action (01/24/19): Recommended Approval

The applicant, ICI Homes, is requesting to change the Future Land Use (FLU) designation for ±6.3-acres located north of Pioneer Trail, between Williamson Boulevard and I-95, from Conservation to Mixed-Use Center. If approved, the applicant intends to amend the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Woodhaven Planned Unit Development (PUD) to reduce the Pioneer Trail buffer width from 400-foot to 200-foot, consistent with the proposed FLU amendment, and to add language requiring six (6) additional acres of Conservation land be preserved in a future development phase within the overall PUD beyond the acreage shown on the CDP.

Currently, the City's Comprehensive Plan, Future Land Use Element, Policy 3.2.3, caps the maximum square-footage of non-residential uses allowed within the Mixed-Use node and the total residential dwelling units within the overall PUD west of I-95. The proposed amendment does not change this policy and does not increase the allowable intensity or density for the Woodhaven PUD.

The staff report is attached for your review.

Project No.: Funding Account No.:

Presenter: Penelope Cruz

ATTACHMENTS:

1.	Ord. No. 2019-11	Ord. No. 2019-11 Small Scale Woodhaven.pdf
2.	Exhibit A to Ord. No. 2019-11	ORD Ex_Woodhaven 2019 SSFLUMA.pdf
3.	Staff Report	CC_Staff Report_Woodahven PUD FLU amendment_Case No 18-20000007.pdf

Robin Fenwick

Created/Initiated - 2/18/2019

ORDINANCE NO. 2019-11

AN ORDINANCE OF THE CITY OF PORT ORANGE,
VOLUSIA COUNTY, FLORIDA, RELATING TO
COMPREHENSIVE PLANNING; AMENDING THE FUTURE
LAND USE MAP OF THE COMPREHENSIVE PLAN;
AMENDING THE FUTURE LAND USE DESIGNATION FOR
±6.3 ACRES FROM CONSERVATION TO MIXED-USE
CENTER; PROVIDING FOR CONFLICTING ORDINANCES,
SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, after careful review and a public hearing, the Planning Commission, sitting as the Local Planning Agency, has forwarded a recommendation to the City Council regarding this proposed amendment to the Comprehensive Plan for the City of Port Orange; and

WHEREAS, the proposed amendment to the Comprehensive Plan directly relates to small scale development activities as provided in Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the City Council of the City of Port Orange has received comments and proposals from the general public and held at least one public hearing with regard to the proposed amendment to the Comprehensive Plan; and

WHEREAS, the amendment to the Comprehensive Plan shall be submitted to the Volusia Growth Management Commission for a determination of consistency in accordance with Section 202.3 of the Charter of Volusia County, Florida; and

WHEREAS, the City Council hereby declares that the purpose and intent of the proposed amendment to the Comprehensive Plan is to guide future growth and development; encourage the most appropriate use of land, water, and other resources,

consistent with the public interest; promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate and efficient transportation, water, sewage, drainage, fire protection, parks, recreational facilities, housing, and other services, facilities and resources; and conserve and protect natural resources within the City, while protecting private property rights; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. For purposes herein, the term “Comprehensive Plan”, shall mean the Comprehensive Plan for the City of Port Orange, consisting of the two (2) volumes entitled “Comprehensive Plan City of Port Orange 2010-2025”, including Binder No. 1, consisting of ten (10) elements, including Future Land Use and Future Land Use Map; Transportation; Housing; Public Facilities; Public Schools Facilities; Coastal Zone Management; Conservation; Recreation and Open Space; Intergovernmental Coordination; and Capital Improvements, all as adopted by Ordinance No. 1999-43, as subsequently amended by Ordinances No. 1999-46, 1999-56, 1999-57, 2000-1, 2000-8, 2000-13, 2000-25, 2000-29, 2000-41, 2001-2, 2001-21, 2001-26, 2001-28, 2001-75, 2001-76, 2001-89, 2002-7, 2002-20, 2003-3, 2003-1, 2003-22, 2003-39, 2004-34, 2004-39, 2005-1, 2005-3, 2005-13, 2005-15, 2005-25, 2005-27, 2005-30, 2005-31, 2005-49, 2006-9, 2006-16, 2006-24, 2006-41, 2006-51, 2006-53, 2007-4, 2007-14, 2007-30, 2007-48, 2007-55, 2007-57, 2007-60, 2007-61, 2008-2, 2008-8, 2008-9, 2008-12, 2008-16, 2008-19, 2008-36, 2009-3, 2009-19, 2009-20, 2010-14, 2010-20, 2010-30,

2011-24, 2011-34, 2012-8, 2012-24, 2012,30, 2013-20, 2013-25, 2014-31, 2014-32, 2015-42, 2015-44, 2016-6, 2016-20, 2016-24, 2016-26, 2017-4, 2017-33, 2018-10, 2018-15, 2018-18, 2018-20, 2018-29, 2018-30, and this ordinance.

Section 2. The Future Land Use Map of the Comprehensive Plan is hereby amended from Conservation to Mixed Use Center as shown on the Map depicted in **Exhibit “A”**, attached hereto and by reference made a part hereof.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

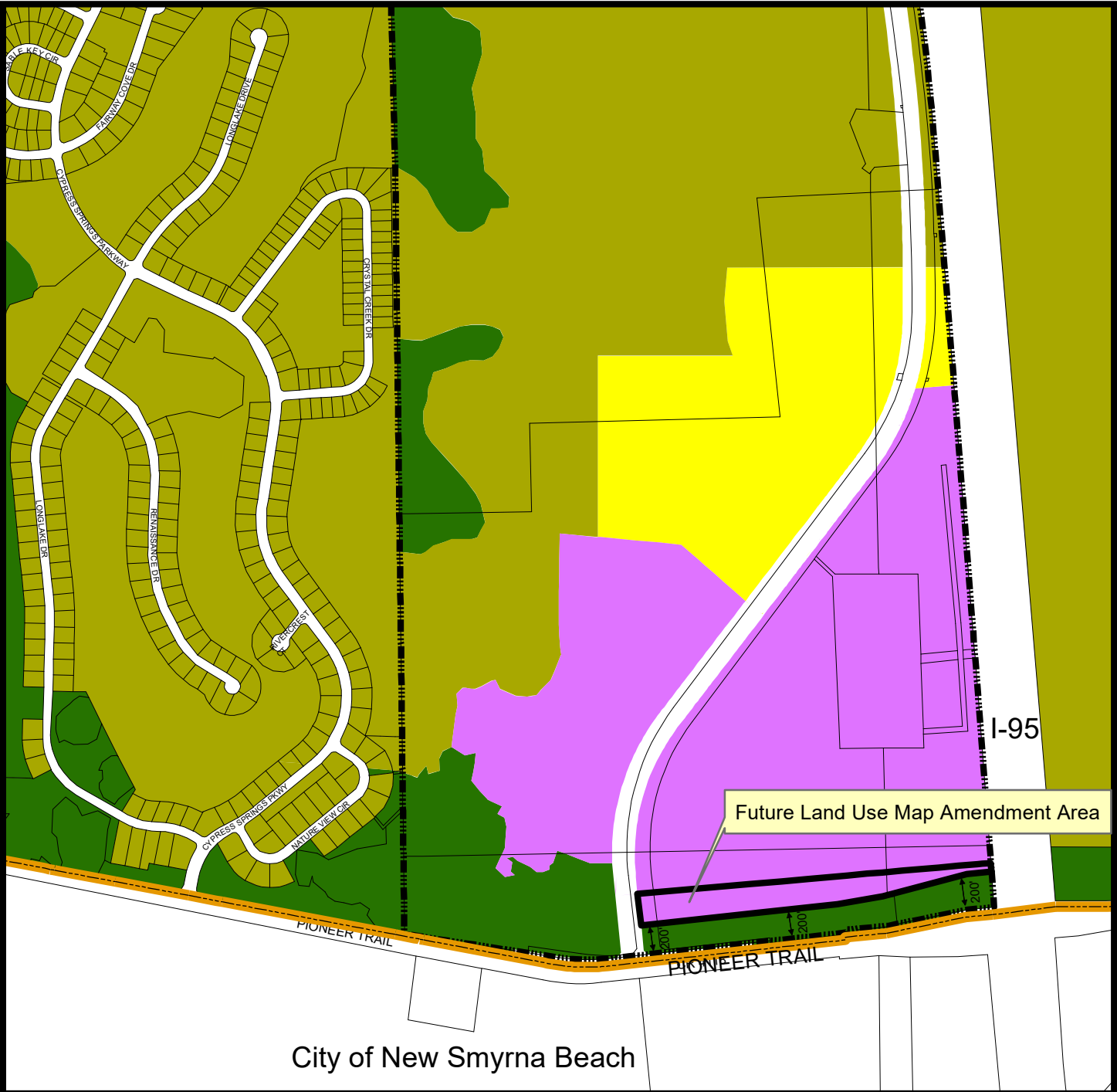
ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

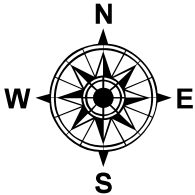
Reviewed and Approved: _____
Shannon K. Balmer, Assistant City Attorney



- City of Port Orange Boundary
- Woodhaven PUD Boundary (westside only)
- Future Land Use Map Amendment Area
- Conservation
- Mixed-Use Center
- Rural Transition
- Suburban Residential



Future Land Use Map
CITY OF PORT ORANGE
DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

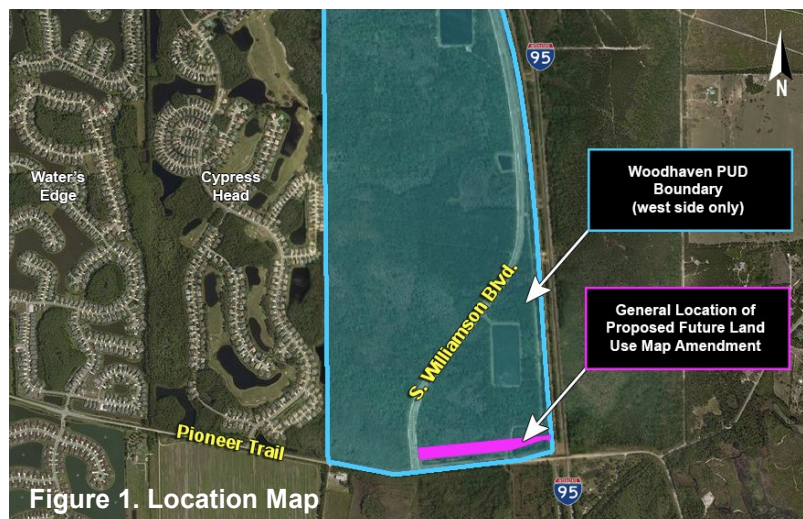
Small-Scale Comprehensive Plan Future Land Use Amendment/Woodhaven PUD
CASE NO. 18-20000007

REQUEST:	Change the Comprehensive Plan Future Land Use (FLU) designation for ±6.3 acres from <i>Conservation</i> to <i>Mixed-Use Center</i> .
LOCATION:	North of Pioneer Tr., between Williamson Blvd. and I-95 (Figure 1 - Location Map)
OWNER:	CC Woodhaven, LLC; Pioneer Investments of Port Orange, Inc.; MHK of Volusia County, INC., and Pioneer Community Development District
APPLICANT:	Richard Smith, ICI Homes
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	Recommended Approval (January 24, 2019)
CITY COUNCIL DATE:	February 19, 2019

INTRODUCTION

The applicant is requesting to change the Future Land Use (FLU) designation for ±6.3-acres from *Conservation* to *Mixed-Use Center*. If approved, the applicant intends to amend the Master Development Agreement (MDA) and Conceptual Development Plan (CDP) for the Woodhaven Planned Unit Development (PUD) to reduce the Pioneer Trail buffer width from 400-foot to 200-foot, consistent with the proposed FLU amendment, and add language requiring six (6) additional acres of Conservation land be preserved within the overall PUD beyond the acreage shown on the CDP.

Currently, the City's Comprehensive Plan, Future Land Use Element, Policy 3.2.3, caps the maximum square-footage of non-residential uses allowed within the Mixed-Use node and the total residential dwelling units within the overall PUD west of I-95. The proposed amendment does not change this policy and does not increase the allowable intensity or density for the Woodhaven PUD.



BACKGROUND

The *Conservation* FLU designation in this area was added to the City's FLU map as part of a larger FLU amendment adopted in 2009 for the Woodhaven PUD project. The placement of the *Conservation* FLU designation along Pioneer Trail, between Williamson Boulevard and I-95, was at the request of the City of New Smyrna Beach to buffer the future Woodhaven Mixed-Use node from Pioneer Trail with a 400'-wide landscape buffer.

The environmental analysis prepared as part of the 2009 FLU amendment (updated in 2012, 2017, and 2019) states that the area north of Pioneer Trail, between the Williamson Boulevard right-of-way and I-95, consists of upland and wetlands, but the wetlands are not of uniform quality. The study states the wetlands have been degraded over the years from past timber harvest/practices, construction of access roads, use of power line easements, the drainage ditch along Pioneer Trail, and construction of Williamson Boulevard (Completed 2015). The study further states the wetlands located between Williamson Boulevard and I-95 are lower functional wetlands and the higher quality connected wetlands are located on the west side of Williamson Boulevard. The proposed amendment does not include any land west of Williamson Boulevard and the current *Conservation* FLU designation west of Williamson Boulevard will remain over the higher quality connected wetland system.

In addition, text was added to the Future Land Use Element (Policy 3.2.3) as part of the 2009 FLU amendment that states parking facilities and commercial structures are not permitted within the Pioneer Trail buffer but passive recreational uses (pedestrian paths, decks, and rail/fence features), stormwater retention ponds, signage, landscaping and similar uses could be constructed or installed. No changes are proposed to Policy 3.2.3 regarding the development requirements for the Pioneer Trail buffer as part of the proposed FLU amendment.

In July 2018, the City of New Smyrna Beach approved the Shell Pointe Colony PUD, directly across Pioneer Trail from the subject amendment area (Woodhaven PUD). The Shell Pointe Colony PUD was approved with a requirement to install a minimum 25'-wide landscape buffer along Pioneer Trail and a minimum 200' building setback from Pioneer Trail. Therefore, the applicant is requesting the proposed FLU amendment to allow the Woodhaven PUD 400'-wide landscape buffer/building setback requirement along Pioneer Trail to be adjusted to 200'-wide, which would be generally consistent with the requirements on the south side of Pioneer Trail recently approved by the City of New Smyrna Beach. The applicant has also submitted an amendment to the Woodhaven PUD to adjust to the Pioneer Trail landscape buffer width and building setback from 400' to 200'.

DISCUSSION

The following discussion will examine the proposed amendment, the impacts of the proposed amendment, and the existing environmental conditions.

PROPERTY OVERVIEW

The subject property is currently undeveloped. The surrounding existing land uses, Future Land Use designations, and Zoning classifications are identified in Table 1. The current adopted FLU designation for the subject property and adjacent properties is identified on Exhibit A. The proposed FLU designation for the subject property and the current FLU

designation of the adjacent properties is identified on Exhibit B. The current zoning classification of the subject property and adjacent properties is identified on Exhibit C.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	vacant	Mixed-Use Center	Woodhaven PUD
South	Pioneer Trail	Right-of-way	Right-of-way
East	I-95	Right-of-way	Right-of-way
West	Williamson Boulevard	Right-of-way	Right-of-way

PROPOSED AMENDMENT

The proposed amendment is to change the FLU designation for ±6.3-acres from *Conservation* to *Mixed-Use Center*. The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and maximum allowable density/intensity and net change in density/intensity (Table 3).

Table 2. Current & Proposed Future Land Uses – Acreage by Category

	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Conservation	6.3	0	- 6.3
Mixed-Use Center	0	6.3	+6.3
TOTAL ACREAGE	6.3	6.3	0

According to Policy 3.2.3 in the Future Land Use Element of the City's Comprehensive Plan, the following non-residential square-footage and density limits apply to the Woodhaven PUD. The overall square-footage for the Mixed-Use node (located along Pioneer Trail) cannot exceed 650,000 square-feet of non-residential uses and the number of residential dwelling units for the portion of the PUD located west of I-95 cannot exceed 1,338 dwelling units. The non-residential square-footage and residential density limits were adopted in 2009 and the proposed 2019 Future Land Use amendment would not change the allowed square-footage and density limits for the Woodhaven PUD.

Table 3. Current & Proposed Future Land Uses – Maximum Density/Intensity by Category

	Current FLU [Theoretical Maximum Density/Intensity]	Proposed FLU	Net Change in FLU
Conservation	0	0	0
Mixed-Use Center	0	0	0
TOTAL	0	0	0

INFRASTRUCTURE IMPACT ASSESSMENT

In accordance with standard practice from the Florida Department of Economic Opportunity (DEO) and other review agencies, an impact comparison analysis of the proposed amendment has been completed based upon the theoretical maximum development potential under the currently adopted future land use designation versus the proposed designation. The following seven public facilities and services were examined (Table 4).

1. Transportation
2. Sanitary Sewer
3. Potable Water
4. Solid Waste
5. Stormwater Drainage
6. Recreation
7. Schools

The proposed amendment would not create any new impacts to public infrastructure and services since the maximum development limits for square-footage of non-residential uses and residential density established in Future Land Use Element Policy 3.2.3 is not being changed. The proposed amendment does not change this policy and does not increase the allowable intensity (square-footage) or density in the Woodhaven PUD.

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Current Future Land Use	Proposed Future Land Use	Net Change*
	Theoretical Maximum		
Square-footage or Dwelling Units	0	0*	0
P.M. Peak Hour Trips/Daily Trips ²	0	0*	0
Sanitary Sewer (gallons/day) ³	0	0*	0
Potable Water (gallons/day) ⁴	0	0*	0
Solid Waste (lbs./day) ⁵	0	0*	0
Recreation/Open Space (acres/person) ⁷	0	0*	0

*The City's Comprehensive Plan, Future Land Use Element, Policy 3.2.3, caps the maximum square-footage allowed at 650,000 square feet of non-residential uses in the Mixed-Use node and the number of residential dwelling units at 1,338 for the PUD area west of I-95.

STORMWATER DRAINAGE

There is no anticipated impact to the City's drainage system from the proposed land use change. Stormwater management in the City of Port Orange deals with both quality and quantity. The City's adopted LOS standard for stormwater is the 25-year, 24-hour storm event. More specifically, the stormwater facilities must be capable of treating and conveying the runoff from such a storm without causing flooding of adjacent properties or polluting any receiving water bodies. In addition, the Comprehensive Plan and Land Development Code require that there be no net loss of stormwater retention function as a result of development. In other words, a given parcel must have the same ability to store and discharge water after development as it does before development occurs. Any future development of the property will be required to address stormwater retention on the property in accordance with these City standards.

ENVIRONMENTAL CONDITIONS

An environmental analysis was prepared for the Woodhaven PUD in 2009 and has been updated in 2012, 2017, and in January 2019 for the subject FLU amendment. The report states that the area north of Pioneer Trail, between the Williamson Boulevard right-of-way and I-95, consisted of upland and wetlands, but the wetlands are not of uniform quality. The study states the wetlands have been degraded over the years from past timber harvest/practices, construction of access roads, use of power line easements, the drainage ditch along Pioneer Trail, and construction of Williamson Boulevard (Completed 2015). The study further states the wetlands located between Williamson Boulevard and I-95 are lower functional wetlands and the higher quality connected wetlands are located on the west side of Williamson Boulevard. The proposed amendment does not include any land west of Williamson Boulevard and the current *Conservation* FLU designation west of Williamson Boulevard will remain over the higher quality connected wetland system. Any future development will be required to comply with all federal, state, regional and local regulations pertaining to the protection and preservation of valuable environmental resources.

REVIEW CRITERIA AND STAFF FINDINGS

1. *Consistency with the City's Comprehensive Plan.*

Staff finding: The proposed FLU amendment is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan. The proposed FLU designation is compatible with adjacent parcels. There are no new impacts to public facilities from the proposed amendment and all public facilities have adequate capacity to accommodate the proposed amendment.

2. *Compatibility with land use designations for adjacent parcels and neighborhoods.*

Staff finding: The proposed FLU amendment is compatible with the adjacent properties. Compatibility is defined in the Comprehensive Plan as a condition in which dissimilar land uses can co-exist in relative proximity to one another in a stable fashion over time, such that neither use is unduly negatively impacted by the other. The subject property is part of the Woodhaven PUD that is being master planned. The amendment area is adjacent to right-of-way to the south, east, and west, and other Woodhaven PUD land to the north. (see Table 1 – page 2).

3. *Impacts on public facilities/infrastructure/services.*

Staff finding: The proposed amendment does not create any additional impacts on public facilities, infrastructure, or services that have not already been planned for. According to Policy 3.2.3 in the Future Land Use Element of the City's Comprehensive Plan, the maximum square-footage for non-residential uses allowed within the Mixed-Use node of the PUD is 650,000 square feet and the maximum number of residential dwelling units allowed in the PUD, west of I-95, is 1,338. The proposed Future Land Use amendment does not change the current density and intensity (sq.ft.) limits in the Comprehensive Plan and therefore no new impacts are created.

4. *Whether the amendment increases the clearance time for evacuation of the population in the Hurricane Vulnerability Zone above twelve hours.*

Staff finding: The subject property is not located within the Hurricane Vulnerability Zone and will not have any negative impact on the clearance time for evacuation of the population in the Hurricane Vulnerability Zone.

5. *Whether the amendment discourages the proliferation of urban sprawl.*

Staff finding: The proposed amendment will not encourage sprawl. The amendment area is part of an existing planned development, with access to existing infrastructure.

PUBLIC NOTICE

On January 7, 2019, staff posted the property notifying the public of the proposed amendment. The proposed amendment has also been advertised in the *News-Journal* pursuant to Florida Statutes.

STAFF RECOMMENDATION

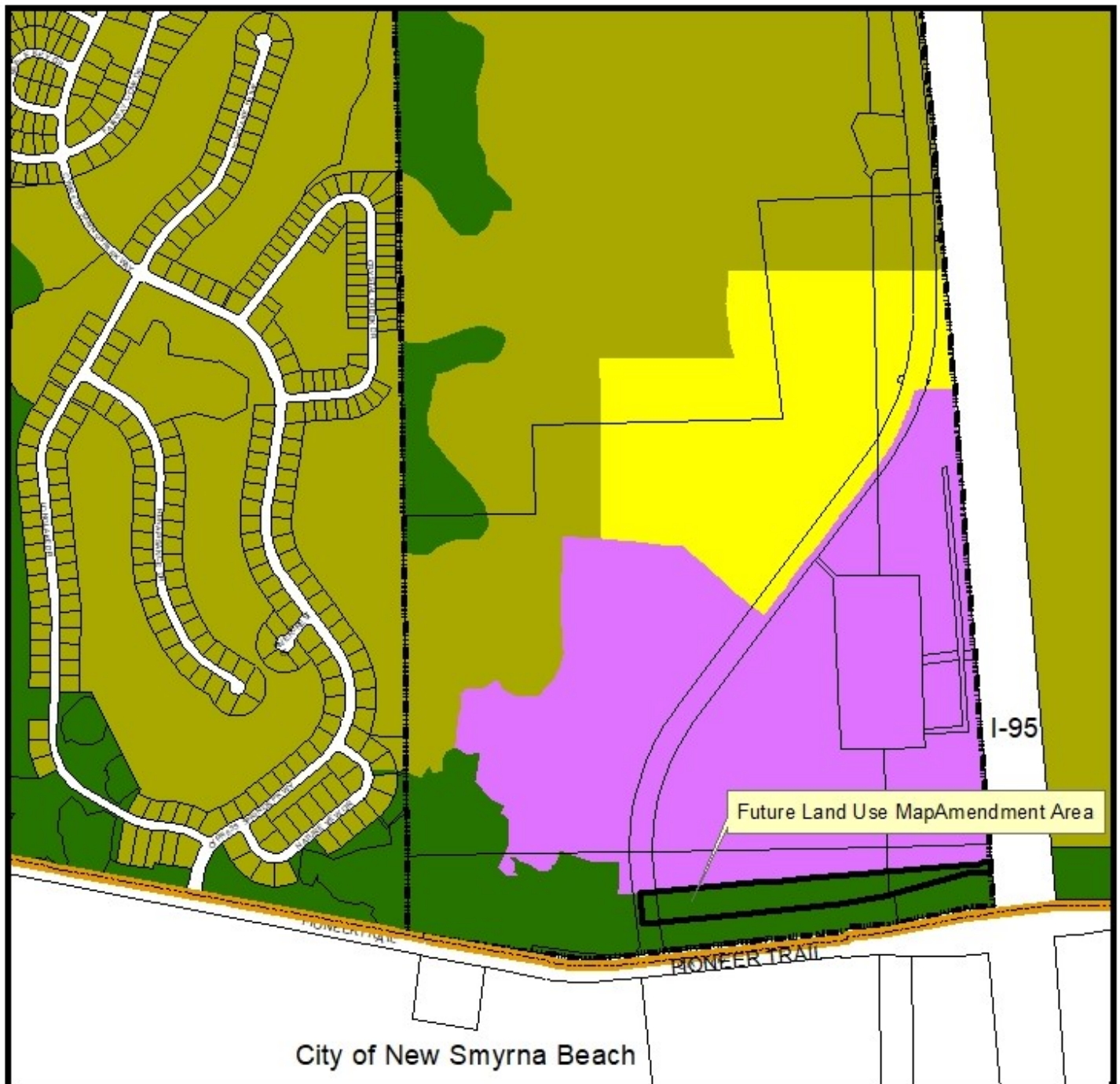
Staff recommends **approval** of the request to change the FLU designation of ±6.3 acres from *Conservation* to *Mixed-Use Center*, and authorization for staff to send the amendment to the required review agencies.

ATTACHMENTS

Exhibit A – Current Future Land Use Map

Exhibit B – Proposed Future Land Use Map

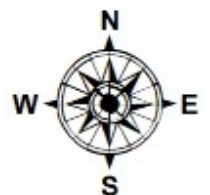
Exhibit C – Current Zoning Map

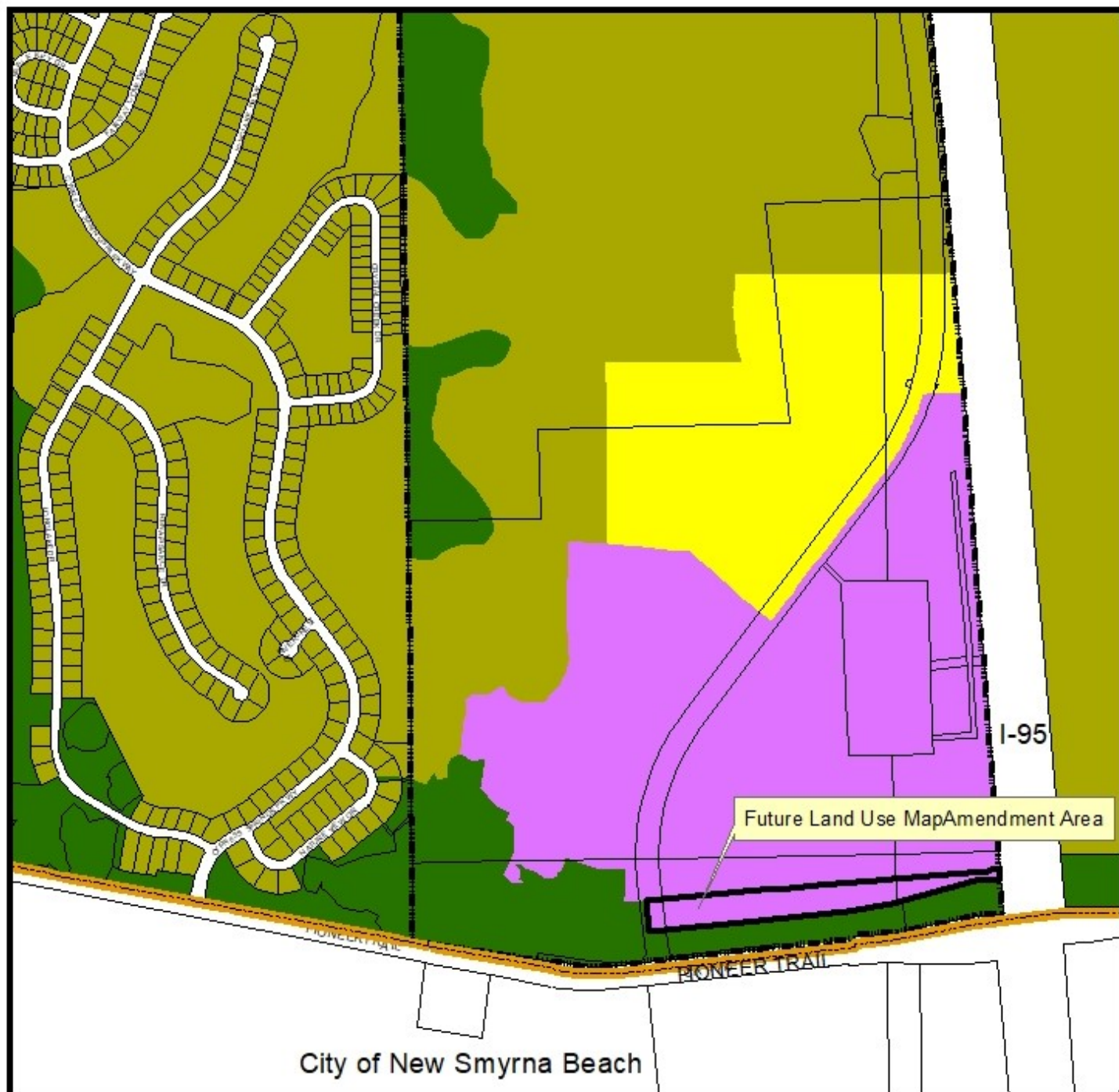


- | | |
|--|---|
|  City of Port Orange Boundary |  Mixed-Use Center |
|  Woodhaven PUD Boundary (westside only) |  Rural Transition |
|  Future Land Use Map Amendment Area |  Suburban Residential |
|  Conservation | |



Exhibit A - Current Future Land Use
CITY OF PORT ORANGE
 DEPARTMENT OF COMMUNITY DEVELOPMENT

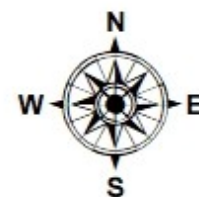


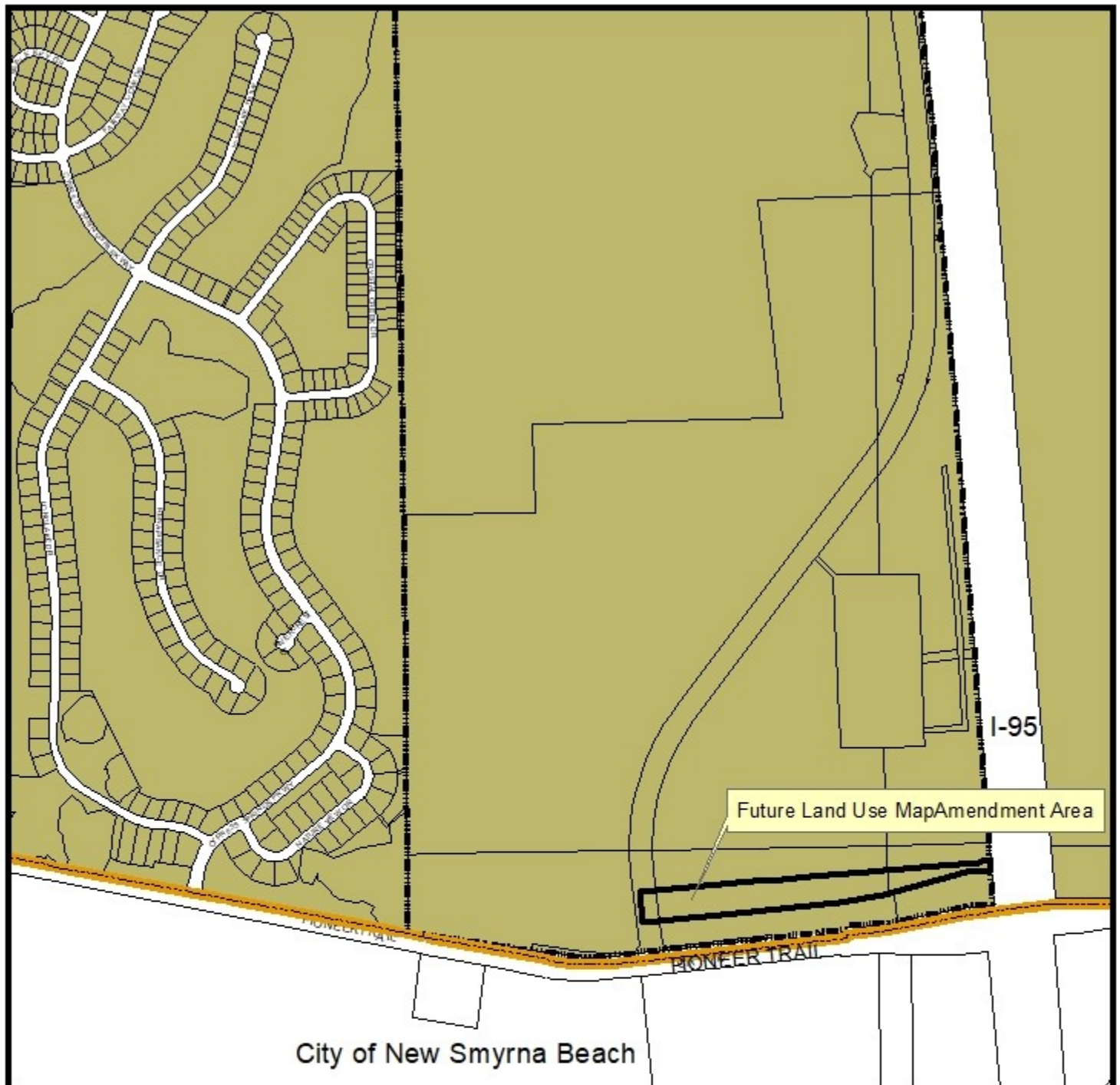


- | | |
|--|---|
|  City of Port Orange Boundary |  Mixed-Use Center |
|  Woodhaven PUD Boundary (westside only) |  Rural Transition |
|  Future Land Use Map Amendment Area |  Suburban Residential |
|  Conservation | |



Exhibit B - Proposed Future Land Use
CITY OF PORT ORANGE
 DEPARTMENT OF COMMUNITY DEVELOPMENT

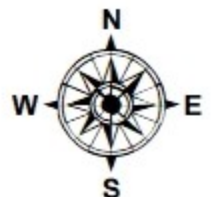




-  City of Port Orange Boundary
-  Woodhaven PUD Boundary (westside only)
-  Planned Unit Development



Exhibit C - Current Zoning Map
CITY OF PORT ORANGE
 DEPARTMENT OF COMMUNITY DEVELOPMENT





CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (F14) Second Reading - Ordinance No. 2019-12 - Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan (Case No. 18-40000003)

DEPARTMENT: Community Development

GOAL:

RECOMMENDED MOTION: Move to approve Ordinance No. 2019-12, approving the Second Amendment to the Woodhaven Master Development Agreement and Conceptual Development Plan, as recommended by the Planning Commission.

SUMMARY: Planning Commission Action (01/24/19): Recommended Approval

The applicant, ICI Homes, is requesting the approval of the Second Amendment to the Woodhaven Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to modify the landscape planting requirement for shade trees and understory trees in the 50-foot wide landscape buffer along Williamson Boulevard for Phase 1 (under construction), allow for either an 8-foot tall opaque PVC fence or a landscape buffer along I-95, to modify the buffer width along Pioneer Trail between Williamson Boulevard and I-95 from 400-feet to 200-feet, add language requiring six (6) additional acres of Conservation land be preserved in a future development phase within the overall PUD beyond the acreage shown on the CDP, and add language referencing the Subdivision Variance process from the Land Development Code to apply to future requests to modify the Williamson Boulevard landscape buffer.

The staff report is attached for more detail on each proposed change to the Woodhaven PUD MDA and CDP.

Project No.: Funding Account No.:

Presenter: Penelope Cruz

ATTACHMENTS:

1.	Ordinance No. 2019-12	Ordinance 2019-12 Woodhaven MDA.pdf
2.	Exhibit 1 to Ordinance No. 2019-12	Exhibit 1 Woodhaven MDA for CC 2-19-19.pdf
3.	Staff Report	CC_Staff Rpt_2nd Amendment WH MDA_CDP.pdf

Robin Fenwick

Created/Initiated - 2/18/2019

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT (PUD) MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN (CDP); PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City and Developer desire to enter into the Second Amendment to the Woodhaven Planned Unit Development Master Development Agreement (“MDA”) and Conceptual Development Plan (“CDP”); (hereinafter referred to as the “Second Amendment”); and

WHEREAS, the Developer submitted a request to the Planning Commission to approve the First Amendment; and

WHEREAS, a public hearing was held following public notice as prescribed by ordinance; and

WHEREAS, the Planning Commission has by majority vote recommended approval of the proposed Second Amendment; and

WHEREAS, the City Council has approved by a majority vote of the members present the approval of the Second Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange does hereby approve the Second Amendment to the Woodhaven Planned Unit Development Master Development Agreement and Conceptual Development Plan (attached hereto as **Exhibit “1”**).

Section 2. The Mayor and City Clerk are hereby authorized to execute said First Amendment.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of _____, 2019

Passed and adopted on second and final reading on the day of _____, 2019

Reviewed and Approved: _____
Shannon K. Balmer, Assistant City Attorney

EXHIBIT "1"

SECOND AMENDMENT TO THE WOODHAVEN PLANNED UNIT DEVELOPMENT MASTER DEVELOPMENT AGREEMENT

This Agreement, is entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, FL 32129 (hereinafter the "City") and CC WOODHAVEN, LLC, PIONEER INVESTMENTS OF PORT ORANGE, INC, and PIONEER COMMUNITY DEVELOPMENT DISTRICT (the "Owners") and MHK OF VOLUSIA COUNTY, INC., (the "Owner/Developer") whose address is 2379 Beville Road, Daytona Beach, FL 32119, shall constitute the second amendment to the Woodhaven Planned Unit Development (PUD) Master Development Agreement (MDA) hereinafter referred to the Second Amendment.

WHEREAS, the City and Stanaki Partnership, a Florida general partnership (the "Prior Owner") entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Stanaki Planned Unit Development Master Development Agreement", recorded in Official Records Book 4213, Page 1610, Public Records of Volusia County, Florida (the "Original MDA"); and

WHEREAS, the City and Prior Owner entered into the "First Amendment to the Stanaki Planned Unit Development Master Development Agreement" (the "Amended MDA"), recorded in Official Records Books 4794, Page 4301, Public Records of Volusia County, Florida; and

WHEREAS, the City, the Owners and Intervest Construction, Inc., entered into the "Second Amendment and Restatement to the Stanaki Planned Unit Development Master Development Agreement and Conceptual Plan" (restated as the "Woodhaven Planned Unit Development Master Development Agreement"), recorded in Official Records Books 6939, Page 1453, Public Records of Volusia County, Florida; and

WHEREAS, the City, the Owners and Intervest Construction, Inc., entered into the "First Amendment to the Woodhaven Planned Unit Development Master Development Agreement" (the "First Amended MDA"), recorded in Official Records Books 7280, Page 1824, Public Records of Volusia County, Florida; and

WHEREAS, the property subject to this Second Amendment remains unchanged from that of Woodhaven MDA recorded in Official Records Book 7280, Page 1824, Public Records of Volusia County, Florida, and consists of approximately 983 +/- acres of real property located within the municipal limits of the City of Port Orange, Florida, a description of which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the City, the Owners, and the Owner/Developer agree to amend the Woodhaven MDA Agreement by this Second Amendment to reflect the Comprehensive Plan amendment to adjust the area shown on the City's Future Land Use Map as Conservation.

NOW THEREFORE, the parties hereby agree as follows:

1. The above recitals are hereby incorporated into this Second Amendment as if fully set forth herein.
2. This Second Amendment complies with the City's Comprehensive Plan.
3. Woodhaven MDA, Exhibit B, Section G. Buffering and Landscaping: The third paragraph of this section under the subtitle "**Perimeter Buffer**":

Woodhaven shall maintain a ~~400~~200-foot wide buffer/passive area along Pioneer Trail adjacent to the Mixed-use Pod (between S. Williamson Blvd. and I-95) identified on the City's Future Land Use Map as Conservation. Parking facilities and commercial structures shall not be permitted within this buffer area; however, pursuant to Future Land Use Element Policy 3.2.3, passive recreation uses (pedestrian paths, decks, and rail/fence features), stormwater retention ponds, signage, landscaping and similar uses may be permitted in this area.

4. Woodhaven MDA, Exhibit B, Section G. Buffering and Landscaping: The sub-section "**Roadway Buffer**" shall be amended and replaced in its entirety with the following:

Roadway Buffer:

Interstate I-95

Woodhaven shall provide a landscape buffer not less than fifty (50) feet in width consisting of eight (8) shade trees, eight (8) understory trees, and sixty (60) shrubs per 100 linear feet along the development's boundary with Interstate I-95 or install a minimum 8' tall opaque fence along the development's boundary with Interstate I-95.

Williamson Boulevard Buffer:

Except as otherwise stated herein, a 50-foot wide buffer consisting of eight (8) shade trees, eight (8) understory trees, and sixty (60) shrubs per 100 linear feet shall be located along the development's boundary with South Williamson Boulevard.

As to the Williamson Boulevard Buffer only, where unique considerations exist on a specific subdivision phase which do not reasonably permit installation of all landscape materials (shrubs, understory trees, and shade trees) required for a right-of-way landscape buffer by Chapter 13 (Landscaping and Buffers) of the Land Development Code (LDC), Owner/Developer may request a variance from requirements in Chapter 13 (Landscaping and Buffers) may be granted by the City Council, upon recommendation of the Planning Commission through the subdivision development plan approval process. The variance criteria used to evaluate the request shall be the criteria in Chapter 19 (Variance) of the LDC. Any approved reduction in landscape materials approved by the City Council shall be noted on the approved landscape plan.

Williamson Buffer in Phase 1:

Due to the grade difference between S. Williamson Boulevard in Phase 1 along with the drainage improvements located within the 50' buffer area, the following will apply for

the S. Williamson Boulevard buffer in Phase 1. In lieu of the S. Williamson Boulevard buffer described above, in Phase 1 a 50-foot wide buffer consisting of sixty (60) shrubs per 100 linear feet shall be located along S. Williamson Boulevard. A 6' tall opaque podocarpus hedge shall also be installed and established in the S. Williamson Boulevard right-of-way adjacent to Phase 1 through an approved and recorded agreement with Volusia County.

As part of the landscape improvements for Phase 1 a project entry feature shall be constructed within S. Williamson Boulevard right-of-way at the north limit of the PUD as general shown in Exhibit "C" of this Second Amendment. A building permit will be required to construct the signage, hardscape, and landscaping. The project entry feature shall be permitted prior to the 1st Certificate of Occupancy being issued in Phase 1.

5. Woodhaven MDA, Exhibit B, Section D. Open Space and Conservation: A new paragraph shall be added immediately following the first paragraph of the section:
"In addition to those areas shown on the CDP as "Conservation", the Woodhaven PUD shall incorporate a minimum of six (6) additional acres of conservation land within the overall PUD."
6. Woodhaven MDA, Exhibit C, Sheet 2: The Woodhaven Conceptual Development Plan is attached hereto and incorporated herein as Exhibit "B" of this Second Amendment, amended to reduce the buffer/passive area along Pioneer Trail adjacent to the Mixed-Use Pod, between S. Williamson Blvd. and I-95, from 400 feet to 200 feet deep, and subsequently increase the area of the adjacent Mixed-Use Pod.
7. Conformance With Laws: The Owners agrees that in developing the Woodhaven PUD Property the Owners or the Owners' successors in interest shall be required:
 - a. To develop the Woodhaven PUD Property according to all regulations of the City to the extent those regulations are not inconsistent with this Agreement.
 - b. To be bound by all City codes and ordinances that are not in conflict with the provision of this Agreement.
8. Enforceability: If any provision of this Amendment is held by a court of competent jurisdiction to be invalid or otherwise unenforceable, such holding shall not affect the validity or enforceability of any other provision of this Amendment unless the holding so states.
9. Prior Agreements: The Woodhaven Planned Unit Development Master Development Agreement (formerly known as the "Second Amendment and Restatement to the Stanaki Planned Unit Development Master Development and Conceptual Plan") recorded in Official Records Book 6939, Page 1453, and the First Amendment to the Woodhaven Planned Unit Development Master Development Agreement, recorded in Official Records Book 7280, Page 1824, shall continue in full force and effect except with respect to those matters specifically amended by this Second Amendment. With respect to those matters specifically amended, this Second Amendment shall govern.

10. Police Power: Nothing contained in this Amendment shall be construed as a waiver of or contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules and regulations. Further, nothing contained in this Amendment shall be construed as a waiver of the attempted waiver by the City of its sovereign immunity under the constitution and laws of the State of Florida.
11. Effective Date and Expiration.
 - a. This Agreement shall be effective upon recording by the City at the Owners' expense in the public records of Volusia County, Florida. The Second Reading of the Ordinance for this Agreement shall not take place until the Owners has provided an executed copy of the MDA to the City Clerk addressing all issues discussed prior to the scheduled Second Recording. If there are no additional requirements, corrections or conditions attached by the City Council at the Second Reading, the Agreement shall be signed by the Mayor and City Clerk and recorded.
 - b. Development of the Woodhaven PUD Property shall commence within five (5) years from the effective date of this Agreement and it shall be completed within thirty (30) years from the date of execution. Failure to comply with the schedule set out above shall cause this Agreement to lapse unless the schedule is modified by mutual agreement of the Owners, Owner/Developer, and the City. The term "Development" shall have the meaning as set forth in the LDC.

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY.]

IN WITNESS WHEREOF, the parties have executed this Amendment to the MDA Agreement by and through their duly authorized representatives, on the respective dates below.

WITNESSES:

**CITY OF PORT ORANGE, a Florida
Municipal Corporation**

Printed Name

By: _____
Donald O. Burnette, Mayor

Printed Name

Printed Name

Attest _____
Robin L. Fenwick, CMC, City Clerk

Printed Name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Donald O. Burnette, Mayor of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Robin L. Fenwick, CMC, City Clerk, of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take and an oath.

Notary Public, State of Florida at Large

Printed Name, Commission Seal and Term Expiration Date

Signed, sealed and delivered
in the presence of:

OWNER:

CC WOODHAVEN, LLC, a Florida
limited liability company

By: CC North Central, LLC, a Florida
limited liability company, its sole member

Witness 1

Print Name of Witness 1

By: _____
Morteza Hosseini-Kargar, President

Witness 2

Date: _____

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ____ day of _____, 2019, by Morteza Hosseini-Kargar, as President, of CC North Central, LLC, a Florida limited liability company, sole member of CC Woodhaven, LLC, a Florida limited liability company. He is personally known to me and did not take an oath.

Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

Signed, sealed and delivered
in the presence of:

OWNER:
PIONEER INVESTMENTS OF PORT
ORANGE, INC, a Florida Corporation

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

By: _____
Morteza Hosseini-Kargar, President

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ____ day of _____, 2019, by Morteza Hosseini-Kargar, as President, of Pioneer Investments of Port Orange, Inc., a Florida Corporation. He is personally known to me and did not take an oath.

Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

Signed, sealed and delivered
in the presence of:

OWNER:
PIONEER COMMUNITY
DEVELOPMENT DISTRICT

Witness 1

Print Name of Witness 1

Witness 2

Print Name of Witness 2

By: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ____ day of _____,
2019, by _____, as _____, of Pioneer Community
Development District. He/She is personally known to me and did not take an oath.

Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

Signed, sealed and delivered
in the presence of:

OWNER/DEVELOPER:
MHK OF VOLUSIA COUNTY, INC., a
Florida corporation

Witness 1

By: _____
Morteza Hosseini-Kargar, President

Print Name of Witness 1

Witness 2

Date: _____

Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me the ____ day of _____, 2019, by Morteza Hosseini-Kargar, as President of MHK OF VOLUSIA COUNTY, INC., a Florida corporation. He is personally known to me and did not take an oath.

Notary Public, State of Florida at Large
Printed Name, Commission Seal and Term Expiration Date

EXHIBIT "A"

LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT

(Page 1 of 4)

A PART OF SECTIONS 29, 32 AND 33, TOWNSHIP 16 SOUTH, RANGE 33 EAST, AND A PART OF SECTIONS 4, 5, 8 AND 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL AND THE WEST LINE OF THE EAST ONE-HALF OF SECTION 8, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE N 01°21'03" W, ALONG THE WEST LINE OF THE EAST ONE HALF OF SAID SECTION 8, 384.60 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE N 00°38'02" W, ALONG THE WEST LINE OF THE EAST ONE HALF OF SAID SECTION 5, A DISTANCE OF 5316.53 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE N 00°43'04" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 32, A DISTANCE OF 5281.63 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE N 00°25'15" W, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 29, A DISTANCE OF 1322.31 FEET TO THE NORTH-EAST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 29; THENCE N 01°24'22"E, ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 579.693 FEET TO A POINT LYING 100 WESTERLY OF, WHEN MEASURED PERPENDICULAR TO, A FLORIDA POWER AND LIGHT COMPANY EASEMENT, AS RECORDED IN OFFICIAL RECORD BOOK 2980, PAGE 0441, THENCE N 23°21'45" W AND PARALLEL TO SAID EASEMENT A DISTANCE OF 32.01 FEET TO A POINT ON A CURVE, SAID CURVE HAVING A RADIUS OF 950.00 FEET, A CHORD BEARING OF N 56°41'11" W AND A CHORD LENGTH OF 1043.81 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 66°38'52", AN ARC DISTANCE OF 1105.06 FEET TO A POINT THAT IS 100 FEET SOUTHERLY OF, AS MEASURED PERPENDICULAR TO, ABOVE DESCRIBED FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE S 89°59'23" W, PARALLEL TO SAID EASEMENT A DISTANCE OF 249.78 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 600.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 15°14'06", AN ARC DISTANCE OF 159.54 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 700.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 36°19'20", AN ARC DISTANCE OF 443.76 FEET TO THE POINT OF TANGENCY THEREOF; THENCE N 68°55'23" W A DISTANCE OF 488.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 600.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 05°58'50", AN ARC DISTANCE OF 82.63 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD; THENCE N 15°17'59" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF AIRPORT ROAD A DISTANCE OF 436.02 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 1100.00 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 42°32'50", AN ARC DISTANCE OF 816.85 FEET; THENCE N 27°14'51" W A DISTANCE OF 364.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 31,436.56 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 01°05'48", AN ARC DISTANCE OF 601.89 FEET, MORE OR LESS, TO THE SOUTH LINE OF SPRUCE CREEK; THENCE ALONG THE SOUTH LINE OF SPRUCE CREEK, IN A GENERALLY NORTHERLY DIRECTION, TO INTERSECT WITH THE NORTH LINE OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE S 89°59'01" E ALONG THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 226.11 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SPRUCE CREEK; THENCE ALONG SPRUCE CREEK, SOUTHERLY AND NORTHERLY, TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (S.R. 9), AS SHOWN OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 79002-2407; THENCE S 23°21'45" E, ALONG SAID RIGHT-OF-WAY LINE, 870 FEET; MORE OR LESS, TO THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE S 89°

EXHIBIT "A"

LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT (Page 2 of 4)

56°07' W, ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, 828.71 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE S 00°24' 16" E, ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, 1320.13 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29; THENCE N 89°59' 23" E, ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, A DISTANCE OF 1187.83 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95; THENCE S 23°21'45" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 5925.95 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,359.30 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 04°21'58", AN ARC DISTANCE OF 865.83 FEET TO THE NORTHERLY LINE OF A 50.00 FOOT F.D.O.T HAUL ROAD ACCESSING BORROW PIT NO. 6, AS DESCRIBED IN OFFICIAL RECORD BOOK 1697, PAGES 97 THROUGH 99; THENCE S 66°38'15" W, ALONG SAID HAUL ROAD 301.47 FEET TO THE NORTH LINE OF BORROW PIT NO. 6; THENCE S 89°28'15" W, ALONG THE NORTH LINE OF BORROW PIT NO. 6, 435.33 FEET TO THE WEST LINE OF BORROW PIT NO. 6; THENCE S 00°31'45" E, ALONG THE WEST LINE OF BORROW PIT NO. 6, 500.00 FEET TO THE SOUTH LINE OF BORROW PIT NO. 6; THENCE N 89°28'15" E, ALONG THE SOUTH LINE OF BORROW PIT NO. 6, 500.00 FEET TO THE EAST LINE OF BORROW PIT NO. 6; THENCE N 00°31'45" W, ALONG THE EAST LINE OF BORROW PIT NO. 6, 346.41 FEET; THENCE N 23°21'45" W, 118.55 FEET TO THE SOUTHERLY LINE OF AFORESAID 50.00 FOOT HAUL ROAD; THENCE N 66°38'15" E, ALONG SAID HAUL ROAD, A DISTANCE OF 297.53 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95, SAID POINT LYING IN A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,359.30 FEET; A CHORD BEARING OF S 11°37'02" E, AN A CHORD LENGTH OF 2817.95 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 14°15'01", AN ARC DISTANCE OF 2825.23 FEET; THENCE S 04°29'32" E, 2954.25 FEET TO THE NORTHERLY LINE OF AN F.D.O.T HAUL ROAD ACCESSING BORROW PIT NO. 5, AS DESCRIBED IN OFFICIAL RECORD BOOK 1697, PAGES 97-99; THENCE S 85°30'28" W, ALONG SAID HAUL ROAD, 322.12 FEET TO THE EAST LINE OF BORROW PIT NO. 5; THENCE N 01°11'32" W, ALONG THE EAST LINE OF BORROW PIT NO. 5, 449.92 FEET TO THE NORTH LINE OF SAID BORROW PIT; THENCE S 88°48'28" W, ALONG THE NORTH LINE OF SAID BORROW PIT, 400.00 FEET TO THE WEST LINE OF SAID BORROW PIT; THENCE S 01°11'32" E, ALONG THE NORTH LINE OF SAID BORROW PIT, 900.00 FEET TO THE SOUTH LINE OF SAID BORROW PIT; THENCE N 88°48'28" E, ALONG THE SOUTH LINE OF SAID BORROW PIT, 400.00 FEET TO THE EAST LINE OF SAID BORROW PIT; THENCE N 01°11'32" W, ALONG THE EAST LINE OF SAID BORROW PIT, 400.00 FEET TO THE SOUTHERLY LINE OF AFOREMENTIONED 50.00 FOOT HAUL ROAD; THENCE N 85° 30'28" E, ALONG THE SOUTHERLY LINE OF SAID HAUL ROAD, 325.00 FEET TO THE WESTERLY LINE OF INTERSTATE 95; THENCE S 04°29'32" E, ALONG SAID RIGHT-OF-WAY LINE, 1455.88 FEET TO THE NORTHERLY LINE OF THE I-95 LIMITED ACCESS RIGHT-OF-WAY; THENCE, ALONG SAID RIGHT-OF-WAY, S 84°44'18" W, A DISTANCE OF 125.61 FEET; THENCE S 79°01'40" W, A DISTANCE OF 502.49 FEET; THENCE S 84°44'18" W, A DISTANCE OF 210.19 FEET; THENCE S 06°04'28" E, A DISTANCE OF 20.32 FEET TO THE NORTHERLY RIGHT-OF-WAY OF PIONEER TRAIL; THENCE, ALONG THE NORTHERLY RIGHT-OF-WAY OF PIONEER TRAIL, S 83°53'59" W, A DISTANCE OF 1170.06 FEET; THENCE S 84°37'22" W, A DISTANCE OF 174.58 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 795.59 FEET; THENCE, ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 13°34'54", AN ARC DISTANCE OF 188.59 FEET; THENCE N 81°47'44" W, A DISTANCE OF 119.32 FEET; THENCE N 80°38'20" W, A DISTANCE OF 696.51 FEET; THENCE N 79°05'49" W, A DISTANCE OF 696.51 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

TOGETHER WITH:

EXHIBIT "A"

LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT (Page 3 of 4)

OF SECTIONS 4, 5, 8 AND 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST, CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Book: 4
Page: 4

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST AND THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL; THENCE N 17°11'56" W ALONG THE NORTHERLY LINE OF PIONEER TRAIL A DISTANCE OF 572.58 FEET; THENCE N 17°22'20" W A DISTANCE OF 435.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 363.92 FEET, A CHORD BEARING OF N 44°32'43" W AND A CHORD LENGTH OF 332.39 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 54°20'47", AN ARC DISTANCE OF 345.19 FEET TO INTERSECT WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE I-95 LIMITED ACCESS RIGHT-OF-WAY; THENCE N 19°03'29" W, ALONG SAID RIGHT-OF-WAY LINE, 24.67 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID LIMITED ACCESS RIGHT-OF-WAY, SAID POINT LYING ON A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 431.97 FEET, A CHORD BEARING OF N 82°28'32" W AND A CHORD LENGTH OF 172.44 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 23°01'57", AN ARC DISTANCE OF 173.65 FEET; THENCE N 03°58'28" W, A DISTANCE OF 10.00 FEET; THENCE S 85°04'48" W, A DISTANCE OF 295.84 FEET; THENCE S 88°53'39" W, A DISTANCE OF 601.33 FEET; THENCE S 85°04'48" W, 124.35 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (S.R. 9); THENCE N 04°08'45" W, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 5070.93 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 5904.85 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 18°52'13", AN ARC DISTANCE OF 1944.69 FEET; THENCE N 23°00'58" W A DISTANCE OF 5325.67 FEET; THENCE N 17°58'25" W, A DISTANCE OF 853.30 FEET; THENCE N 13°59'11" E A DISTANCE OF 502.04 FEET TO THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE S 89°39'50" E, ALONG THE NORTH LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER, 684.29 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 29; THENCE S 00°04'58" E, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER, 1834.12 FEET; THENCE S 89°37'45" E A DISTANCE OF 1332.18 FEET TO THE EAST LINE OF SAID SECTION 29; THENCE S 00°05'29" E ALONG THE EAST LINE OF SECTION 29 A DISTANCE OF 812.94 FEET TO THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE S 00°14'52" E ALONG THE EAST LINE OF SECTION 32 A DISTANCE OF 1304.58 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 33; THENCE S 89°57'51" E ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1324.08 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00°09'18" E ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 33, A DISTANCE OF 1298.76 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00°16'26" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1306.92 FEET TO THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 33; THENCE N 89°47'25" E ALONG THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER A DISTANCE OF 1320.92 FEET TO THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 33; THENCE S 00°03'41" E ALONG THE EAST LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 33 A DISTANCE OF 1307.06 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE S 00°58'55" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 4 A DISTANCE OF 2039.28 FEET; THENCE S 89°23'12" W A DISTANCE OF 176.00 FEET; THENCE S 00°58'55" E A DISTANCE OF 578.00 FEET TO THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4; THENCE S 89°23'12" W ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4 A DISTANCE OF 176.00 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 4; THENCE S 00°58'55" E ALONG THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4 A DISTANCE OF 2624.38 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 9, TOWNSHIP 17 SOUTH, RANGE 33 EAST; THENCE S 00°42'24" E ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 9 A DISTANCE OF 1582.42 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF PIONEER TRAIL AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

ABOVE DESCRIBED LANDS CONTAINING 1208 ACRES, MORE OR LESS

EXHIBIT "A"

LEGAL DESCRIPTION WOODHAVEN PLANNED UNIT DEVELOPMENT (Page 4 of 4)

Less and Except the following property now part of the Doris Leeper Spruce Creek Preserve:

A PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF
INTERSTATE HIGHWAY 95:

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 16 SOUTH,
RANGE 33 EAST, TOGETHER WITH THE SOUTHEAST 1/4 OF THE SOUTHEAST
1/4, LESS THE NORTH 511 FEET THEREOF, OF SAID SECTION 29, TOGETHER
WITH THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 32,
TOWNSHIP 16 SOUTH, RANGE 33 EAST, TOGETHER WITH THE SOUTHWEST
1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST
1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHEAST
1/4 OF THE SOUTHWEST 1/4, SECTION 33, TOWNSHIP 16 SOUTH, RANGE 33
EAST, VOLUSIA COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 16
SOUTH, RANGE 33 EAST; THENCE, ALONG THE EAST LINE OF SAID SECTION
32, S00°34'53"E, 1,304.47 FEET TO THE NORTHWEST CORNER OF THE
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33,
TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE, ALONG THE NORTH LINE
OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID
SECTION 33, N89°40'17"E, 1,324.49 FEET TO THE NORTHEAST CORNER OF THE
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION
33; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER,
S00°30'04"E, 1,298.69 FEET TO THE NORTHEAST CORNER OF THE
NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION
33; THENCE, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER,
S00°28'23"E, 1,306.90 FEET TO THE NORTHWEST CORNER OF THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 33;
THENCE, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER,
N89°25'46"E, 1,321.44 FEET TO THE NORTHEAST CORNER OF SAID
SOUTHEAST QUARTER; THENCE, ALONG THE EAST LINE OF SAID
SOUTHEAST QUARTER, S00°25'12"E, 979.77 FEET; THENCE S89°26'15"W,
2,062.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF
INTERSTATE HIGHWAY 95 (STATE ROAD 9), SAID POINT ALSO BEING THE
BEGINNING OF A NON TANGENT CURVE CONCAVE WEST, HAVING A
RADIUS OF 5,904.65 FEET, A CENTRAL ANGLE OF 13°41'21" AND A CHORD
BEARING OF N16°32'46"W; THENCE NORTHERLY ALONG SAID RIGHT-OF-
WAY LINE, AND ALONG THE ARC OF SAID CURVE, 1,410.74 FEET; THENCE,
CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N23°23'27"W, 5,326.34 FEET;
THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N18°20'54"W,
853.30 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE,
N13°32'28"E, 501.56 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER
OF SECTION 29, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE, ALONG
SAID NORTH LINE, N89°57'32"E, 687.27 FEET TO THE NORTHEAST CORNER
OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 29;
THENCE, ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST
QUARTER, S00°26'01"E, 1,833.77 FEET TO THE SOUTH LINE OF THE NORTH
511 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF
SAID SECTION 29; THENCE ALONG SAID SOUTH LINE, S89°59'41"E, 1,332.93
FEET TO A POINT ON THE EAST LINE OF SAID SECTION 29; THENCE, ALONG
SAID EAST LINE, S00°26'50"E, 812.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 225.000 ACRES, MORE OR LESS.

EXHIBIT “B”

WOODHAVEN CONCEPTUAL DEVELOPMENT PLAN

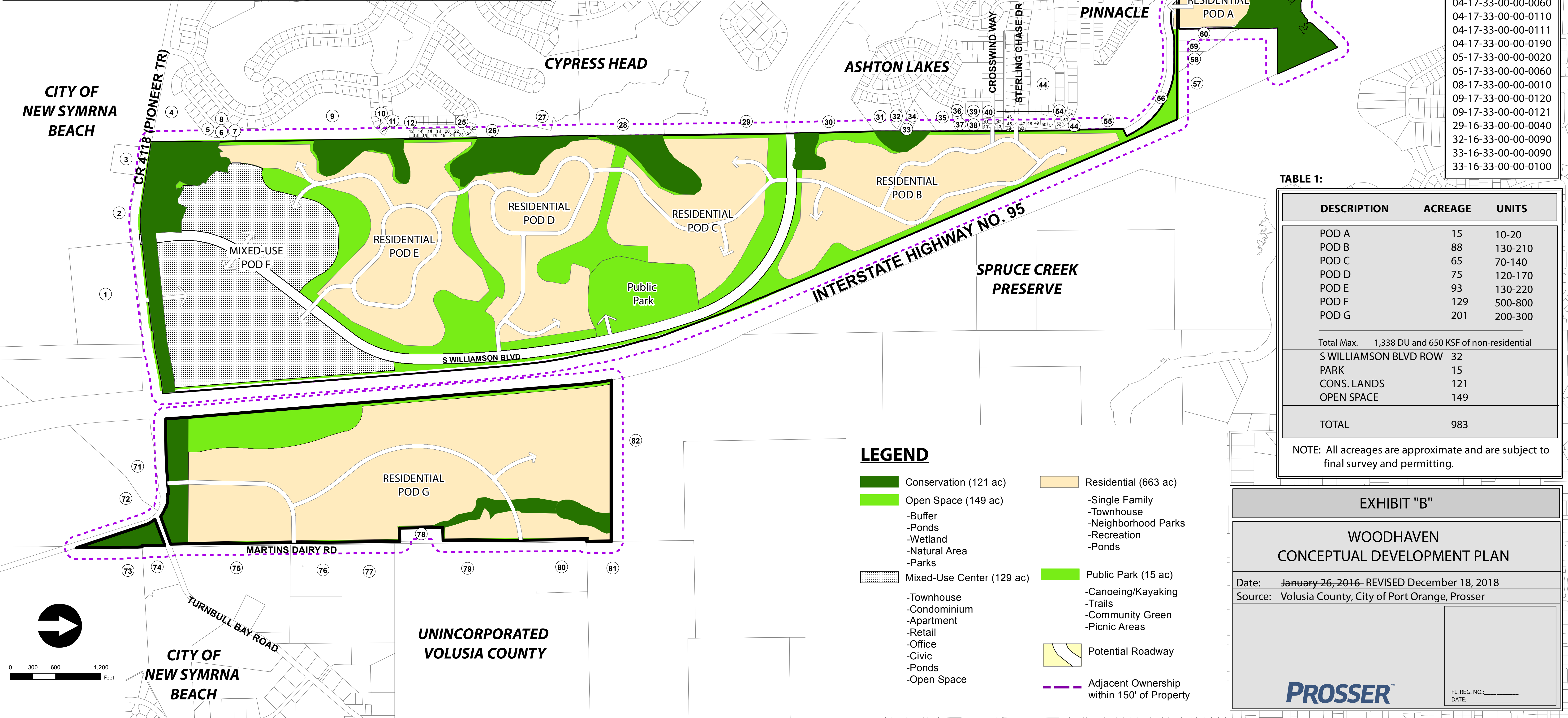
Legend: 150 ft Adjacent Ownership

SYM.	Full Parcel ID	Ownership Name	SYM.	Full Parcel ID	Ownership Name	SYM.	Full Parcel ID	Ownership Name
1.	08173300000033	FLORIDA POWER & LIGHT CO	36.	32163304000050	SMITH SHIRLEY K	71.	09173300000130	TORNELLI VINCENT C
2.	08173300000030	BG AGENCY LLC	37.	32163304000060		72.	09173300000140	ASSET RECOVERY XIII LLC
3.	08173300000031	WELSH RUSSELL G & CARRIE S	38.	32163304000070	NGUYEN CHANH & NGAT T VAN	73.	09173300000020	ELBERT LAND CO LLC
4.	05173304000001	CYPRESS HEAD RESIDENTIAL	39.	32163304000080	SCHNIBBEN JILL E	74.	09173300000012	ELBERT LAND CO LLC
5.	05173304000020	APPLETON RICHARD A & ELAINE M	40.	32163304000170	COLTON STACY L	75.	04173300000100	CUFTON GLENN D &
6.	051733040000300	GIBB DONALD M & GENA M	41.	32163304000160	OGBURN DENNIS K & MARTHA	76.	04173300000142	WINES ROBERT S & SANDI J
7.	051733040000310	MAROLT MICHAEL J	42.	32163304000190	GREEN JOAN E	77.	04173300000020	PERZAN BERNARD J & DOLORES
8.	051733040000320	WYDOCK THOMAS J & L LEE	43.	32163304000180	MILLER DEBORAH S & WAYNE M	78.	04173300000120	DREW DEAN S & SYLVIA C JTRS
9.	051733030000001	CYPRESSHEAD PHASE II-C COA	44.	291633030000001	STERLING CHASE HOMEOWNERS ASSN	79.	04173300000010	SCHNEBLY JOHN SR TR
10.	051733030000020	DUNKLE STANLEY M &	45.	291633030001120	GILL MURPHY & CATHY	80.	041733000000180	BOWERS ALINE
11.	0517330300000810	MASSE RICHARD A & JUDITH Y &	46.	291633030001130	ANTONACCIO MICHELE	81.	331633000000070	STATE OF FLORIDA TITF
12.	0517330300000800	UPPERMAN ROBERT E & EMILY P	47.	291633030001110	FIRST UNITED METHODIST CHURCH	82.	331633000000110	CITY OF PORT ORANGE &
13.	051733030000790	SYLVESTER JAMES N LF/ESTATE &	48.	291633030001100	WARD JOSEPH D & BLAIR R			
14.	051733030000780	PARADIS WAYNE J & SANDRA	49.	291633030001090	MINSHAW PAUL M & DIANE S			
15.	051733030000770	PALMA PAUL L & SHIRLEY M	50.	291633030001080	RAHM CEDRIC & MARIE-LUCE			
16.	051733030000760	HANNER ALBERT R & HAZEL M	51.	291633030001070	SALERNO ANDREW CHARLES &			
17.	051733030000750	KELLER DOUGLAS H & KATHLEEN E	52.	291633030001060				
18.	051733030000740	WHITE JUSTIN P & KIMBERLY J	53.	291633030001050	LAFFERTY KAREN J			
19.	051733030000730	BACHMAN IRENE JTRS &	54.	291633030001040	JAMESON JAMIE & KRISTIN M			
20.	051733030000720	MORRELL THEODORE P & LINDA I	55.	291633000000100	JSP INVESTMENTS LLC			
21.	051733030000710	PONZINI HARRY R & AYL A O	56.	29163300000004A	CITY OF PORT ORANGE			
22.	051733030000700	HUNTER DANIEL L	57.	291633000000080	FORD FRANK A JR ETAL			
23.	051733030000690	HARRIS MICHAEL L ETAL	58.	291633000000083	LIRA AMANDA L			
24.	051733030000680	FRANK REGGIE L & BARBARA E	59.	291633000000081	LIRA CARLOS G & AMANDA			
25.	051733030000670	COLWELL MATTHEW D	60.	291633000000082	LIRA CARLOS G & AMANDA			
26.	051733010000001	CYPRESS HEAD HOMEOWNERS ASSOC	61.	191633130000001	SAWGRASS POINT HOMEOWNER ASSOC			
27.	051733000000040	CITY OF PORT ORANGE	62.	291633040000010	TINDAL JOHN B JR & KATHLEEN D			
28.	311633030000001	CYPRESS HEAD HOMEOWNERS ASSOC	63.	291633040000020	BUTTERS DAVID & CLAUDIA			
29.	311633030000002	CITY OF PORT ORANGE	64.	291633040000021	COUNTY OF VOLUSIA			
30.	321633000000070	ASHTON LAKE APARTMENTS LP	65.	29163300000004B	COUNTY OF VOLUSIA			
31.	321633060000001	ASHTON LAKES IV @ CYPRESS COA	66.	291633000000057	CC WOODHAVEN LLC			
32.	321633060000110	DEDDY GREGORY	67.	291633000000096	HELDRETH EUGENE G JR & TONYA			
33.	321633060000120	COOPER THOMAS & ALICE	68.	291633000000091	LESH CHARLES E & NORMA G			
34.	321633060000130	SCHAUER DOUGLAS F & SUSAN E	69.	291633000000090	FRIDAY MARVIN B			
35.	321633040000001	ASHTON LAKE HOMEOWNERS ASSOC	70.	291633050000001	PINNACLE OF PORT ORANGE			

1. Pursuant to Future Land Use Element Policy 3.2.3, passive recreation uses (pedestrian paths, decks, and rail/fence features), one secondary access to Pioneer Trail, stormwater retention ponds, signage, landscaping and other similar uses are permitted within the Conservation designation along the north side of Pioneer Trail between South Williamson Boulevard extension and I-95.
2. Potential roadway access locations are graphically depicted on the PUD Conceptual Development Plan. The final locations, number and types of access are subject to final design and permitting of South Williamson Boulevard and the adjacent development.
3. The Open Space designation is shown as generalized areas and subject to change based on wetland survey, design and engineering, and permitting.
4. Compliance with the environmental preservation code may necessitate modification of the Conceptual Development Plan.
5. The acreage of each development pod listed in the Table 1 includes open space, stormwater ponds, roadways, buffers, and infrastructure.

ICI HOMES.

WOODHAVEN



FULL PARCEL I.D.:

04-17-33-00-00-0060
04-17-33-00-00-0110
04-17-33-00-00-0111
04-17-33-00-00-0190
05-17-33-00-00-0020
05-17-33-00-00-0060
08-17-33-00-00-0010
09-17-33-00-00-0120
09-17-33-00-00-0121
29-16-33-00-00-0040
32-16-33-00-00-0090
33-16-33-00-00-0090
33-16-33-00-00-0100

TABLE 1:

DESCRIPTION	ACREAGE	UNITS
POD A	15	10-20
POD B	88	130-210
POD C	65	70-140
POD D	75	120-170
POD E	93	130-220
POD F	129	500-800
POD G	201	200-300
Total Max. 1,338 DU and 650 KSF of non-residential		
S WILLIAMSON BLVD ROW	32	
PARK	15	
CONS. LANDS	121	
OPEN SPACE	149	
TOTAL	983	

NOTE: All acreages are approximate and are subject to final survey and permitting.

EXHIBIT "B"

WOODHAVEN
CONCEPTUAL DEVELOPMENT PLAN

Date: January 26, 2016- REVISED December 18, 2018
Source: Volusia County, City of Port Orange, Prosser

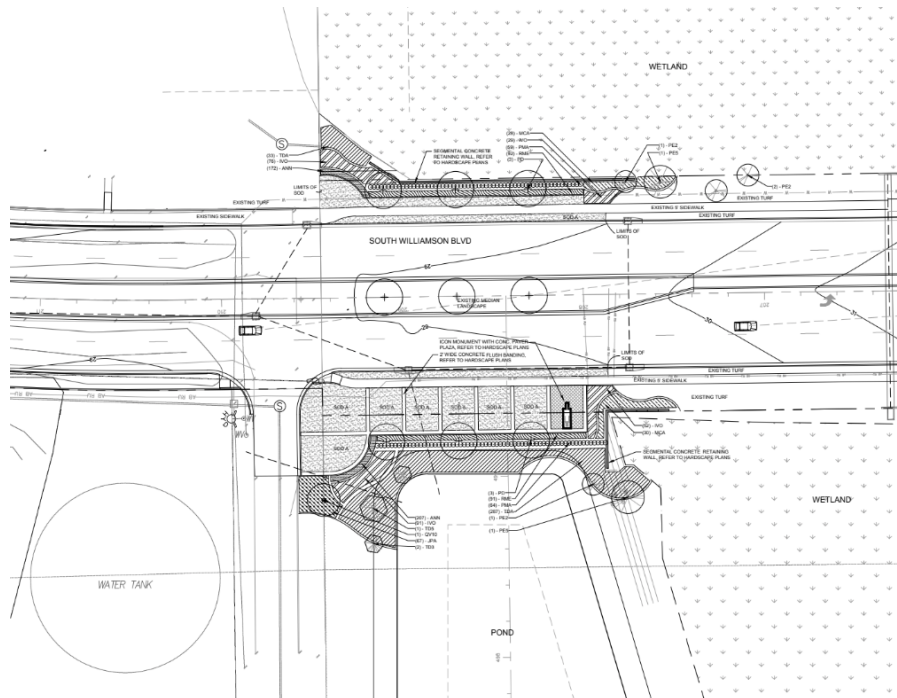
PROSSER

FL REG. NO.:
DATE:

WOODHAVEN NORTH BOUNDARY ENTRY FEATURE

WOODHAVEN

Revised Entry Concept 1





STAFF REPORT

Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan
CASE NO. 18-40000003

REQUEST:	To amend the Woodhaven PUD Master Development Agreement and Conceptual Development Plan for the Woodhaven Planned Unit Development (PUD)
LOCATION:	North of Pioneer Trail, between I-95 and the Cypress Head Subdivision
OWNER:	CC Woodhaven, LLC; Pioneer Investments of Port Orange, Inc.; MHK of Volusia County, Inc. and Pioneer Community Development District
APPLICANT:	Richard Smith, ICI Homes
STAFF CONTACT:	Penelope Cruz, Planning Manager (386)506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	Recommended Approval (January 24, 2019)
CITY COUNCIL DATE:	February 19, 2019

INTRODUCTION

The applicant is requesting the proposed Second Amendment to the Woodhaven Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) to modify the landscape planting requirement for shade and understory trees in the 50-foot wide landscape buffer along Williamson Boulevard for Phase 1, allow for either an 8-foot tall opaque PVC fence or a landscape buffer along I-95, to reduce the buffer width along Pioneer Trail between Williamson Boulevard and I-95 from 400-feet to 200-feet, add language requiring six (6) additional acres of Conservation land be preserved within the overall PUD beyond the acreage shown on the CDP, and add language referencing the Land Development Code Subdivision Variance process for future request to modify the Williamson Boulevard landscape buffer.

The subject MDA and CDP amendment is consistent with the proposed Future Land Use (FLU) Map Amendment (Case No. 18-20000007) being processed to change the FLU designation of ±6.3-acres along Pioneer Trail between Williamson Boulevard and I-95 from *Conservation* to *Mixed-Use Center*. The FLU amendment is needed to reduce the Pioneer Trail landscape buffer width from 400-feet to 200-feet.



DISCUSSION

The following is an analysis of the requested deviations from the Land Development Code (LDC) or changes to the Woodhaven Master Development Agreement (MDA) and Conceptual Development Plan (CDP) proposed in the Second Amendment.

Williamson Boulevard Buffer

The applicant is requesting language specific to Phase 1 that would not require shade trees or understory trees to be installed within the 50-foot wide landscape buffer along Williamson Boulevard in Phase 1. According to the applicant, the general location of the 50-foot wide landscape buffer is ± 6 -feet below Williamson Boulevard and a majority of the buffer area includes a portion of the subdivision's stormwater system. In lieu of installing trees in the Phase 1 Williamson Boulevard landscape buffer, the developer is proposing to install an entry feature (signage and landscaping) at the north boundary to the Woodhaven development within the Williamson Boulevard right-of-way.

According to the applicant, if the PUD amendment is approved, the design of Phase 1 along Williamson Boulevard will consist of a landscaped/gated entry feature into Phase 1, along with a podocarpus hedge (minimum 6-foot tall opaque after 1 to 2 planting season). The applicant states that the request to not install trees within the Williamson Boulevard buffer is due to the grade change which would create a challenge to physically install the trees and will result in lack of screening at the sight level of passing motorist and pedestrians. The applicant has planted podocarpus adjacent to the Williamson Boulevard right-of-way where the ground level (elevation) is similar to the ground level of the road. Within a planting season or two the podocarpus hedge will exceed 6-foot tall and fill in to create a continuous, dense, evergreen living wall.

The applicant believes that putting a design focus into the entry feature of the subdivision and entry feature into the PUD development (north end) would provide a more impactful design for the PUD than installing trees that would not be visible from the roadway for a number of years.



Figure 2. Entry on Williamson Boulevard at north end of PUD

I-95 Buffer

The applicant is requesting to have the option to install an 8-foot tall opaque PVC fence or a landscape buffer adjacent to I-95. The current MDA only requires a landscape buffer to be installed adjacent to I-95. The proposed amendment adds the option for either an 8-foot tall fence or landscaping to be installed in the 50-foot wide common area. The requirement to maintain a 50-foot wide common area between I-95 will still be required.

According to the applicant, the ability to install a fence adjacent to I-95 will provide a uniform, solid screening from I-95 compared to a typical landscape buffer. The amendment would allow for the developer to choose between the installation of a fence or landscaping (trees and shrubs) depending on the type of development built adjacent to I-95 in the Woodhaven PUD. The applicant states that the intent of the 50-foot wide landscape buffer in the Second Amendment and Restatement of the Woodhaven PUD was to screen I-95 from developed properties in the PUD. However, after Phase 1 (residential subdivision) was completed, the applicant believes that an 8-foot tall PVC fence would provide a uniform, opaque screening for the single-family lots adjacent to I-95 than a typical landscape buffer.

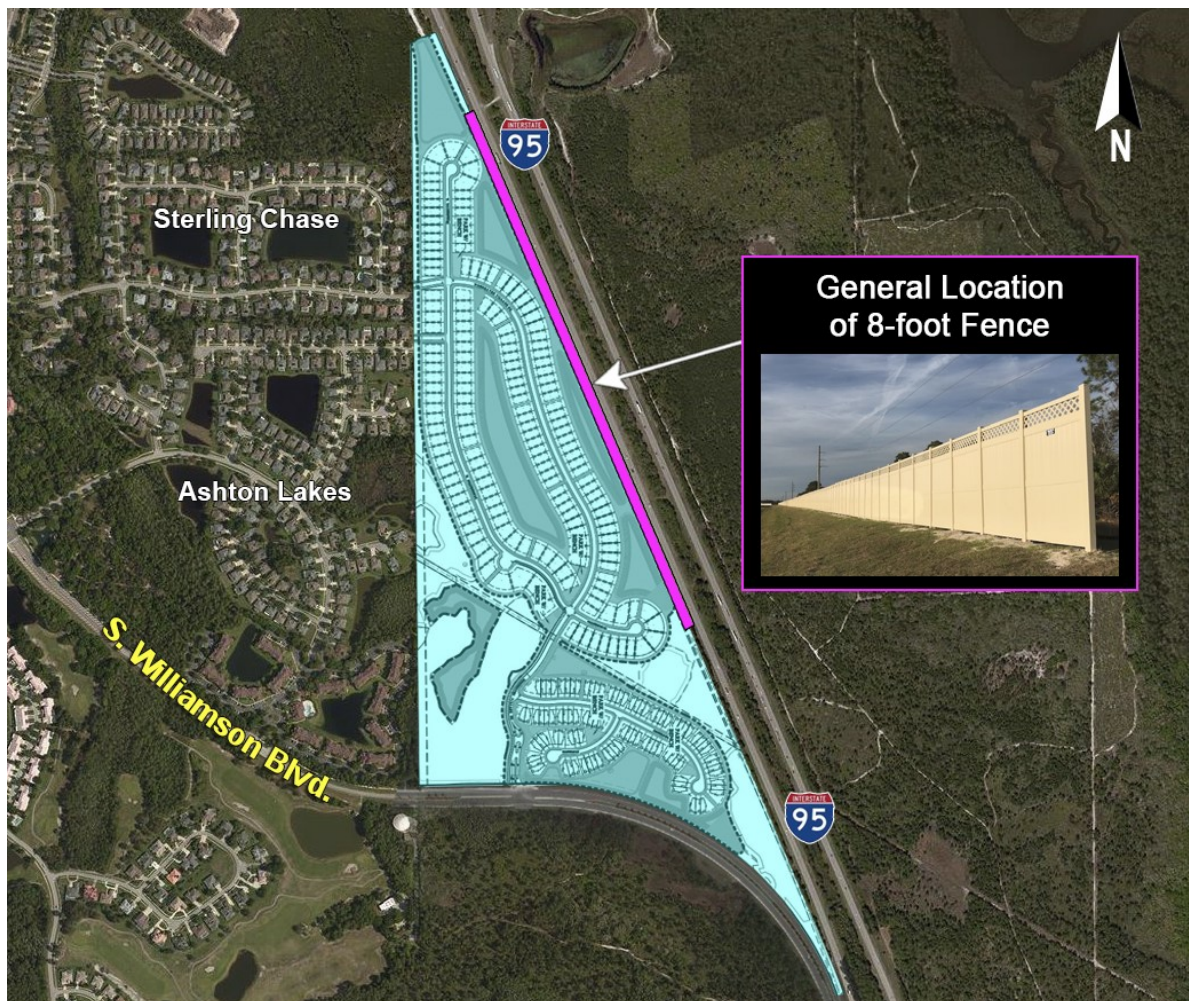


Figure 3. Location map showing general location of 8-foot fence.

The developer has already installed the 8-foot tall PVC fence along the boundary of Phase 1 adjacent to I-95 and understands that if the proposed amendment is not approved the required landscaping in the 50-foot wide buffer would need to be installed.

Subdivision Variance Provision

The applicant is requesting to add language in the MDA to allow deviations from the Williamson Boulevard right-of-way landscape buffer to be processed as a subdivision variance instead of having to process a PUD amendment. The applicant states that there are portions of the PUD that Williamson Boulevard traverses where the roadway is elevated at least 6-feet above the grade of the future development sites in the PUD. According to the applicant, there are anticipated landscape buffer design issues that may arise with future phases in the PUD due to the road elevation of Williamson Boulevard. The proposed amendment adds the standard language regarding subdivision variances from the LDC so that future phases of the Woodhaven PUD have the option to apply for a Subdivision Variance if needed and follow the Subdivision Variance review process provided for in the LDC.

Similar to the approval of a subdivision plat and plan development application, a subdivision variance requires a recommendation by Planning Commission and approval by the City Council. The variance criteria used to evaluate the request will be the variance criteria in the LDC. The subdivision variance would only apply to the number and location of trees and shrubs. The required width of the buffer would not be subject to the subdivision variance.

Pioneer Trail Buffer

The applicant is requesting to have the landscape buffer and building setback along Pioneer Trail between Williamson Boulevard and I-95 reduced from 400-feet to 200-feet wide. The requirement for the 400-foot wide buffer along Pioneer Trail was approved as part of the Second Amendment and Restatement of the Woodhaven PUD to be consistent with the 2009 FLU amendment adopted for the Woodhaven PUD project. During the review of the FLU amendment, the City of New Smyrna Beach requested the future Woodhaven Mixed-Use node be buffered with a minimum 400-foot wide landscape buffer along Pioneer Trail, between Williamson Boulevard and I-95.

In July 2018, the City of New Smyrna Beach approved the Shell Pointe Colony PUD, on the south side of Pioneer Trail, directly across from the Woodhaven PUD. The Shell Pointe Colony PUD was approved with a requirement to install a minimum 25-foot wide landscape buffer along Pioneer Trail and a minimum 200-foot building setback from Pioneer Trail.

The applicant is requesting the amendment to adjust the landscape buffer and building setback requirement along Pioneer Trail to be 200-feet wide so they are similar to the requirements for property on the south side of Pioneer Trail. According to the applicant, the significant difference between the buffer and building setback requirements could put the Port Orange property at a disadvantage in attracting commercial tenants.

The proposed 200-foot wide landscape buffer and building setback would exceed the minimum landscape buffer and building setback required by the LDC along Pioneer Trail. The LDC requirement for Pioneer Trail is a 20-foot wide landscape buffer and building setback and the proposed landscape buffer and building setback in the MDA would be 200-feet wide.

As requested by the Planning Commission at the January 2019 public hearing, the applicant has further amended the MDA to add language requiring six (6) additional acres of Conservation land (equal to the proposed 200-foot wide buffer area reduction) be preserved within the overall PUD beyond the acreage shown on the CDP. This addition guarantees that there is no loss of open space or conservation land by the proposed amendment.

RECOMMENDATION

Staff recommends approval of the Second Amendment to the Woodhaven PUD Master Development Agreement and Conceptual Development Plan.



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (F15) First Reading - Ordinance No. 2019-14 - First Amendment to the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP), Case No. 19-40000001

DEPARTMENT: Community Development

GOAL:

RECOMMENDED MOTION: Move to approve Ordinance 2019-14, approving the First Amendment to the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP).

SUMMARY: Planning Commission Action (2/18/19): Recommended Approval

The applicants, Brendan and Shannon Galbreath, request approval of the First Amendment to the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The PCD property includes 4108 Halifax Drive (Halifax property) and 4085 Ridgewood Avenue (Ridgewood property) and is located in the Port Orange Town Center Community Redevelopment Area (CRA). The applicants are requesting the following in their proposed amendment to the original MDA:

- 1.Allow one mobile retail unit to be located at 4085 Ridgewood Avenue. A mobile retail unit or “fashion truck” sells merchandise such as trendy clothing, women’s and men’s accessories, children’s toys, crafts made locally, dog accessories, etc. which are displayed and sold from the mobile unit.;
- 2.Construct a residential unit above the existing entry feature at 4108 Halifax Drive to serve as a residence for any business owner/manager of a business within the PCD; and
- 3.Waiver of the application fees associated with future amendments to the MDA or CDP for the Catfish Commons PCD. According to the applicants, the fee waiver request is intended to be an incentive to continue to invest in properties within the PCD and potentially include additional adjacent properties into the PCD in the future. The waiver is only intended to be for the initial cost of determining if expanding the boundaries and uses within the PCD area are feasible. The waiver would not include any required legal advertising fees, site plan or subdivision application fees, building permit fees, or impact fees.

The Catfish Commons PCD was approved in 2012 to provide the framework that would allow for a multi-use commercial project that provides an opportunity for a commercial

development with associated site improvements. The proposed amendment to include the mobile retail unit and additional dwelling unit are consistent with the existing PCD zoning.

In accordance with the Planning Commission recommendation, the proposed MDA Amendment was updated prior to the City Council meeting to clarify that the mobile retail unit allows for retail sales and services as defined by the City's Land Development Code, and to add "Exhibit C" to the MDA showing general examples of mobile retail trucks.

The Staff Report is attached for additional information.

Project No.: Funding Account No.:

Presenter: Penelope Cruz

ATTACHMENTS:

1.	Ord. No. 2019-14	Ord. No. 2019-14.pdf
2.	Ord. No. 2019-14 Exhibit 1	Ord. No. 2019-14 Exhibit 1.pdf
3.	Staff Report	Staff Report.pdf

Penelope Cruz	Created/Initiated - 3/14/2019
Tim Burman	Approved - 3/14/2019
Shannon Balmer	Approved - 3/19/2019
Jake Johansson	Approved - 3/19/2019
Robin Fenwick	Final Approval - 3/20/2019

ORDINANCE NO. 2019-14

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR APPROXIMATELY +/-1.53 ACRES GENERALLY LOCATED AT 4085 RIDGEWOOD AVENUE AND 4108 HALIFAX DRIVE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City and Developer desire to enter into the First Amendment to the Master Development Agreement for Catfish Commons Planned Commercial Development (“MDA”) and Conceptual Development Plan (“CDP”); (hereinafter referred to as the “First Amendment”); and

WHEREAS, the Developer submitted a request to the Planning Commission to approve the First Amendment; and

WHEREAS, a public hearing was held following public notice as prescribed by ordinance; and

WHEREAS, the Planning Commission has considered and forwarded a recommendation to the City Council regarding the proposed First Amendment; and

WHEREAS, the City Council has approved by a majority vote of the members present the approval of the First Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange does hereby approve the First Amendment (attached hereto as **Exhibit “1”**).

Section 2. The Mayor and City Clerk are hereby authorized to execute said First Amendment.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of _____, 2019

Passed and adopted on second and final reading on the day of _____, 2019

Reviewed and Approved: _____
Shannon K. Balmer, Assistant City Attorney

Exhibit "1"

FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR CATFISH COMMONS PLANNED COMMERCIAL DEVELOPMENT

This Agreement, entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129 (hereinafter referred to as the "City"); and Brendan and Shannon Galbreath (husband and wife), having a mailing address of 4190 Halifax Drive, Port Orange, Florida 32127; (collectively referred to as "Property Owners"), constitutes the First Amendment to the Master Development Agreement for the Catfish Commons Planned Commercial Development (hereinafter referred to as the "First Amendment").

WHEREAS, the Property Owners are the owners of the property described in **Exhibit "A"**, which is attached hereto and by reference made a part hereof (the "Property"); and

WHEREAS, The City and the Property Owners previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement Catfish Commons Planned Commercial Development" (hereinafter referred to as the "MDA"), recorded in Official Records Book 6784, Page 970, Public Records of Volusia County, Florida, which included the Property, and

WHEREAS, the City and the Property Owners have opted to amend the operation and effect of the MDA as applied to the Property by creating and agreeing to a "First Amendment to the Master Development Agreement Catfish Commons Planned Commercial Development," (hereinafter referred to as "First Amendment"), and

NOW, THEREFORE, the City and the Property Owners hereby agree as follows:

1. The premises stated above are true, correct and form a material part of the First Amendment.
2. Paragraph 3. of the MDA incorporates the Conceptual Development Plan ("CDP") as **Exhibit "B"** which shall be replaced with **Exhibit "B"** of this First Amendment attached hereto and incorporated herein by reference.
3. Paragraph 5, "PERMITTED USES", Section A of the MDA is hereby amended to read as follows:
 - A. 4085 Ridgewood Avenue:
Uses allowed within the Ridgewood Development ("RD") zoning district shall be permitted. Farmers Market, outdoor movies, bike and run race staging (Special Events would need to be approved per the Code of Ordinances), Mobile Retail (for

retail sales and services as defined in the City's LDC, see **Exhibit "C"**) and volleyball shall be permitted accessory uses to the principle use. Farmers Market must close by 12:00 pm each day. Sports/activities shall be held within the limits of the Event Lawn as shown on the CDP. Uses shall be in compliance with the Riverwalk Overlay District (Ch. 17 of the LDC)

4. Paragraph 5, "PERMITTED USES", is hereby amended to add a new subparagraph:

C. 4106 Halifax Drive (above existing Entry Feature):
One residential rental unit with no minimum or maximum rental time period to be occupied only by the business owner or manager of a business located within the Property.

5. Paragraph 6, "DIMENSIONAL REQUIREMENTS", of the MDA is hereby amended to read as follows:

Building Setbacks for 4085 Ridgewood Ave. and 4108 Halifax Dr.

Maximum Building Coverage: 35%

Minimum Open Space: 30%

Min Building Setbacks

Ridgewood Avenue – 10'

West side of Halifax Drive – 40'*

Side – 5' **

Rear - 10'**

* Setback may be reduced to 10' once all the properties located on Halifax Drive, between Dunlawton Avenue and Meeker Place have been rezoned to a commercial or mixed-use zoning district.

**Commercial building setbacks adjoining residential zoning shall be equal to or greater than the building height

Building Setbacks for 4106 Halifax Dr.

West of Halifax Drive – 40'

North side – 5'

South - 20'

Rear – 8'

Maximum Height - 35'

6. Paragraph 9, "ARCHITECTECTUAL/DESIGN STANDARDS", of the MDA is hereby amended to add a new subparagraph:

C. The architectural design requirement for 4106 Halifax Drive shall defer back to Chapter 14 of the LDC.

7. Paragraph 10, “PARKING AND ACCESS DRIVES”, Sections C and D of the MDA is hereby amended to read as follows:

- C. Per Case No., (11-70000002), the Property provides ~~3529~~ “off-site” parking spaces for 4009 Halifax Drive.
- D. The one-way drive shown on the CDP shall be a minimum of 10-feet wide and is for circulation of traffic from Halifax Drive to the parking lot and then onto Ridgewood Avenue. Vehicles are not permitted to exit onto Halifax Drive.

8. Paragraph 10, “PARKING AND ACCESS DRIVES”, of the MDA is hereby amended to add the following subparagraph:

- G. The residential rental unit on 4106 Halifax Drive shall have a parking ratio of 1 space for 1 unit.
- H. Mobile retail parking ratio shall be 3 spaces for 1 unit.

- 9 Paragraph 15, “PHASING”, of the MDA is hereby amended to read as follows:

The Property may be re-developed in multi-phases or as a single phase as shown on the CDP. The phases may be developed in any order.

- Event lawn
- 4108 Halifax Drive conversion to commercial
- Development of single residential rental unit above the existing entry feature
- Floating dock
- Mobile retail

10. Paragraph 17 “EFFECTIVE DATE AND EXPIRATION”, Section B is hereby amended to read as follows:

- B. Development of the Catfish Commons Planned Commercial Development shall be complete within ten (10) years from the date of execution of this First Amendment unless it is extended by mutual agreement of the parties. Failure to comply with the established schedule shall cause the Agreement to lapse. The term “Development” is defined by the LDC.

11. The MDA is hereby further amended to add a new paragraph, “Section 23”:

23. WAIVER OF FUTURE CITY SUBMITTAL FEES

All city development review application and resubmittal fees for additional Planned Commercial Development Rezoning and MDA Amendments are hereby waived when Property Owners request to bring contiguous properties that are within, or are under contract to be within, their ownership into the Catfish Commons Planned Commercial Development.

12. This Agreement shall be effective upon recording by the City at the Developer's expense in the Public Records of Volusia County, Florida.
13. This First Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense.
14. The MDA and CDP, as previously enacted, and shall remain in full force and effect except with respect to those matters specifically amended by this First Amendment.

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY.]

IN WITNESS WHEREOF, the parties have executed this First Amendment, by and through their duly authorized representatives, on the respective dates below.

WITNESSES:

**CITY OF PORT ORANGE, a Florida
municipal corporation**

Printed Name

Printed Name

Printed Name

Printed Name

By: _____
Donald O. Burnette, Mayor
1000 City Center Circle
Port Orange, FL 32129

Attest: _____
Robin Fenwick, City Clerk, CMC

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Donald O. Burnette, Mayor of the City of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

Type, Print or Stamp Name
My commission expires:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Robin Fenwick, City Clerk, of the City of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take an oath.

Type, Print or Stamp Name
My commission expires:

Witnesses:

Date: _____
Printed Name

Printed Name

Date: _____
Printed Name

Printed Name

Property Owners

By: Brendan Galbreath

By: Shannon Galbreath

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was acknowledged before me this _____ day of _____, 2019,
by Brendan and Shannon Galbreath, Property Owners. They are personally known to me and
did not take an oath.

Type, Print or Stamp Name
My commission expires:

EXHIBIT A
Legal Description

LEGAL DESCRIPTION AS FURNISHED:

THE SOUTHERLY 145 FEET OF LOT 5B, EXCEPT THE NORTHERLY 75 FEET OF THE EASTERLY 190 FEET THEREOF, AND EXCEPT THE SOUTHERLY 70 FEET OF THE EASTERLY 210 FEET THEREOF, ASSESSOR'S SUBDIVISION OF THE ELIZABETH BUNCH GRANT IN PORT ORANGE, AS PER MAP RECORDED IN MAP BOOK 3, PAGE 128, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. EXCEPT THE WESTERLY 10 FEET DEEDED FOR ROAD RIGHT OF WAY. AND THE ESTERLY 150 FEET OF LOT 5A AND THE NORTHERLY 5 FEET OF THE WESTERLY 150 FEET OF LOT 5B, ASSESSORS SUBDIVISION OF ELIZABETH BUNCH GRANT, AS PER MAP IN MAP BOOK 3, PAGE 128, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THEREFROM A TRIANGULAR PORTION IN THE SOUTHWEST CORNER THEREOF TAKEN FOR WIDENING OF U.S. HIGHWAY #1. LESS AND EXCEPT ANY PORTION OF THE ABOVE PROPERTIES THAT LIE WITHIN THE ROAD RIGHT OF WAY OF U.S. HIGHWAY #1 AS NOW LAID OUT AND IN USE. VOLUSIA COUNTY PROPERTY APPRAISERS PARCEL ID NO. 6341-O4-05-0020.

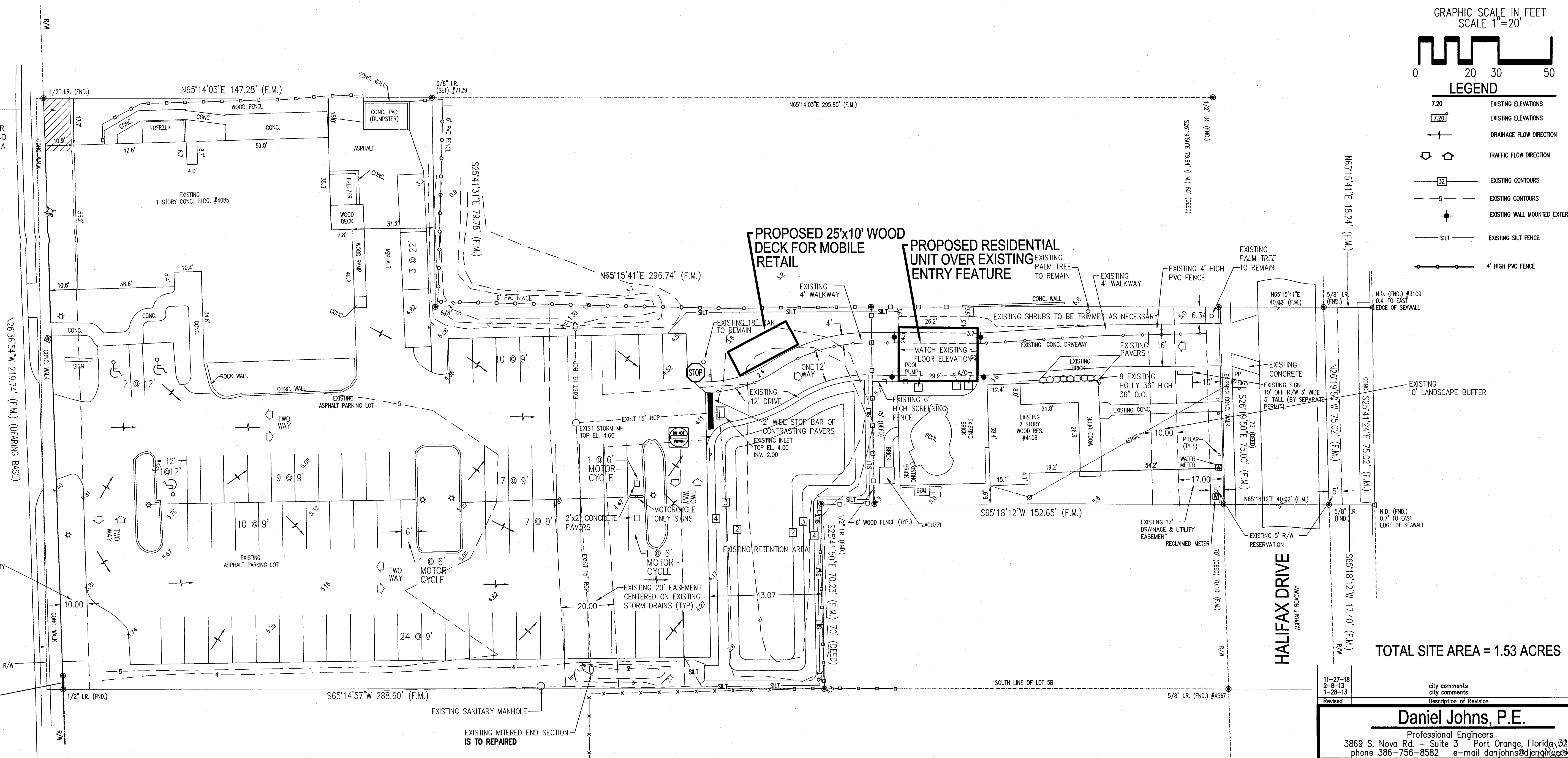
THE NORTHERLY 75 FEET OF THE EASTERLY 190 FEET MEASURED FROM THE SEAWALL BOUNDED ON THE HALIFAX RIVER, OF THE SOUTHERLY 145 FEET OF LOT 5-B, ASSESSOR'S SUBDIVISION OF THE ELIZABETH BUNCH GRANT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 3, PAGE 128, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

RIDGEWOOD AVENUE / STATE ROAD 5 / U.S. HIGHWAY 1 (100' RW)

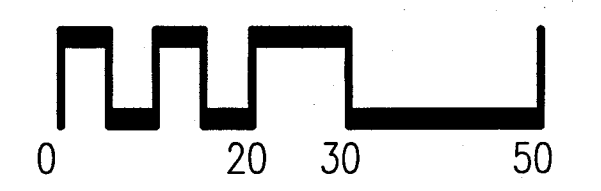
HATCHED AREA IS 10'x20' FUTURE PUBLIC ACCESS FOR A BUS SHELTER AND CONSTRUCTION OF A BUS SHELTER

N26°36'54"W 219.74' (F.M.) (BEARING BASE)

R=11509.20' (F.DOT & F.M.)
L=5.20'
DELTA=00°01'33"
CB=N26°36'54"W
C=5.20'



GRAPHIC SCALE IN FEET
SCALE 1"=20'



LEGEND

- 7.20 EXISTING ELEVATIONS
- 7.20 EXISTING ELEVATIONS
- +— DRAINAGE FLOW DIRECTION
- +— TRAFFIC FLOW DIRECTION
- 32— EXISTING CONTOURS
- 5— EXISTING CONTOURS
- +— EXISTING WALL MOUNTED EXTERIOR LIGHT
- +— EXISTING SILT FENCE
- +— 4' HIGH PVC FENCE

HALIFAX RIVER

TOTAL SITE AREA = 1.53 ACRES

11-27-18 2-8-13 1-28-13 Revised	city comments city comments Description of Revision	dj By
Daniel Johns, P.E. Professional Engineers 3869 S. Nova Rd. - Suite 3 Port Orange, Florida 32127 phone 386-756-8582 e-mail danjohns@jengr.com		
EXHIBIT B - CONCEPTUAL DEVELOPMENT PLAN		
CATFISH COMMONS		
Port Orange, Volusia County, Florida		
file: *	date: 11-2012	scale: 1"=20'

EXHIBIT B - CONCEPTUAL DEVELOPMENT PLAN

EXHIBIT C

General examples of mobile retail unit appearance





STAFF REPORT

FIRST AMENDMENT TO THE CATFISH COMMONS PCD MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN CASE NO. 19-40000001

REQUEST:	Amend the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP)
LOCATION:	4085 Ridgewood Ave. & 4108 Halifax Dr. (Location Map - Figure 1)
OWNERS/APPLICANTS:	Brendan and Shannon Galbreath
PLANNING COMMISSION RECOMMENDATION:	Approval (February 28, 2019)
STAFF RECOMMENDATION:	Approval, subject to direction on the policy issue to waive PCD application fees
STAFF CONTACT:	Gwen Perney, Planner (386) 506-5673
CITY COUNCIL DATE:	April 2, 2019

DISCUSSION

The proposed First Amendment to the Catfish Commons Planned Commercial Development (PCD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP) is to allow a mobile retail unit to be positioned at 4085 Ridgewood Avenue, a residential unit above the entry feature at 4108 Halifax Drive to serve as a residence for any business owner/manager of a business within the PCD, and to waive fees associated with future amendments to the MDA or CDP for the PCD property (MDA and CDP – Exhibit 1).

Figure 1. Location of Catfish Commons PCD



Map created by the City of Port Orange Community Development Department

The Catfish Commons PCD was approved in 2012 to provide the framework that would allow for a multi-use commercial project that provides an opportunity for a commercial development with associated site improvements along with non-motorized watercraft activities, farmers market, and an outdoor entertainment and staging area for special events.

The PCD consists of two lots: 4108 Halifax Drive (Halifax property) and 4085 Ridgewood Avenue (Ridgewood property) and is located in the Port Orange Town Center Community Redevelopment Area (CRA). The Ridgewood Avenue property is a commercial site (currently La Cantina Cocina restaurant) and also serves as an off-site parking lot for Aunt Catfish's restaurant (4009 Halifax Drive). The Halifax Drive property is developed with a single-family dwelling currently being used as a private residence and a one-way access drive connecting Halifax Drive to the off-site parking lot and Ridgewood Avenue.

According to the applicants, the proposed first amendment is to allow a mobile retail unit to be positioned at 4085 Ridgewood Avenue, a residential unit above the entry feature at 4108 Halifax Drive to serve as a residence for any business owner/manager of a business within the PCD, and to waive fees associated with future amendments to the MDA or CDP for the PCD property. The following is an analysis of the applicants' requests proposed in the first amendment.

Mobile Retail Unit:

If approved, the first amendment would establish "mobile retail unit" as a permitted use in the PCD (Example of a mobile retail unit – Figure 2). This use would be restricted to the property at 4085 Ridgewood Avenue and with this proposed amendment, only one space is designated for one unit on the CDP. According to the applicant, the mobile retail unit or "fashion truck" concept started about five years ago in larger cities and is spreading across the country. Typically, a mobile retail unit or "fashion truck" sells merchandise such as trendy clothing, women's and men's accessories, children's toys, crafts made locally, dog accessories, etc. which are displayed and sold from the mobile unit. If this use is successful, the applicant would need to amend the MDA and CDP to allow for additional units to be located within the PCD.

Figure 2. Example of a Mobile Retail Unit



The applicants have designated an area at 4085 Ridgewood Avenue where one mobile retail unit can be parked for an unlimited amount of time and sell merchandise. The applicants have stated that mobile retailers rely heavily on social media to let customers know where the mobile unit will be set up and does not need road frontage. The applicants also anticipate that this use will bring people down to the area who may visit other businesses in the area. In addition, a mobile retail unit at this location would also serve customers visiting Aunt Catfish's and La Cantina Cocina, since it would be parked near the parking lot shared by these restaurants.

The list of permitted uses currently allowed at 4085 Ridgewood Avenue are the same list of permitted uses for the Ridgewood Development zoning district in the LDC, which includes retail sales and services. Mobile Retail Unit is considered a separate use from Retail Sales and Services because it is not located in a permanent structure. The mobile retail unit can leave the site if the business owner has an event in another location. Additionally, should the current intended business owner of the mobile retail unit vacate the PCD permanently, a new mobile retail unit could be established at the location designated on the CDP.

Second Dwelling Unit for a business owner/manager of a business in the PCD

If approved, the proposed amendment would allow two dwelling units to be located at 4108 Halifax Drive. The applicants intend to renovate the entrance feature to include a second-floor dwelling unit that could only be rented to a business owner or manager of a business located in the PCD, including the mobile retail unit business (Picture of the existing entrance feature – Figure 3).

Currently there is a single-family house at 4108 Halifax Drive that is being used as a private residence. The use of the existing residence as a business owner/manager unit was established as a permitted use in the original Catfish Commons PCD MDA. The business owner/manager occupancy provision is currently allowed by the Land Development Code for all properties zoned Ridgewood Development (RD). If approved, a building permit that complies with all other requirements of the LDC and adopted building and fire codes will be required to renovate the entry feature and construct the second dwelling unit.

Figure 3. Existing entrance feature structure



Development Application Fee Waiver

The applicant is requesting to add an application fee waiver section to the MDA. If approved, the fee waiver would apply to application and resubmittal review fees for future PCD rezonings to add contiguous property into the Catfish Commons PCD, and future MDA and CDP amendments. The waiver **would not** include any required legal advertising fees, site plan or subdivision application fees, building permit fees, or impact fees.

In 2001, the City Council approved an ordinance that provided fee waivers to all businesses that had frontage along Ridgewood Avenue, including properties zoned Ridgewood Development and PCD, in order to encourage redevelopment and investment in projects along the corridor. In 2006, the City Council at that time declined to extend the fee waivers beyond the 2006 sunset date. The 3-story Clark Office Building and Tavern In The Garden property is an example of a project that was completed during that time. In addition, the Ridgewood Corridor Plan (adopted by City Council in 2013) indicates that waving development fees in the Ridgewood Corridor could be used as a way to encourage reinvestment in the corridor. However, at this time an ordinance to waive development fees in the corridor has not been adopted.

According to the applicant, the fee waiver request is intended to be an incentive to continue to invest in properties within the PCD and potentially include additional adjacent properties into the PCD in the future. The waiver is only intended to be for the initial cost of determining if expanding the boundaries and uses within the PCD area are feasible. *The waiving of development review fees is a policy issue that is required to be reviewed and approved by the City Council.*

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject property is designated *Commercial* on the City's Future Land Use (FLU) Map. The original PCD zoning district and MDA was found to be consistent with the City's Comprehensive Plan when it was approved in 2012. The proposed Amendment does not change the FLU designation for the PCD property and is consistent with the general intent of the Future Land Use designation and redevelopment goals of the Comprehensive Plan.

RECOMMENDATION

Staff recommends **approval** of the First Amendment to the Catfish Commons PCD Master Development Agreement and Conceptual Development Plan with City Council's direction on the policy issue of the Development Review Application Fee Waiver.

ATTACHMENTS

Exhibit "1" – First Amendment to the Catfish Commons PCD Master Development Agreement and Conceptual Development Plan; subject to direction on the policy issue to waive application fees for PCD amendments



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (F16) First Reading - Ordinance No. 2019-15 - LDC Amendment/Chapter 9, Article, II (Case No. 19-25000001)

DEPARTMENT: Community Development

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve Ordinance 2019-15, amending Chapter 9, Article, II of the Land Development Code.

SUMMARY: Planning Commission Action (2/2819): Recommended Approval

At the July 24 Environmental Advisory Board (EAB) meeting, the EAB discussed and recommended modifications to the City's Tree Protection and Landscape requirements in the Land Development Code (LDC). Then, at the October 23, 2018 City Council Workshop, staff presented a summary of the EAB's recommended modifications for discussion and Council direction. Based on the discussion at the workshop, staff was asked to move forward with implementing modifications to the LDC related to tree protection/preservation and landscaping requirements. The proposed LDC amendment is part two in a series of amendments that will be prepared over the next few months.

The proposed amendment adds new mitigation requirements for specimen trees located on a subject property and all trees 6" or greater at DBH (diameter breast height) located in a required right-of-way or property boundary landscape buffer that are being removed.

Tree Mitigation Requirements:

1. The proposed amendment would add language that any tree removed from a required property boundary or right-of-way buffer that is 6" or greater at DBH is required to be mitigated through a payment into the tree mitigation bank or replacement shade trees within the development property. Currently, the LDC allows for the removal of trees within a required landscape buffer, provided there is a specific number of trees within the buffer (new or existing). If new shade trees are planted, eventually over time they will become established and fill in the buffer. However, if more existing vegetation can remain, it could help in providing a denser buffer immediately for a project.
2. The proposed amendment would also add language that a mitigation payment is required for the removal of any specimen tree as part of a development project (site or subdivision). The LDC currently allows for a percentage of specimen trees on a development site to be removed (e.g. 20% to 50%) depending on the number of specimen trees per acre for a specific development site. If approved, the proposed amendment does NOT change the requirements for the percentage of specimen trees

that are to remain, it would only add a requirement that a mitigation payment or replacement trees be installed for any specimen tree removed.

3. There are NO changes being proposed to how historic tree removal permits are processed or mitigation requirements for historic trees with these proposed amendments.

Tree Survey Requirements:

The proposed amendment would establish consistency in the tree survey requirements for both the subdivision and site development applications. Tree surveys include general location of trees, species of the tree based on scientific name, diameter, and sometimes health. Currently, the LDC requires one type of tree survey for a site development application and another type of tree survey for a final subdivision plat development application. If approved, there would be a uniform tree survey requirement in the LDC that would apply to either development application. The proposed amendment does not change the current tree survey code requirement for a site plan, but it does enhance the tree survey requirements and the information provided for a subdivision development application.

The staff report is attached for more information.

Project No.: Funding Account No.:

Presenter: Tim Burman

ATTACHMENTS:

1.	Ord. No. 2019-15	Ord. No. 2019-15.pdf
2.	Staff Report	Staff Report.pdf

Penelope Cruz	Created/Initiated - 3/14/2019
Tim Burman	Approved - 3/15/2019
Shannon Balmer	Approved - 3/20/2019
Jake Johansson	Approved - 3/21/2019
Robin Fenwick	Final Approval - 3/21/2019

ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY OF PORT ORANGE,
VOLUSIA COUNTY, FLORIDA AMENDING THE LAND
DEVELOPMENT CODE CHAPTER 9, RELATING TO
UPDATING REQUIREMENTS FOR TREE SURVEY AND
TREE MITIGATION PAYMENT REQUIREMENTS;
PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Commission has recommended amendments to the Land Development Code; and

WHEREAS, the proposed amendment would establish consistency in tree survey requirements and establish new mitigation requirements for specimen trees and all trees 6" or greater at DBH (diameter breast height) located in the right-of-way or boundary landscape buffer that are being removed; and

WHEREAS, the proposed amendment is necessary to improve the content of the existing Land Development Code ("Code") in an effort to make the tree survey requirements more uniform and to encourage developers to consider alternative layouts to save more specimen trees; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends in part the Land Development Code, City of Port Orange, Florida, Chapter 9, Article II– Tree Preservation, to read as follows:

LAND DEVELOPMENT CODE OF THE CITY OF PORT ORANGE, FLORIDA
Chapter 9, Article II: - Tree Preservation

[No changes to Sections 9 thru 15]

Section 16: **Specimen tree protection requirements.**

- (a) No change to this subsection.
- (b) *Required preservation.* All specimen trees not exempted by this article shall be preserved and protected by the use of tree conservation easements granted to the city. For the purpose of platting new residential subdivisions, tree conservation easements are to be contained wholly on common area maintained by an HOA and never located on an individual residential lot. Said common areas shall be contiguous to a public right-of-way or access easement to ensure public and/or resident benefit or enjoyment. Existing residential properties with tree conservation easements are not required to mitigate for the loss of protected trees that have died or have been destroyed by acts of God. The number of specimen trees required to be preserved on a site shall be determined according to the schedule below. Any specimen tree removal as part of a development application shall require a mitigation payment as specified in subsection 19(f) of this chapter or installation of replacement trees as specified in subsection 19(b) of this chapter. The minimum size of such easement shall be one foot diameter for every one inch diameter at breast height or the dripline of the tree, whichever is greater, unless otherwise approved by the administrative official. A greater size may be required based on canopy size, soil conditions, or other factors that would affect the long-term health of the tree.

Number of Specimen Trees	Minimum Specimen Tree Protection Requirements
Less than 3 per acre	80 percent of all specimen trees
3.0 to 5.0 per acre	65 percent of all specimen trees
5.1 to 8.0 per acre	50 percent of all specimen trees
8.1 or more per acre	4 specimen trees per acre

- (c) *Required replacement.* The administrative official may allow replacement of specimen trees in cases where such trees are diseased or dead. In such cases, the developer may replace the trees according to the city's tree replacement formula specified in subsection 19(b) of this chapter, or may make a contribution to the city's tree bank based on the tree banking formula listed in subsection 19(f) below. Replacement trees allowed under this subsection shall not count toward individual lot requirements. Specimen trees left unprotected by a conservation easement shall not count toward the required specimen tree protection requirements. ~~The accepted national value shall be based upon the Guide for Plant Appraisal, 9th Edition (United States), as amended from time to time.~~

~~Specimen Tree Banking Formula~~

~~12.57 square inches x number of replacement trees x accepted national value per square inch~~

- ~~(d) *Tree survey/final plats and plans.* A tree survey shall be required to locate all specimen and historic trees on the site. The developer of a subdivision shall provide legal mechanisms which insure the protection of specimen trees after building construction has occurred on the site. Such mechanisms may include, but shall not be limited to, conservation easements, common open space, tree protection easements, deed restrictions and homeowner association documents. Such protected trees shall only be removed based on imminent danger caused by death, deterioration or disease.~~
- (ed) *Tree survey/site all development plans applications.* A tree survey shall be required for all site development applications plans. The tree survey shall locate all trees having a caliper of six inches or greater at DBH which are species of specimen trees. The tree survey shall also identify all other trees having a caliper of six inches or greater at DBH which are located within required landscape buffers, along rights-of-way, and within required perimeter buffers. If an area is to be maintained as a natural buffer and will remain undisturbed and located in a designated tree preservation area or conservation easement, then this area may be exempt from the tree survey requirements.

[No changes to Sections 16.5 thru 18]

Section 19: - **Tree replacement or mitigation.**

[No changes to Subsections (a) thru (d)]

- (e) *Tree bank ~~for specimen and historic trees~~.* The city finance director shall establish a separate project account for the tree bank for the deposit of mitigation payments as required in chapter 9, article II. All monies deposited for use as specified in section 19(e) of this article, shall be deposited in a separate project account established and maintained apart from other project accounts of the City of Port Orange. The funds in

said account shall be expended, utilized and disbursed for the planting of trees, and to cover any other ancillary costs including but not limited to, landscaping, sprinkler systems, labor, consultant services and other services or materials necessary and proper for the preservation, maintenance, relocation or restoration of tree ecosystems on any public land within the jurisdiction of the City of Port Orange. These monies may also be utilized to purchase land intended for conservation, tree preservation or public open space.

(f) Tree Mitigation. A mitigation payment into the City's Tree bank shall be required based on the tree banking formula listed below for all specimen trees removed from a development project (site or subdivision) and any tree removed from a required property boundary or right-of-way buffer that is six inches or greater in DBH that is not otherwise being replaced pursuant to section to 19(b).

Tree Banking Formula

12.57 square inches x number of replacement trees × accepted national value per square inch

[No change to Sections 19.5 thru 22.6]

SECTION 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3: The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Port Orange and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: This Ordinance shall take effect immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved: _____
Shannon K. Balmer, Assistant City Attorney



STAFF REPORT

CASE NO. 19-25000001

LDC Amendment/Chapter 9 – Tree Survey and Tree Mitigation

REQUEST:	To amend the Land Development Code (LDC) Chapter 9, Article II to update the tree survey and tree mitigation payment requirements
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Briana Conlan-King, Senior Planner (386) 506-5676
PLANNING COMMISSION DATE:	February 28, 2019
CITY COUNCIL DATE:	April 2, 2019

At the July 24 Environmental Advisory Board (EAB) meeting, the EAB discussed and recommended modifications to the City's Tree Protection and Landscape requirements in the Land Development Code (LDC). Then, at the October 23, 2018 City Council Workshop, staff presented a summary of the EAB's recommended modifications for discussion and Council direction. Based on the discussion at the workshop, staff was asked to move forward with implementing modifications to the LDC related to tree protection/preservation and landscaping requirements. The proposed LDC amendment is part two in a series of amendments that will be prepared over the next few months.

Tree Mitigation Requirements:

The proposed amendment adds new mitigation requirements for specimen trees located on a subject property and all trees 6" or greater at DBH (diameter breast height) located in a required right-of-way or property boundary landscape buffer that are being removed.

The proposed amendment would add language that any tree removed from a required property boundary or right-of-way buffer that is 6" or greater at DBH is required to be mitigated through a payment into the tree mitigation bank or replacement shade trees within the development property. The intent of the EAB's recommendation is to encourage developers or site designers to maintain the natural landscape buffers along the perimeter of a site and rights-of-way to provide better transition between new and existing developments or to screen new developments from adjacent rights-of-way. Currently, the LDC allows for the removal of trees within a required landscape buffer, provided there is a specific number of trees within the buffer (new or existing). If new shade trees are planted, eventually over time they will become established and fill in the buffer. However, if more existing vegetation can remain, it could help in providing a denser buffer immediately for a project. Typically, developers remove existing trees within a buffer to construct stormwater improvements, clear site lines for building signage, or plant a preferred type of tree. Requiring a mitigation payment to remove trees may result in developers or site designers to modify the location of improvements to keep more existing trees and avoid a mitigation payment.

The proposed amendment would also add language that a mitigation payment is required for the removal of any specimen tree as part of a development project (site or subdivision). The LDC currently allows for a percentage of specimen trees on a development site to be removed (e.g. 20% to 50%) depending on the number of specimen trees per acre for a specific development site. If approved, the proposed amendment does **NOT** change the requirements for the percentage of specimen trees that are to remain, it would only add a requirement that a mitigation payment or replacement trees be installed for any specimen tree removed. The intent of the EAB's recommendation is to encourage site designers and developers to consider alternative layouts to save more specimen trees or to be more selective when choosing which specimen trees to remove, keeping larger more mature specimen trees. The mitigation payment would be based on the size of the tree, therefore, larger specimen trees removed would cost more than smaller specimen trees. Requiring a mitigation payment to remove specimen trees may result in site designers and developers to modify their site or subdivision improvements to keep existing specimen trees to avoid a mitigation payment.

The following (Figure 1) is an example from a site development that removed trees within the required buffers and specimen trees from the overall site. The trees removed in this example were according to the Land Development Code; however, no mitigation was required. If the proposed amendment is approved, the developer would still be able to remove the trees needed to construct the project, but would be required to either pay \$3,045 into the mitigation bank or plant 9 replacement trees. These 9 replacement trees would be in addition to the other required shade trees for site or subdivision development.

Figure 1. Tree Mitigation Example

Mitigation Tabulation Charts						
Section A: Mitigation for All trees 6" or greater from Buffer						
Qty. for removal	Size	# Replacement Trees	Subtotal			
	2-8"	1				
2	9-16"	2	4	or	\$	1,357.56
	17-24"	3		or		
	25-32"	4		or		
	33-40"	5		or		
	41" +	6		or		
Total A replacement trees =			0			Section A tree bank contribution amount
Section B: Mitigation for healthy Specimen trees						
Qty. for removal	Size	# Replacement Trees	Subtotal			
1	12-16"	2	0	or	\$	678.78
1	17-24"	3	3	or	\$	1,018.17
	25-32"	4	0	or	\$	-
	33-40"	5	0	or	\$	-
	41" +	6	0	or	\$	-
Total B replacement trees =			0		\$	-
						Section B tree bank contribution amount
Total replacement trees =			9	or	\$	3,054.51
						Total tree bank contribution amount
Replacement trees shall be minimum four-inch caliper, 14 feet high						

There are no changes being proposed to how historic tree removal permits are processed or mitigation requirements for historic trees with these proposed amendments.

Tree Survey Requirements:

The proposed amendment would establish consistency in the tree survey requirements for both the subdivision and site development applications. Tree surveys include general location of trees, species of the tree based on scientific name, diameter, and sometimes health. Currently, the LDC requires one type of tree survey for a site development application and another type of tree survey for a final subdivision plat development application. The following is the current requirement in the LDC for a tree survey:

Site Development Application: Tree survey that locates and identifies all specimen trees having a caliper of six inches or greater at DBH and all other trees having a caliper of six inches or greater at DBH located in a required landscape buffers, along rights-of-way, and within required perimeter.

Final Subdivision Plat and Plan Application: Tree survey that locates all specimen and historic trees on the site.

If approved, there would be a uniform tree survey requirement in the LDC that would apply to either development application. The proposed amendment does not change the current tree survey code requirement for a site plan, but it does enhance the tree survey requirements and the information provided for a subdivision development application. The following is the proposed requirement in the LDC for a tree survey:

All Development Applications: Tree survey that locates and identifies all specimen trees having a caliper of six inches or greater at DBH and all other trees having a caliper of six inches or greater at DBH located in required landscape buffers, along rights-of-way, and within required perimeter.

The proposed amendment also includes language that if a developer is maintaining an area as a natural buffer and it will remain undistributed (buffer, conservation land, wetland), this area can be exempt from the tree survey. If the area is to be preserved, information on the trees is not needed since no construction will occur. The added incentive is that this will encourage preservation of larger tracks of land by not requiring these areas to be surveyed, and it will not require these areas to be disturbed when obtaining information and data required for the tree survey.

RECOMMENDATION

Approval of the amendments to Chapter 9, related to tree survey requirements and tree mitigation



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (F17) First Reading - Ordinance No. 2019-16 – Fifth Amendment to the Westport Storage and Office Park PCD Master Development Agreement (Case No. 19-40000002)

DEPARTMENT: Community Development

GOAL:

RECOMMENDED MOTION: Move to approve Ordinance No. 2019-16, approving the Fifth Amendment to the Westport Storage and Office Park PCD Master Development Agreement, as recommended by the Planning Commission.

SUMMARY: Planning Commission Action (02/28/19): Recommended Approval

The proposed Fifth Amendment to the Westport Storage and Office Park Planned Commercial Development (PCD) Master Development Agreement (MDA) is to amend the list of permitted uses allowed in the PCD. The PCD property is located between Williamson Boulevard and I-95, south of Taylor Road. The PCD property is currently developed with a self-storage facility, multiple tenant buildings with commercial and office tenants, and an outside storage area. The Westport Storage and Office Park has been open to the public for the last 20 years.

The proposed MDA amendment maintains the self-storage and outside storage uses currently allowed and adds uses allowed in the City's Professional Office (PO) zoning district, with the exception of the pain management clinic use which is identified as prohibited. All Special Exception uses listed in the PO zoning district will still require separate Planning Commission and City Council approval.

The staff report is attached for more detail.

Project No.: Funding Account No.:

Presenter: Penelope Cruz

ATTACHMENTS:

1.	Ord. No. 2019-16	Ord. No. 2019-16 .pdf
2.	Ord. No. 2019-16 Exhibit 1	Exhibit 1.pdf
3.	Staff Report	CC_Staff Report_5th Amendment Westport Storage and Office Park PCD.pdf

Melanie Schmotzer
Tim Burman
Shannon Balmer
Jake Johansson
Robin Fenwick

Created/Initiated - 3/14/2019
Approved - 3/14/2019
Approved - 3/20/2019
Approved - 3/21/2019
Final Approval - 3/21/2019

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE FIFTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR WESTPORT STORAGE AND OFFICE PARK PLANNED COMMERCIAL DEVELOPMENT (PCD) AND CONCEPTUAL DEVELOPMENT PLAN FOR APPROXIMATELY +/-12.432 ACRES GENERALLY LOCATED AT 1415 – 5889, 5895, AND 5898 WILLIAMSON BOULEVARD; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City and Developer desire to enter into the Fifth Amendment to the Master Development Agreement for Westport Storage and Office Park Planned Commercial Development (PCD) “MDA” and Conceptual Development Plan (“CDP”); (hereinafter referred to as the “Fifth Amendment”); and

WHEREAS, the Developer submitted a request to the Planning Commission to approve the Fifth Amendment; and

WHEREAS, a public hearing was held following public notice as prescribed by ordinance; and

WHEREAS, the Planning Commission has considered and forwarded a recommendation to the City Council regarding the proposed Fifth Amendment; and

WHEREAS, the City Council has approved by a majority vote of the members present the approval of the Fifth Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council of the City of Port Orange does hereby approve the Fifth Amendment (attached hereto as **Exhibit “1”**).

Section 2. The Mayor and City Clerk are hereby authorized to execute said Fifth Amendment.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the day of _____, 2019

Passed and adopted on second and final reading on the day of _____, 2019

Reviewed and Approved: _____
Shannon K. Balmer, Assistant City Attorney

Exhibit "1"

FIFTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR WESTPORT STORAGE AND OFFICE PARK PLANNED COMMERCIAL DEVELOPMENT (PCD)

This Agreement, entered into by and between Westport Storage, Ltd. (hereinafter the "Developer/Property Owner") and the City of Port Orange, a Florida municipal (hereinafter referred to as the "City"), constitutes the Fifth Amendment to the Master Development Agreement for the Westport Storage and Office Park Planned Commercial Development (hereinafter referred to as the "Fifth Amendment").

WHEREAS, the Developer/Property Owner is the owner of the property described in **Exhibit "A"**; and

WHEREAS, the Developer/Property Owner and the City previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement Westport Storage and Office Park Planned Commercial Development" (hereinafter referred to as the "MDA"), recorded in Official Records Book 4415, Page 3871, Public Records of Volusia County, Florida, which included the Property; and

WHEREAS, the Developer/Property Owner and the City entered into the First Amendment to the MDA for the Westport Storage and Office Park, recorded in Official Records Book 4519, Page 1684, Public Records of Volusia County, Florida; (the "First Amendment"); and

WHEREAS, the Developer/Property Owner submitted a proposed Second Amendment to the MDA for the Westport Storage and Office Park but later withdrew the application from consideration; and

WHEREAS, the Developer/Property Owner and the City previously entered into the Third Amendment to the MDA for the Westport Storage and Office Park, recorded in Official Records Book 4675, Page 1986, Public Records of Volusia County, Florida (the "Third Amendment"); and

WHEREAS, the Developer/Property Owner and the City previously entered into the Fourth Amendment to the MDA for the Westport Storage and Office Park, recorded in Official Records Book 5240, Page 3504, Public Records of Volusia County, Florida (the "Third Amendment"); and

WHEREAS, the Developer/Property Owner and the City agree to further amend the Westport Storage and Office Park MDA by this Fifth Amendment to update the list of permitted uses.

NOW, THEREFORE, the Developer/Property Owner and the City hereby agree as follows:

1. The above recitals are true, correct and form a material part of the Fifth Amendment.

2. The MDA is hereby amended to identify the following permitted uses:

Permitted Uses, Permitted Uses with Special Development Requirements, and Special Exception Uses shall be those allowed in the City of Port Orange's Professional Office (PO) Zoning District, as may be amended from time to time, excluding the pain management clinic use.

3. This Agreement shall be effective upon recording by the City at the Developer's expense in the Public Records of Volusia County, Florida.

4. This Fifth Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense.

5. The MDA and CDP, as previously enacted, and shall remain in full force and effect except with respect to those matters specifically amended by this Fifth Amendment.

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY.]

IN WITNESS WHEREOF, the parties have executed this First Amendment, by and through their duly authorized representatives, on the respective dates below.

WITNESSES:

**CITY OF PORT ORANGE, a Florida
municipal corporation**

By: _____

Donald O. Burnette, Mayor
1000 City Center Circle
Port Orange, FL 32129

Printed Name

Printed Name

Attest: _____

Robin Fenwick, City Clerk, CMC

Printed Name

Printed Name

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Donald O. Burnette, Mayor of the City of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

Type, Print or Stamp Name
My commission expires:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Robin Fenwick, City Clerk, of the City of Port Orange, Florida, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take an oath.

Developer/Property Owner:

WESTPORT STORAGE, LTD., Florida
Limited Partnership

By: CLARK STORAGE CORPORATION

By: _____
D. Andrew Clark, President

Witnesses:

Printed Name: _____

Printed Name: _____

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by D. Andrew Clark as President of Clark Storage Corporation, General Partner of Westport Storage, Ltd, on behalf of said corporation and partnership. They are personally known to me or have produced _____ as identification and did not take an oath.

Print or Stamp Name, Commission Seal and Term ExpirationDate

EXHIBIT A
Legal Description

Phase I Property

A PORTION OF THE NORTHEAST 1/4 OF SECTION 19, LYING BETWEEN THE WESTERLY LINE OF THE LIMITED ACCESS ON INTERSTATE #95, AND THE EASTERLY LINE OF THE TRAVELED UNPLATTED SAMSULA ROAD, IN TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A REFERENCE POINT, BEING THE NORTHEAST CORNER OF SAID SECTION 19; THENCE SOUTH 88 DEGREES 58 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 654.32 FEET TO ITS INTERSECTION WITH THE CENTER-LINE OF RIGHT-OF-WAY ON US. INTERSTATE #95 AS THE SAME IS NOW OCCUPIED AND ESTABLISHED; THENCE SOUTH 23 DEGREES 23 MINUTES 50 SECONDS EAST ALONG SAID CENTER-LINE, A DISTANCE OF 1678.25 FEET TO A POINT THEREIN; THENCE SOUTH 66 DEGREES 36 MINUTES 10 SECONDS WEST A DISTANCE OF 185 FEET TO A POINT IN THE WESTERLY LINE OF SAID INTERSTATE #95 A DISTANCE OF 407.45 FEET; THENCE SOUTH 83 DEGREES 14 MINUTES 14 SECONDS WEST A DISTANCE OF 629.32 FEET TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF SPRUCE CREEK AIRPORT ROAD; THENCE NORTH 26 DEGREES 18 MINUTES 44 SECONDS WEST A DISTANCE OF 83.25 FEET; THENCE NORTH 19 DEGREES 15 MINUTES 6 SECONDS EAST A DISTANCE OF 785.05 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF INTERSTATE #95; THENCE SOUTH 32 DEGREES 23 MINUTES 54 SECONDS EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF INTERSTATE #95 A DISTANCE OF 439.03 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 6.486 ACRES (D).

AND ALONG WITH:

AN IRREGULAR SHAPED PARCEL OF LAND BEING A PORTION OF THE NORTHEAST 1/4 SECTION 19, TOWNSHIP 16 SOUTH, RANGE 33 EAST; LYING SOUTHWESTERLY OF INTERSTATE 95, AS SHOWN ON, STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT OF WAY MAP, STATE ROAD NO. 9 (1-95), VOLUSIA COUNTY, SECTION 79002-2407; LYING NORTHWESTERLY OF PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1583, PAGE 441, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; LYING NORTHEASTERLY OF AIRPORT ROAD, AS NOW LAID OUT; LYING SOUTHEASTERLY OF PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3477, PAGE 354, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; BEING FORMERLY KNOWN AS SAMSULA AIRPORT ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY, CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1583, PAGE 441, SAID POINT BEING ALSO THE INTERSECTION OF THE WESTERLY LINE OF SAID INTERSTATE 95 (STATE ROAD NO: 9) WITH THE SOUTHEASTERLY LINE OF SAID SAMSULA AIRPORT ROAD (FORMERLY HERBERT STREET NOW RELOCATED); THENCE N 32'25'17" W,

ALONG SAID WESTERLY LINE OF INTERSTATE 95 (STATE ROAD NO. 9), A DISTANCE OF 64.20' TO A POINT WHERE SAME INTERSECTS THE SOUTHEASTERLY LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3477, PAGE 354; THENCE S 23'09'28" W, ALONG SAID SOUTHEASTERLY LINE AND ALONG THE NORTHWESTERLY LINE OF SAID SAMSULA AIRPORT ROAD, A DISTANCE OF 104.05' TO A POINT THEREIN; THENCE S 19'33'42"W, ALONG SAID LINE, A DISTANCE OF 649.73' TO THE MOST SOUTHERLY POINT OF SAID PARCEL SAID POINT BEING ALSO IN THE EASTERLY LINE OF AIRPORT ROAD AS CURRENTLY MONUMENTED, ESTABLISHED AND OCCUPIED (1-27-97); THENCE S 21'12'14" E, ALONG SAID EASTERLY LINE, A DISTANCE OF 93.96' TO A POINT IN THE AFOREMENTIONED NORTHWESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1583, PAGE 441; THENCE N 19' 15'06" E, ALONG SAID LINE A DISTANCE OF 785.21' TO THE POINT OF BEGINNING. CONTAINING 1.039 ACRES MORE OR LESS.

Phase II Property

A PORTION OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 16 SOUTH, RANGE 33 EAST, LYING BETWEEN THE WESTERLY LINE OF THE LIMITED ACCESS ON INTERSTATE 95 AND THE EASTERLY LINE OF SAMSULA AIRPORT ROAD IN TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE NORTH ALONG THE EAST SECTION LINE OF SAID SECTION 19 FOR A DISTANCE OF 3102.07 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE S 83 DEGREES 14'14" W, A DISTANCE OF 646.70 FEET TO A POINT IN THE EASTERLY R/W LINE OF SAMSULA AIRPORT ROAD (A 50 FOOT RM/ AS USED); THENCE N 00 DEGREES 32'14" W ALONG SAID EASTERLY R/W LINE OF SAMSULA AIRPORT ROAD, A DISTANCE OF 205.60 FEET TO A POINT; THENCE N 83 DEGREES 14'14" E, A DISTANCE OF 629.32 FEET TO A POINT IN THE WESTERLY R/W LINE OF A LIMITED ACCESS OF I-95; THENCE S 23 DEGREES 23'50" E ALONG SAID WESTERLY R/W LINE OF THE LIMITED ACCESS OF I-95, A DISTANCE OF 37.25 FEET TO A POINT WHERE SAID SECTION LINE 19 INTERSECTS SAID LIMITED ACCESS OF I-95; THENCE S 01 DEGREES 29'10" E ALONG SAID EAST SECTION LINE OF SAID SECTION 19, A DISTANCE OF 169.41 FEET TO THE POINT OF BEGINNING.

EXHIBIT A cont'd

Phase III Property

ALL OF LOT 48 AND A PORTION OF LOTS 15, 16, 17, 18, 19, 49 AND 50 ALONG WITH A PORTION OF A 25 FOOT ALLEY OR STREET AS SHOWN ON THE PLAT OR MAP OF MAC-JOHN SUBDIVISION, AS RECORDED IN MAP BOOK 27, PAGE 223, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE AND THE POINT OF BEGINNING COMMENCE AT THE SOUTHWEST CORNER OF LOT 48, MAC-JOHN SUBDIVISION, AS RECORDED IN MAP BOOK 27, PAGE 223, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; RUN THENCE NORTH 01 DEGREES 45 MINUTES 10 SECONDS WEST ALONG THE WEST LINE OF SAID SUBDIVISION FOR A DISTANCE OF 624.93 FEET TO THE WEST RIGHT-OF-WAY ON INTERSTATE 95; THENCE SOUTH 24 DEGREES 25 MINUTES 19 SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE FOR A DISTANCE OF 680.48 FEET TO THE SOUTH LINE OF SAID MAC-JOHN SUBDIVISION; THENCE SOUTH 88 DEGREES 33 MINUTES 30 SECONDS WEST ALONG THE SAID SOUTH LINE FOR A DISTANCE OF 265.92 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 1.907 ACRES MORE OR LESS.



STAFF REPORT

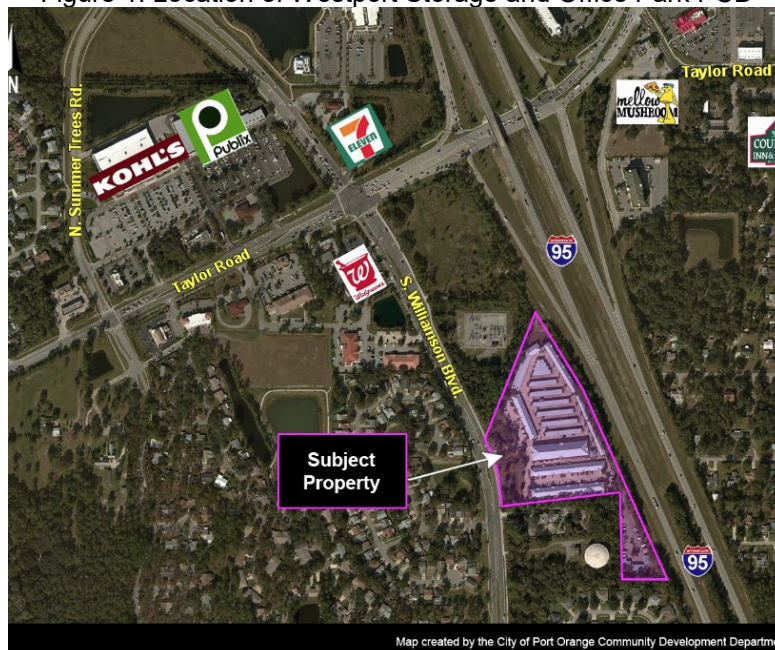
Fifth Amendment to the Westport Storage and Office Park PCD Master Development Agreement
CASE NO. 19-4000002

REQUEST:	Amend the Master Development Agreement (MDA) for the Westport Storage and Office Park Planned Commercial Development (PCD) to add additional uses
LOCATION:	1415 – 5889, 5895, and 5898 Williamson Boulevard
OWNER:	Westport Storage LTD
APPLICANT:	D. Andrew Clark
STAFF CONTACT:	Penelope Cruz, Planning Manager (386)506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION RECOMMENDATION:	Approval (February 28, 2019)
CITY COUNCIL DATE:	April 2, 2019

INTRODUCTION

The proposed Fifth Amendment to the Westport Storage and Office Park Planned Commercial Development (PCD) Master Development Agreement (MDA) is to amend the list of permitted uses allowed in the PCD. The PCD property is located between Williamson Boulevard and I-95, south of Taylor Road (Figure 1). The PCD property is currently developed with a self-storage facility, multiple tenant buildings with commercial and office tenants, and an outside storage area, which has been open to the public for the last 20 years.

Figure 1. Location of Westport Storage and Office Park PCD



DISCUSSION

The amendment consolidates the lists of permitted uses identified in the original MDA and past MDA amendments, along with the removal of square-footage limits for certain uses (health/exercise, clubs, adult education, and fleet-based services), by using the list of allowed uses in the Professional Office (PO) zoning district within the PCD.

The proposed MDA amendment maintains the self-storage and outside storage uses currently allowed, removes the square-footage limits for uses and adds uses allowed in the City's Professional Office (PO) zoning district, with the exception of the pain management clinic use which is identified as prohibited. All Special Exception uses listed in the PO zoning district will still require separate Planning Commission and City Council approval.

The subject property is designated *Office/Residential Transition* (ORT) on the City's Future Land Use (FLU) Map. The original PCD zoning district and MDA were found consistent with the City's Comprehensive Plan when it was approved in 2000. If approved, the proposed MDA amendment would not create any inconsistencies with the Comprehensive Plan.

At this time, the property owner does not plan to modify the existing site and new tenants would occupy the existing buildings on the PCD property. Similar to other properties zoned Professional Office, staff will review potential tenants for compliance with adequate screening, parking, and other LDC requirements.

A Public Notice sign was posted on the site on February 8, 2019.

RECOMMENDATION

Staff recommends approval of the Fifth Amendment to the Westport Storage and Office Park PCD Master Development Agreement.

ATTACHMENTS

- Exhibit 1 – Fifth Amendment to the Westport Storage and Office Park PCD Master Development Agreement (See Ordinance Exhibit)
- Exhibit 2 – Professional Office (PO) Zoning District Uses

EXHIBIT 2

Land Development Code

Chapter 17

Section 19: - Professional office (PO) district.

(a) *Purpose and intent.* The professional office (PO) district is intended to provide areas for business, government, industry, medical, professional, or service offices.

(b) Permitted uses.

- (1) Business services.
- (2) Financial services.
- (3) Fleet-based services.
- (4) Funeral homes (freestanding uses only).
- (5) Medical office/clinics.
- (6) Offices.
- (7) Veterinary clinics.
- (8) Xerographic and offset printing.

(bb) Permitted uses with special development requirements (chapter 18, section 4).

- (1) Assisted living facilities (subsection 1.5).
- (2) Banks (subsection 3).
- (3) Child care centers (subsection 4).
- (4) Health/exercise clubs (subsection 6).
- (5) Nursing homes (subsection 1.5).
- (6) Office supplies (subsection 11).
- (7) Office/warehouse facilities (subsection 12).
- (8) Pain management clinics.
- (9) Personal services.
- (10) Restaurants.
- (11) Community gardens.

(c) Special exception uses (chapter 18, section 3).

- (1) Houses of worship (subsection 9).
- (2) Private schools (subsection 16).



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (G18) First Reading - Ordinance No. 2019-6 - Amending Chapter 54 for relating to the General Employee Retirement Systems participation and 401(a) Plan contributions

DEPARTMENT: Administrative Services

GOAL:

RECOMMENDED MOTION: Move to approve Ordinance No. 2019-6 and attached revised terms to the Money Purchase Plan and Trust Adoption Agreement and Adjustments for Plan #109110.

SUMMARY: Attached is an ordinance amending sections of Chapter 54 - Personnel; Article VI related to the 2003 General Employee's Retirement System. This ordinance will effectuate the following changes:

1) The 2017-2019 negotiation session with the National Association of Government Employees (NAGE) resulted in both parties agreeing that no new members would be eligible to enter and participate in the General Employees Defined Benefit plan. All employees hired after adoption of this ordinance will participate in the International City Management Association Retirement Corporation (ICMA-RC) Defined Contribution 401A Plan.

Prior to second reading the final actuarial statement will be provided indicating there is no impact to the Defined Benefit Retirement Plan directly from the proposed changes to the City Ordinance.

The current required contribution under the most recent actuarial valuation for the Defined Benefit is 21.3%. The current contributions under the ICMA-RC Plan for general employees is 10%, with the possibility to obtain a matching benefit of 3%, for a total benefit from the City of 13%.

2) The proposed ordinance revisions will allow for consistency and clarity in contributions to the ICMA-RC plans. Participants are eligible to receive a contribution of 10% to their ICMA-RC plan, with the possibility of up to 13% based on the employee contribution. The participants in Plan # 109110 make mandatory contributions as required to attain the matching 3%. The revisions will make the 13% possibility consistent across all plans. The attached Adjustment has been previously adopted and not revisions are proposed with this consideration.

Attached is the corrected plan document for the ICMA-RC plan #109110 to be executed.

Project No.: Funding Account No.: Various

Presenter:

ATTACHMENTS:

1.	Ordinance No. 2019-6	Ord. No. 2019-6.pdf
2.	PO Actuarial impact-NAGE Art 29	PO Actuarial impact-Ord 2019-6-re2.pdf
3.	109110 Proposed Plan Document	109110 Restatement.pdf
4.	Revised 401(a) Plan 109110 Adoption Agreement Adjustments	Revised 401(a) Plan 109110 Adoption Agreement Adjustments.docx

Jamie Miller
Lori Bockelman
Margaret Roberts
Jake Johansson
Robin Fenwick

Created/Initiated - 12/27/2018
Approved - 12/31/2018
Approved - 3/21/2019
Approved - 3/21/2019
Final Approval - 3/21/2019

ORDINANCE NO. 2019-6

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 54, ARTICLE VI, RELATING TO THE 2003 GENERAL EMPLOYEES' RETIREMENT SYSTEM; AMENDING THE CODE SECTIONS 54-147 AND 54-162; PROVIDING FOR PENSION PARTICIPATION AND CONTRIBUTIONS PURSUANT TO PLAN DOCUMENTS FOR EACH 401(a) AND 457 PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange, Florida has entered into a collective bargaining agreement with the National Association of Government Employees, Local 5000, for the period September 19, 2017 through September 30, 2019; and

WHEREAS, the collective bargaining agreement contains certain changes to the 2003 General Employees' Retirement System; and

WHEREAS, an amendment to Chapter 54 of the City Code is necessary to implement the changes to the 2003 General Employees' Retirement System as contained in the collective bargaining agreement; and

WHEREAS, the City has obtained an actuarial impact statement concerning the retirement plan changes in accordance with Article X, Section 14 of the Florida Constitution and Section 112.63, Florida Statutes; and

WHEREAS, for purposes of this Ordinance text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike through~~) type shall constitute deletions to the original text.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1: The City Council of the City of Port Orange hereby amends the Code of Ordinances, Chapter 54, Personnel, Article VI, 2003 General Employees' Retirement System, Section 54-147, Participation, adding a new subsection (i) to read as follows:

Sec. 54-147. - Participation.

(i) General employees who are represented by a bargaining unit and who are hired after the effective date of this Ordinance No. 2019-6 shall participate in the city general employees' defined contribution retirement plan as set forth in section 54-175. The city general employees' defined benefit retirement plan as set forth in sections 54-146 through 54-174, inclusive, shall be closed to new members after the effective date of this Ordinance No. 2019-6.

SECTION 2. The City Council of the City of Port Orange hereby amends the Code of Ordinances, Chapter 54, Personnel, Article VI, 2003 General Employees' Retirement System, Section 54-162, Contributions, to read as follows:

Sec. 54-162. - Contributions.

(a)The city shall make such contributions as are required, together with contributions of the participants and other sources, to maintain the trust fund established for the purposes of the plan on a sound actuarial basis, as specified in the actuary's valuation reports for the applicable periods of time.

(b)Employee contributions shall be deposited to the trust fund on at least a monthly basis. The city's contributions shall be deposited on at least a monthly basis.

(c)Notwithstanding any other section of Article VI, the City is required to and shall make contributions to each 401(a) plans and the 457 plan as described in each plan document, respectively.

SECTION 3: Codification. Specific authority is hereby granted to the City Clerk to codify and incorporate this Ordinance in the existing Code of Ordinances of the City of Port Orange.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 5: If any provisions of this ordinance or the application thereof to any person or circumstance are held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 6: This ordinance shall become effective upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, CMC, City Clerk

Passed on first reading, this ____ day of _____, 2019.

Passed and adopted on second and final reading, this ____ day of _____, 2019.

Reviewed and Approved: _____
Margaret T. Roberts, City Attorney

[CA6641]

**CITY OF PORT ORANGE GENERAL EMPLOYEES
DEFINED BENEFIT RETIREMENT PLAN**

STATEMENT OF ACTUARIAL IMPACT

March 26, 2019
(Page 1 of 1)

The City Council of the City of Port Orange is considering the adoption of an Ordinance amending the City of Port Orange General Employees Defined Benefit Retirement Plan (DBRP).

A review of the changes was prepared by Plan Actuary David G. Leonard, A.S.A. to determine the cost for the proposed changes, as outlined below. (Note there is no impact from Section 2.)

The proposed change to the plan in Section 1 that will be considered is as follows:

Ordinance No. 2019-6 (Code of Ordinances Sec. 54-157)

General employees who are represented by a bargaining unit and who are hired after the effective date of this Ordinance No. 2019-6 shall participate in the city general employees' defined contribution retirement plan as set forth in section 54-175. The city general employees' defined benefit retirement plan as set forth in sections 54-146 through 54-174, inclusive, shall be closed to new members after the effective date of this Ordinance No. 2019-6.

The direct effect of this change in the eligibility to enter the plan is anticipated to be no change to the cost of benefits for those currently participating in the plan. This is because the proposed change does not impact the participation or benefits of those already in the plan, and because our actuarial assumptions are designed to provide a level percentage of payroll, with each assumption deemed to be reasonable and attainable.

With that said, the overall long term impact on the entire plan will be the foregoing of potential decreases in the cost to the City for pension benefits that would have been earned by new members that would bring down the average cost of the plan's benefits.

Because the current DBRP plan formula and ancillary benefits for new members are less valuable than those enjoyed by the larger base of existing active members from prior to October 1, 2012, new members naturally reduce the average cost of the plan.

The actual cost of benefits for potential new members to the DBRP depends on many factors, but the primary factor among those is the age at hire. Given a spread of potential ages for new members from 25 to 55, the current plan formula should produce employer costs ranging from 0% to approximately 9% of salary. This assumes a constant 5% discount rate.

Our conclusion is that there is no impact to the DBRP directly from the proposed changes that would be made to the City's Ordinances, however the cost of ICMA benefits for new members could be from 1% to 13% greater than what would have been incurred under the DBRP.

This Statement of Actuarial Impact has been prepared pursuant to Chapter 112, Section 112.63(3), Florida Statutes, and in our opinion, the amendment to the Plan to adopt the above changes is in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X, of the Florida State Constitution.



David G. Leonard, A.S.A.
Actuary for the Plan (EA 17-3604)

Chairman, Retirement Comm.

ICMA RETIREMENT CORPORATION

GOVERNMENTAL MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENT



**ICMA RETIREMENT CORPORATION
GOVERNMENTAL MONEY PURCHASE PLAN & TRUST
ADOPTION AGREEMENT**

Plan Number ____

The Employer hereby establishes a Money Purchase Plan and Trust to be known as _____
(the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust.

This Plan is an amendment and restatement of an existing defined contribution money purchase plan.

☐ Yes

☐ No

If yes, please specify the name of the defined contribution money purchase plan which this Plan hereby amends and restates:

I. Employer: _____

II. Effective Dates

- ☐ 1. **Effective Date of Restatement.** If this document is a restatement of an existing plan, the effective date of the Plan shall be January 1, 2007 unless an alternate effective date is hereby specified: _____

(Note: An alternate effective date can be no earlier than January 1, 2007.)

- ☐ 2. **Effective Date of New Plan.** If this is a new Plan, the effective date of the Plan shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified:

3. **Special Effective Dates.** Please note here any elections in the Adoption Agreement with an effective date that is different from that noted in 1. or 2. above.

(Note provision and effective date.)

III. Plan Year will mean:

- ☐ The twelve (12) consecutive month period which coincides with the limitation year. (See Section 5.03(f) of the Plan.)
- ☐ The twelve (12) consecutive month period commencing on _____ and each anniversary thereof.

IV. Normal Retirement Age shall be age _____ (not to exceed age 65).

Important Note to Employers: Normal Retirement Age is significant for determining the earliest date at which the Plan may allow for in-service distributions. Normal Retirement Age also defines the latest date at which a Participant must have a fully vested right to his/her Account. There are IRS rules that limit the age that may be specified as the Plan's Normal Retirement Age. The Normal Retirement Age cannot be earlier than what is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. An age under 55 is presumed not to satisfy this requirement, unless the Commissioner of Internal Revenue determines that the facts and circumstances show otherwise.

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good

Whether an age between 55 and 62 satisfies this requirement depends on the facts and circumstances, but an Employer's good faith, reasonable determination will generally be given deference. A special rule, however, applies in the case of a plan where substantially all of the participants in the plan are qualified public safety employees within the meaning of section 72(t)(10)(B) of the Code, in which case an age of 50 or later is deemed not to be earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

V. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Plan:

- ☐ All Employees
- ☐ All Full Time Employees
- ☐ Salaried Employees
- ☐ Non union Employees
- ☐ Management Employees
- ☐ Public Safety Employees
- ☐ General Employees
- ☐ Other Employees (Specify the group(s) of eligible employees below. Do not specify employees by name. Specific positions are acceptable.) _____

The group specified must correspond to a group of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other material in effect in the state or locality of the Employer. The eligibility requirements cannot be such that an Employee becomes eligible only in the Plan Year in which the Employee terminates employment. **Note:** As stated in Sections 4.07 and 4.08, the Plan may, however, provide that Final Pay Contributions or Accrued Leave Contributions are the only contributions made under the Plan.

2. The Employer hereby waives or reduces the requirement of a twelve (12) month Period of Service for participation. The required Period of Service shall be (write N/A if an Employee is eligible to participate upon employment)_____.

If this waiver or reduction is elected, it shall apply to all Employees within the Covered Employment Classification.

3. A minimum age requirement is hereby specified for eligibility to participate. The minimum age requirement is _____ (not to exceed age 21. Write N/A if no minimum age is declared.)

VI. CONTRIBUTION PROVISIONS

1. **The Employer shall contribute as follows:** (Choose all that apply, but at least one of Options A or B. If Option A is not selected, Employer must pick up Participant Contributions under Option B.)

Fixed Employer Contributions With or Without Mandatory Participant Contributions. (If Option B is chosen, please complete section C.)

- ☐ A. Employer Contributions. The Employer shall contribute on behalf of each Participant _____ % of Earnings or \$ _____ for the Plan Year (subject to the limitations of Article V of the Plan).

Mandatory Participant Contributions

☐ are required ☐ are not required

to be eligible for this Employer Contribution.

- ☐ B. Mandatory Participant Contributions for Plan Participation.

Required Mandatory Contributions. A Participant is required to contribute (subject to the limitations of Article V of the Plan) the specified amounts designated in items (i) through (iii) of the Contribution Schedule below:

☐ Yes

☐ No

Employee Opt-In Mandatory Contributions. Each Employee eligible to participate in the Plan shall be given the opportunity to irrevocably elect to participate in the Mandatory Participant Contribution portion of the Plan by electing to contribute the specified amounts designated in items (i) through (iii) of the Contribution Schedule below for each Plan Year (subject to the limitations of Article V of the Plan):

☐ Yes ☐ No

Contribution Schedule.

- (i) _____ % of Earnings,
(ii) \$ _____ , or
(iii) a whole percentage of Earnings between the range of _____ (*insert range of percentages between 1% and 20% inclusive (e.g., 3%, 6%, or 20%; 5% to 7%)*), as designated by the Employee in accordance with guidelines and procedures established by the Employer for the Plan Year as a condition of participation in the Plan. A Participant must pick a single percentage and shall not have the right to discontinue or vary the rate of such contributions after becoming a Plan Participant.

Employer "Pick up". The Employer hereby elects to "pick up" the Mandatory Participant Contributions¹ (pick up is required if Option A is not selected).

☐ Yes ☐ No (*"Yes" is the default provision under the Plan if no selection is made.*)

- ☐ C. Election Window (Complete if Option B is selected):
Newly eligible Employees shall be provided an election window of _____ days (no more than 60 calendar days) from the date of initial eligibility during which they may make the election to participate in the Mandatory Participant Contribution portion of the Plan. Participation in the Mandatory Participant Contribution portion of the Plan shall begin the first of the month following the end of the election window.

An Employee's election is irrevocable and shall remain in force until the Employee terminates employment or ceases to be eligible to participate in the Plan. In the event of re-employment to an eligible position, the Employee's original election will resume. In no event does the Employee have the option of receiving the pick-up contribution amount directly.

2. The Employer may also elect to contribute as follows:

- ☐ A. Fixed Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant _____ % of Earnings for the Plan Year (subject to the limitations of Article V of the Plan) for each Plan Year that such Participant has contributed _____ % of Earnings or \$ _____. Under this option, there is a single, fixed rate of Employer contributions, but a Participant may decline to make the required Participant contributions in any Plan Year, in which case no Employer contribution will be made on the Participant's behalf in that Plan Year.
- ☐ B. Variable Employer Match of Voluntary After-Tax Participant Contributions. The Employer shall contribute on behalf of each Participant an amount determined as follows (subject to the limitations of Article V of the Plan):
_____ % of the Voluntary Participant Contributions made by the Participant for the Plan Year (not including Participant contributions exceeding _____ % of Earnings or \$ _____);

¹ Neither an IRS advisory letter nor a determination letter issued to an adopting Employer is a ruling by the Internal Revenue Service that Participant contributions that are "picked up" by the Employer are not includable in the Participant's gross income for federal income tax purposes. Pick-up contributions are not mandated to receive private letter rulings; however, if an adopting employer wishes to receive a ruling on pick-up contributions they may request one in accordance with Revenue Procedure 2012-4 (or subsequent guidance).

PLUS _____% of the contributions made by the Participant for the Plan Year in excess of those included in the above paragraph (but not including Voluntary Participant Contributions exceeding in the aggregate _____% of Earnings or \$ _____).

Employer Matching Contributions on behalf of a Participant for a Plan Year shall not exceed \$ _____ or _____% of Earnings, whichever is _____ more or _____ less.

3. Each Participant may make a voluntary (unmatched), after tax contribution, subject to the limitations of Section 4.05 and Article V of the Plan:

☐ Yes ☐ No (***"No" is the default provision under the Plan if no selection is made.***)

4. Employer contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

5. Participant contributions for a Plan Year shall be contributed to the Trust in accordance with the following payment schedule (no later than the 15th day of the tenth calendar month following the end of the calendar year or fiscal year (as applicable depending on the basis on which the Employer keeps its books) with or within which the particular Limitation year ends, or in accordance with applicable law):

6. In the case of a Participant performing qualified military service (as defined in Code section 414(u)) with respect to the Employer:

- A. Plan contributions will be made based on differential wage payments:

☐ Yes ☐ No (***"Yes" is the default provision under the Plan if no selection is made.***)

If yes is selected, this is effective beginning January 1, 2009 unless another later effective date is filled in here:

- B. Participants who die or become disabled will receive Plan contributions with respect to such service:

☐ Yes ☐ No (***"No" is the default provision under the Plan if no selection is made.***)

If yes is selected, this is effective for participants who died or became disabled while performing qualified military service on or after January 1, 2007, unless another later effective date is filled in here:

VII. EARNINGS

Earnings, as defined under Section 2.09 of the Plan, shall include:

1. Overtime
☐ Yes ☐ No
2. Bonuses
☐ Yes ☐ No
3. Other Pay (specifically describe any other types of pay to be included below)

VIII. ROLLOVER PROVISIONS

1. The Employer will permit rollover contributions in accordance with Section 4.12 of the Plan:
☐ Yes ☐ No (*"Yes" is the default provision under the Plan if no selection is made.*)
2. Direct rollovers by non-spouse beneficiaries are effective for distributions after 2006 unless the Plan delayed making them available. If the Plan delayed making such rollovers available, check the box below and indicate the later effective date in the space provided.
☐ Effective Date is _____.

(Note: Plans must offer direct rollovers by non-spouse beneficiaries no later than plan years beginning after December 31, 2009.)

IX. LIMITATION ON ALLOCATIONS

If the Employer maintains or ever maintained another qualified plan in which any Participant in this Plan is (or was) a participant or could possibly become a participant, the Employer hereby agrees to limit contributions to all such plans as provided herein, if necessary in order to avoid excess contributions (as described in Section 5.02 of the Plan).

1. If the Participant is covered under another qualified defined contribution plan maintained by the Employer, the provisions of Section 5.02(a) through (e) of the Plan will apply unless another method has been indicated below.
☐ Other Method. (Provide the method under which the plans will limit total Annual Additions to the Maximum Permissible Amount, and will properly reduce any excess amounts, in a manner that precludes Employer discretion.)
2. The Limitation Year is the following 12 consecutive month period: _____
3. Unless the Employer elects a delayed effective date below, Article 5 of the Plan will apply to limitations years beginning on or after July 1, 2007. _____

(The effective date listed cannot be later than 90 days after the close of the first regular legislative session of the legislative body with authority to amend the plan that begins on or after July 1, 2007.)

X. VESTING PROVISIONS

The Employer hereby specifies the following vesting schedule, subject to (1) the minimum vesting requirements and (2) the concurrence of the Plan Administrator. (For the blanks below, enter the applicable percent – from 0 to 100 (with no entry after the year in which 100% is entered), in ascending order.)

Period of Service Completed	Percent Vested
Zero	_____%
One	_____%
Two	_____%
Three	_____%
Four	_____%
Five	_____%
Six	_____%
Seven	_____%
Eight	_____%
Nine	_____%
Ten	_____%

XI. WITHDRAWALS AND LOANS

1. In-service distributions are permitted under the Plan after a participant attains (select one of the below options):

- ☐ Normal Retirement Age
☐ Age 70½ (***“70½” is the default provision under the Plan if no selection is made.***)
☐ Alternate age (after Normal Retirement Age): _____
☐ Not permitted at any age

2. A Participant shall be deemed to have a severance from employment solely for purposes of eligibility to receive distributions from the Plan during any period the individual is performing service in the uniformed services for more than 30 days.

- ☐ Yes ☐ No (***“Yes” is the default provision under the plan if no selection is made.***)

3. Tax-free distributions of up to \$3,000 for the direct payment of qualifying insurance premiums for eligible retired public safety officers are available under the Plan.

- ☐ Yes ☐ No (***“No” is the default provision under the Plan if no selection is made.***)

4. In-service distributions of the Rollover Account are permitted under the Plan, as provided in Section 9.07.

- ☐ Yes ☐ No (***“No” is the default provision under the Plan if no selection is made.***)

5. Loans are permitted under the Plan, as provided in Article XIII of the Plan:

- ☐ Yes ☐ No (***“No” is the default provision under the Plan if no selection is made.***)

XII. SPOUSAL PROTECTION

The Plan will provide the following level of spousal protection (select one):

- ☐ 1. Participant Directed Election. The normal form of payment of benefits under the Plan is a lump sum. The Participant can name any person(s) as the Beneficiary of the Plan, with no spousal consent required.
- ☐ 2. Beneficiary Spousal Consent Election (Article XII). The normal form of payment of benefits under the Plan is a lump sum. Upon death, the surviving spouse is the Beneficiary, unless he or she consents to the Participant's naming another Beneficiary. (*"Beneficiary Spousal Consent Election" is the default provision under the Plan if no selection is made.*)
- ☐ 3. QJSA Election (Article XVII). The normal form of payment of benefits under the Plan is a 50% qualified joint and survivor annuity with the spouse (or life annuity, if single). In the event of the Participant's death prior to commencing payments, the spouse will receive an annuity for his or her lifetime. (If C is selected, the spousal consent requirements in Article XII also will apply.)

XIII. FINAL PAY CONTRIBUTIONS

The Plan will provide for Final Pay Contributions if either 1 or 2 below is selected.

The following group of Employees shall be eligible for Final Pay Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

Final Pay shall be defined as (select one):

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (*insert definition of Final Pay – must be leave that Employee would have been able to use if employment had continued and must be bona fide vacation and/or sick leave*):

- ☐ 1. **Employer Final Pay Contribution.** The Employer shall contribute on behalf of each Participant _____ % of Final Pay to the Plan (subject to the limitations of Article V of the Plan).
- ☐ 2. **Employee Designated Final Pay Contribution.** Each Employee eligible to participate in the Plan shall be given the opportunity at enrollment to irrevocably elect to contribute ____ % (insert fixed percentage of final pay to be contributed) or up to _____% (insert maximum percentage of final pay to be contributed) of Final Pay to the Plan (subject to the limitations of Article V of the Plan).

Once elected, an Employee's election shall remain in force and may not be revised or revoked.

XIV. ACCRUED LEAVE CONTRIBUTIONS

The Plan will provide for accrued unpaid leave contributions annually if either 1 or 2 is selected below.

The following group of Employees shall be eligible for Accrued Leave Contributions:

- ☐ All Eligible Employees
- ☐ Other: _____

Accrued Leave shall be defined as (select one):

- ☐ A. Accrued unpaid vacation
- ☐ B. Accrued unpaid sick leave
- ☐ C. Accrued unpaid vacation and sick leave
- ☐ D. Other (insert definition of accrued leave that is bona fide vacation and/or sick leave):

- ☐ 1. **Employer Accrued Leave Contribution.** The Employer shall contribute as follows (choose one of the following options):

- ☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant the unused Accrued Leave in excess of _____ (insert number of hours/days/weeks (circle one)) to the Plan (subject to the limitations of Article V of the Plan).
- ☐ For each Plan Year, the Employer shall contribute on behalf of each Eligible Participant _____% of unused Accrued Leave to the Plan (subject to the limitations of Article V of the Plan).

- ☐ 2. **Employee Designated Accrued Leave Contribution.**

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to _____% (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.

- XV. The Employer hereby attests that it is a unit of state or local government or an agency or instrumentality of one or more units of state or local government.

- XVI. The Employer understands that this Adoption Agreement is to be used with only the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust. This ICMA Retirement Corporation Governmental Money Purchase Plan and Trust is a restatement of a previous plan, which was submitted to the Internal Revenue Service for approval on April 2, 2012, and received approval on March 31, 2014.

The Plan Administrator hereby agrees to inform the Employer of any amendments to the Plan made pursuant to Section 14.05 of the Plan or of the discontinuance or abandonment of the Plan. The Employer understands that an amendment(s) made pursuant to Section 14.05 of the Plan will become effective within 30 days of notice of the amendment(s) unless the Employer notifies the Plan Administrator, in writing, that it disapproves of the amendment(s). If the Employer so disapproves, the Plan Administrator will be under no obligation to act as Administrator under the Plan.

- XVII. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN & TRUST.

The Employer hereby agrees to the provisions of the Plan and Trust.

XVIII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

XIX. An adopting Employer may rely on an advisory letter issued by the Internal Revenue Service as evidence that the Plan is qualified under section 401 of the Internal Revenue Code to the extent provided in applicable IRS revenue procedures and other official guidance.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this _____ day of _____, 20_____.

EMPLOYER

ICMA RETIREMENT CORPORATION
777 North Capitol St., NE Suite 600
Washington, DC 20002
800-326-7272

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Attest: _____

Attest: _____



ICMA RETIREMENT CORPORATION
777 NORTH CAPITOL STREET, NE | WASHINGTON, DC 20002-4240
800-669-7400
WWW.ICMARC.ORG
BRC000-214-21268-201405-W1303

401(A) Plan 109110 Adoption Agreement Adjustments

Section V. ELIGIBILITY REQUIREMENTS should read as such:

Administrative officials who are not members of a defined benefit plan. Administrative Officials include the assistant city manager, community development director, parks and recreation director, administrative services director, police chief, fire chief, public utilities director, public works director, finance director, heads of departments, and any other employees in future equivalent type positions reporting to the city manager.

Section XIV. ACCRUED LEAVE CONTRIBUTIONS 2. Employee Designated Accrued Leave Contribution Should read as such:

Each eligible Participant shall be given the opportunity at enrollment to irrevocably elect to contribute _____% (insert fixed percentage of accrued unpaid leave to be contributed) or up to 100 % of the allowable amount (insert maximum percentage of accrued unpaid leave to be contributed) of Accrued Leave to the Plan (subject to the limitations of Article V of the Plan). Once elected, an Employee's election shall remain in force and may not be revised or revoked.



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (G19) Authorization to submit the proposed project list for the River to Sea TPO 2019 Transportation Improvement Program Priority List

DEPARTMENT: Community Development

GOAL: 2 - Infrastructure

RECOMMENDED MOTION: Move to authorize staff to submit applications for the 2019 Priority Project ranking for transportation improvements to the River to Sea Transportation Planning Organization (TPO) as listed on the Staff Report included in the agenda packet.

SUMMARY: Each year, the River to Sea Transportation Planning Organization (R2CTPO) issues a call to local governments to submit transportation projects, such as turn lanes, sidewalks, trails, street lights, and traffic signals to be eligible for funding. If the projects are selected by the TPO and the City chooses to fund them, the projects will generally require a 10% local government match. The transportation projects submitted are to improve current roadways or sidewalks within the City. Projects previously completed under this program include the Spruce Creek Road/Dunlawton Avenue intersection, Taylor Road/Devon Street signal, Dunlawton Avenue right-turn lane at Village Trail, Herbert Street sidewalk, Hebert Street right-turn lane at Clyde Morris Boulevard, Spruce Creek Trail south of Taylor Road, McDonald Road sidewalk, and Victoria Gardens sidewalk. The submittal of an application to the TPO is the first step for projects to be selected for the TPO's Transportation Improvement Program (TIP) and receive funding for design and construction.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

1.	TPO -2019 Call 4 Project Staff Report	TPO -2019 Call 4 Project Staff Report.pdf
2.	TPO - Call for Projects March 2019	TPO - Call for Projects March 2019.pdf

Melanie Schmotzer
Tim Burman
Jake Johansson
Robin Fenwick

Created/Initiated - 3/19/2019
Approved - 3/19/2019
Approved - 3/19/2019
Final Approval - 3/20/2019



STAFF REPORT

Proposed projects for the River to Sea TPO 2019 Transportation Improvement Program Priority List

REQUEST: To authorize staff to submit applications for the 2019 Priority Project ranking for transportation improvements to the River-to-Sea Transportation Planning Organization (TPO) as follows:

1. Eastbound Taylor Road right-turn lane and pedestrian improvements at Spruce Creek Elementary;
2. Extend existing left-turn lanes along Dunlawton Avenue;
3. Williamson Boulevard and Willow Run Boulevard sidewalks;
4. Northbound Clyde Morris Boulevard right-turn lane at Reed Canal Road;
5. Northbound Clyde Morris Boulevard right-turn lane at Madeline Avenue;
6. Northbound Clyde Morris Boulevard right-turn lane at Herbert Street;
7. Southbound Clyde Morris Boulevard right-turn lane at Madeline Avenue;
8. Southbound Clyde Morris Boulevard right-turn lane at Willow Run Boulevard;
9. Southbound and northbound Yorktowne Boulevard right- turn lanes at Dunlawton Avenue; and
10. Taylor Branch Road improvements, and eastbound and westbound Taylor Road right-turn lanes at Boggs Ford Road and Yorktowne Boulevard.

STAFF

RECOMMENDATION: **Approval**

STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675

CITY COUNCIL DATE: April 2, 2019

SUMMARY:

Each year, the River-to-Sea Transportation Planning Organization (R2CTPO) issues a call to local governments to submit transportation projects, such as turn lanes, sidewalks, linear parks, street lights, and traffic signals to be eligible for funding. If the projects are selected by the TPO, and the City chooses to fund them, the projects will generally require a 10% local government match. The transportation projects submitted are to improve current roadways or sidewalks within the City. Projects previously completed under this program include the Spruce Creek Road/Dunlawton Avenue intersection, Taylor Road/Devon Street signal, Dunlawton Avenue right-turn lane at Village Trail, Herbert Street sidewalk, Spruce Creek Trail south of Taylor Road, McDonald Road sidewalk, and Victoria Gardens Boulevard sidewalk.

The submittal of an application to the TPO is the first step for projects to be selected for the TPO's Transportation Improvement Program (TIP) and receive funding for design and construction.

Community Development staff requests City Council approval for the following applications for additional projects to be placed on the TPO's 2019 Project Priority List. This does not obligate the City to fund these projects, only to include them on the TPO Project Priority List.

If these projects are selected, and the City chooses to fund them, the projects will require up to a 10% local government match. With these projects, the City pays for the project up front and is then reimbursed. If these projects are accepted by the TPO, it is anticipated that the 301 Capital Projects Fund or 30x Transportation Impact Fee Fund will be the initial funding sources.

1. **Eastbound Taylor Road right-turn lane and pedestrian improvements at Spruce Creek Elementary:** This project consists of a right-turn lane on eastbound Taylor Road, at the intersection with Spruce Creek Elementary School to improve safety, improve traffic flow, and reduce delays for through vehicles, specifically during school drop-off and pick-up times. As part of this project, pedestrian access into the school from adjacent sidewalks and subdivisions will be reviewed. Currently, one of the eastbound Taylor Road through lanes functions as a right-turn lane during school drop off times. This project will construct a dedicated right-turn lane into the school to improve safety at this school, improve roadway capacity, and reduce delays for eastbound and westbound vehicles.
2. **Extend existing left-turn lanes along Dunlawton Avenue:** This project consists of extending the left-turn lanes along Dunlawton Avenue, at the intersection with I-95 (westbound), Yorktowne Boulevard (westbound), Clyde Morris Boulevard (westbound), Clyde Morris Boulevard (eastbound), Spruce Creek Road (westbound), and Victoria Gardens Boulevard (westbound). Increasing the stacking area of the left-turn lanes will improve traffic flow thru the intersection, reduce delays for turning vehicles, improve traffic roadway capacity, improve intersection safety, and reduce damage and maintenance costs of grass/landscape median. The left-turn lanes experience congestion throughout the day, most notably in the morning (school hours) and late afternoons. There are existing left-turn lanes at these intersections and this project would be to extend the existing turn lanes to improve capacity. Additional right-of-way is not anticipated to be needed for this project.
3. **Williamson Boulevard and Willow Run Boulevard sidewalks:** This project consists of constructing a minimum eight-foot wide sidewalk along the east side of Williamson Boulevard, from the south end of the Town Park Subdivision to Willow Run Boulevard, 1,000 feet (0.19 miles), and a minimum eight-foot wide sidewalk on the north side Willow Run Boulevard to Chardonnay Drive, 1,000 feet (0.19 miles). Additional right-of-way is not anticipated to be needed for the sidewalks. The sidewalks would provide a safe route for people in the surrounding subdivisions to access existing and future sidewalks and trails and connect residential uses with existing and future commercial uses, parks, and schools.
4. **Northbound Clyde Morris Boulevard right-turn lane at Reed Canal Road:** This project consists of a right-turn lane on northbound Clyde Morris Boulevard, at the intersection with Reed Canal Road, to improve movement through the intersection, specifically for vehicles turning right onto Reed Canal Road. Currently, vehicles have to use a shared through/right lane when turning right onto Reed Canal Road. This intersection experiences congestion throughout the day, most notably in the morning (Atlantic High School traffic) and late

afternoon. The proposed turn lane would segregate cars turning right onto Reed Canal Road from through traffic and assist in maintaining the functional capacity of Clyde Morris Boulevard.

5. **Northbound Clyde Morris Boulevard right-turn lane at Madeline Avenue:** This project consists of a right-turn lane on northbound Clyde Morris Boulevard, at the intersection with Madeline Avenue, to improve movement through the intersection, specifically for vehicles turning right onto Madeline Avenue. Currently, vehicles must use a shared through/right lane when turning right onto Madeline Avenue. This intersection experiences congestion throughout the day, most notably in the late afternoon. The proposed turn lane would segregate cars turning right onto eastbound Madeline Avenue from through traffic and assist in maintaining the functional capacity of Clyde Morris Boulevard.
6. **Northbound Clyde Morris Boulevard right-turn lane at Herbert Street:** This project consists of a right-turn lane on northbound Clyde Morris Boulevard, at the intersection with Herbert Street, to improve movement through the intersection, specifically for vehicles turning right onto Herbert Street. Currently, vehicles must use a shared through/right lane when turning right onto Herbert Street. This intersection experiences congestion throughout the day, most notably in the morning (Silver Sands Middle School traffic) and late afternoon. The proposed turn lane would segregate cars turning right onto eastbound Herbert Street from through traffic and assist in maintaining the functional capacity of Clyde Morris Boulevard.
7. **Southbound Clyde Morris Boulevard right-turn lane at Madeline Avenue:** This project consists of a right-turn lane on southbound Clyde Morris Boulevard, at the intersection with Madeline Avenue, to improve movement through the intersection, specifically for vehicles turning right onto Madeline Avenue. Currently, vehicles must use a shared through/right lane when turning right onto Madeline Avenue to travel west to Williamson Boulevard. This intersection experiences congestion throughout the day, most notably in the morning (Horizon Elementary School traffic) and late afternoon. The proposed turn lane would segregate cars turning right onto westbound Madeline Avenue from through traffic and assist in maintaining the functional capacity of Clyde Morris Boulevard.
8. **Southbound Clyde Morris Boulevard right-turn lane at Willow Run Boulevard:** This project consists of a right-turn lane on southbound Clyde Morris Boulevard, at the intersection with Willow Run Boulevard, to improve movement through the intersection, specifically for vehicles turning right onto Willow Run Boulevard. Currently, vehicles must use a shared through/right lane when turning right onto Willow Run Boulevard to travel west to Williamson Boulevard. This intersection experiences congestion throughout the day, most notably in the morning and late afternoon. The proposed turn lane would segregate cars turning right onto westbound Willow Run Boulevard from through traffic and assist in maintaining the functional capacity of Clyde Morris Boulevard.
9. **Southbound and northbound Yorktowne Boulevard right-turn lanes at Dunlawton Avenue:** This project consists of a right-turn lane on southbound Yorktowne Boulevard, at the intersection with Dunlawton Avenue, and extending or modifying the existing right-turn lanes for northbound Yorktowne Boulevard, at the intersection with Dunlawton Avenue. These improvements would improve traffic flow, reduce delays for turning

vehicles and through vehicles, and assist in maintaining the functional capacity of Yorktowne Boulevard and Dunlawton Avenue. This intersection experiences congestion throughout the day, most notably in the afternoon to early evening. The proposed turn lane improvements would segregate cars turning right onto Dunlawton from through traffic and assist in maintaining the functional capacity of Yorktowne Boulevard.

10. **Taylor Branch Road improvements, and eastbound and westbound Taylor Road right-turn lanes at Boggs Ford Road and Yorktowne Boulevard:** This project consists of constructing a right-turn lane on eastbound Taylor Road, at the intersection with Boggs Ford Road, and extending the existing right-turn lane for westbound Taylor Road at the intersection with Yorktowne Boulevard. As part of the Feasibility Study requested, these improvements would improve traffic flow, reduce delays for turning vehicles and through vehicles, and assist in maintaining the functional capacity of Taylor Road. This intersection experiences congestion throughout the day, most notably in the afternoon to early evening. The proposed turn lane improvements would segregate cars turning right onto Yorktowne Boulevard and Boggs Ford Road from through traffic and assist in maintaining the functional capacity of Taylor Road.

In addition to the proposed new projects, the City currently has the following projects on the TPO's 2018 Project Priority List:

1. Dunlawton Avenue streetlight renovation and construction, from Spruce Creek Road to Ridgewood Avenue [under construction];
2. Spruce Creek Road sidewalks (both sides), between Nova Road and Angelina Court [design underway];
3. Improvements to the timing of the Dunlawton Avenue traffic signals, from Summer Trees Road to A1A (application submitted by Volusia County) [implementation anticipated in 2020];
4. Dunlawton Avenue westbound right-turn lane at City Center Parkway [awaiting funding for design];
5. Eastbound Dunlawton Avenue right-turn lane at Clyde Morris Boulevard [awaiting funding for design];
6. Westbound Dunlawton Avenue right-turn lane at Nova Road [awaiting funding for design];
7. Sidewalk Gap Project to complete connectivity to schools, bus stops, parks, and retail areas along Clyde Morris Boulevard, Taylor Road, and Herbert Street [awaiting funding for design];
8. Willow Run Boulevard sidewalk (south side), from Clyde Morris Boulevard to Harms Way [awaiting funding for design];
9. Madeline Avenue (east) sidewalk, from Clyde Morris Boulevard to Nova Road, and Bruner Road sidewalks [awaiting funding for design];
10. Madeline Avenue (west), from S. Williamson Boulevard to Clyde Morris Boulevard sidewalk [awaiting funding for design];
11. Taylor Road/Williamson Boulevard intersection Feasibility Study [awaiting to be selected for Feasibility Study];
12. Eastbound Herbert Street left-turn lane at Nova Road [awaiting to be selected for Feasibility Study];
13. Eastbound Taylor Road left-turn lane at Clyde Morris Boulevard [awaiting to be selected for Feasibility Study];
14. Riverwalk shared-use path [included in the FDOT PD&E Study for the St. Johns River to Sea Loop – PD&E Study is underway];

15. Halifax Linear Park (multi-purpose trail), from Dunlawton Avenue to Commonwealth Boulevard [included in the FDOT PD&E Study for the St. Johns River to Sea Loop – PD&E Study is underway]; and
16. US 1 bike/pedestrian path, between the Port Orange Rose Bay Bridge and Art Center Avenue (New Smyrna Beach) [Included in the FDOT PD&E Study for the St. Johns River to Sea Loop – PD&E Study is underway].

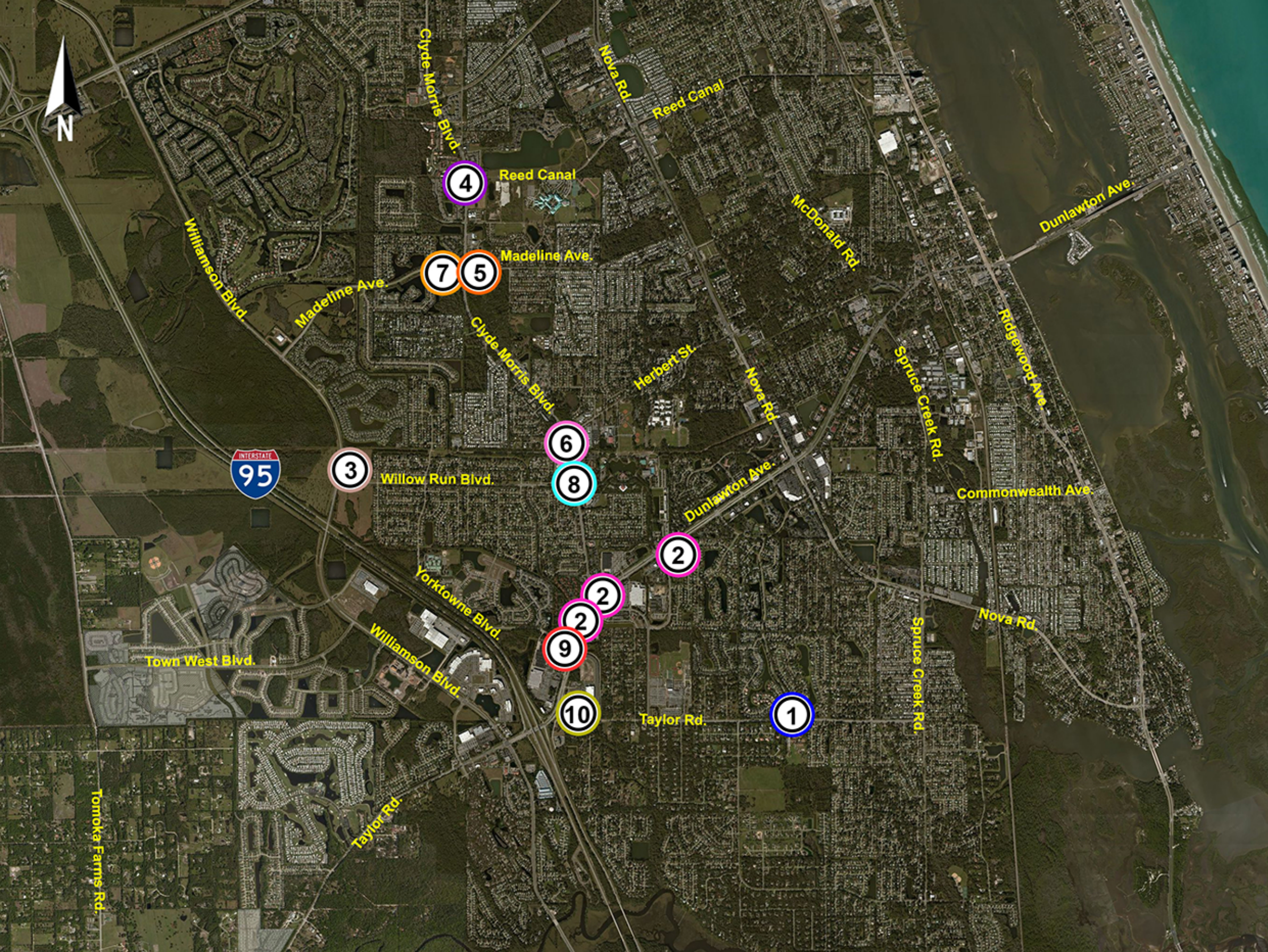
RECOMMENDATION:

Authorize staff to submit applications for the 2019 Priority Project ranking for transportation improvements to the River-to-Sea Transportation Planning Organization (TPO) as follows:

1. Eastbound Taylor Road right-turn lane and pedestrian improvements at Spruce Creek Elementary;
2. Extend existing left-turn lanes along Dunlawton Avenue;
3. Williamson Boulevard and Willow Run Boulevard sidewalks;
4. Northbound Clyde Morris Boulevard right-turn lane at Reed Canal Road;
5. Northbound Clyde Morris Boulevard right-turn lane at Madeline Avenue;
6. Northbound Clyde Morris Boulevard right-turn lane at Herbert Street;
7. Southbound Clyde Morris Boulevard right-turn lane at Madeline Avenue;
8. Southbound Clyde Morris Boulevard right-turn lane at Willow Run Boulevard;
9. Southbound and northbound Yorktowne Boulevard right-turn lanes at Dunlawton Avenue; and
10. Taylor Branch Road improvements, and eastbound and westbound Taylor Road right-turn lanes at Boggs Ford Road and Yorktowne Boulevard.

ATTACHMENT:

Exhibit A – Map of the ten proposed projects.



TPO Call for Projects Priority List - 2019

Prepared by Community Development
March 2019

- ① Eastbound Taylor Road right-turn lane and pedestrian improvements at Spruce Creek Elementary
- ② Extend existing left-turn lanes along Dunlawton Avenue
- ③ Williamson Boulevard and Willow Run Boulevard sidewalks
- ④ Northbound Clyde Morris Boulevard right-turn lane at Reed Canal Road
- ⑤ Northbound Clyde Morris Blvd. right-turn lane at Madeline Avenue
- ⑥ Northbound Clyde Morris Boulevard right-turn lane at Herbert Street
- ⑦ Southbound Clyde Morris Boulevard right-turn lane at Madeline Avenue
- ⑧ Southbound Clyde Morris Boulevard right-turn lane at Willow Run Boulevard
- ⑨ Southbound and northbound Yorktowne Boulevard right-turn lanes at Dunlawton Avenue
- ⑩ Taylor Branch Road improvements, and eastbound and westbound Taylor Road right-turn lanes at Boggs Ford Road and Yorktowne



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (G20) FY2018 Audit (CAFR)

DEPARTMENT: Finance

GOAL:

RECOMMENDED MOTION:

SUMMARY: The City's auditors, James Moore & Co will present the Comprehensive Annual Financial Report (CAFR) for the year ended September 30, 2018. The document will be sent to Council under separate cover once available.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

Lori Bockelman
Scott Neils
Jake Johansson
Robin Fenwick

Created/Initiated - 3/5/2019
Approved - 3/26/2019
Approved - 3/27/2019
Final Approval - 3/27/2019



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 4/2/2019

Consent item: No

SUBJECT: (H22) City Manager

DEPARTMENT: City Manager

GOAL:

RECOMMENDED MOTION:

SUMMARY: City Manager will provide an overview of the previous year and open up the City Manager Evaluation process for 2019.

Project No.: Funding Account No.:

Presenter:

ATTACHMENTS:

Robin Fenwick
Jake Johansson
Robin Fenwick

Created/Initiated - 3/7/2019
Approved - 3/21/2019
Final Approval - 3/21/2019



CITY OF PORT ORANGE

SIGN-UP SHEET FOR PUBLIC COMMENTS (NON-AGENDA ITEMS ONLY)

If you wish to speak before the City Council this evening about any issue NOT ON THE PRINTED AGENDA, you may do so during the CITIZEN PARTICIPATION portion of the meeting. Please complete the form below and present it to the City Clerk prior to the meeting.

PLEASE PRINT LEGIBLY:

DATE: 2 April 2019

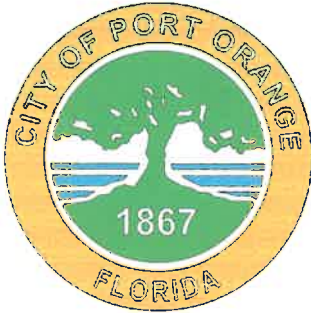
NAME: Robert Reinbogen

ADDRESS: 1425 Dexter Drive N Port Orange

TELEPHONE NUMBER: (386) 756-6844

TOPIC OF DISCUSSION: Meeting rules for agenda items

PLEASE NOTE: THE PUBLIC WILL HAVE AN OPPORTUNITY TO SPEAK REGARDING ALL CONSENT AGENDA ITEMS PRIOR TO THEIR CONSIDERATION BY CITY COUNCIL. THE MAYOR WILL OPEN THE FLOOR TO PUBLIC COMMENTS AT THE APPROPRIATE TIME. PLEASE REFER TO THE AGENDA FOR SUCH TIME.



CITY OF PORT ORANGE

SIGN-UP SHEET FOR PUBLIC COMMENTS (NON-AGENDA ITEMS ONLY)

If you wish to speak before the City Council this evening about any issue **NOT ON THE PRINTED AGENDA**, you may do so during the **CITIZEN PARTICIPATION** portion of the meeting. Please complete the form below and present it to the City Clerk prior to the meeting.

PLEASE PRINT LEGIBLY:

DATE: 4-2-2019

NAME: Matt Roberts

ADDRESS: 4590 Alder Drive, Port Orange, FL 32127

TELEPHONE NUMBER: 386-304-0388

TOPIC OF DISCUSSION: Pedestrian Safety - Accessible
Pedestrian Safety Signals

PLEASE NOTE: THE PUBLIC WILL HAVE AN OPPORTUNITY TO SPEAK REGARDING ALL CONSENT AGENDA ITEMS PRIOR TO THEIR CONSIDERATION BY CITY COUNCIL. THE MAYOR WILL OPEN THE FLOOR TO PUBLIC COMMENTS AT THE APPROPRIATE TIME. PLEASE REFER TO THE AGENDA FOR SUCH TIME.

Revised 1/2017

White Cane Law: 316.1301 Traffic regulations to assist blind persons

- (1) It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red. A person who is convicted of a violation of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
- (2) Whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place where the pedestrian is attempting to cross shall bring his or her vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this subsection is guilty of a moving violation punishable as provided in chapter 318.
- (3) Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person not carrying such a cane or walking stick, or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways. The failure of any such person to carry a cane or walking stick or to be guided by a dog shall not be considered comparative negligence, nor shall such failure be admissible as evidence in the trial of any civil action with regard to negligence.

City Manager 2018 -2019 BRAG SHEET

No leader accomplishes anything alone. It is my responsibility as a servant leader to remove barriers and provide our staff with the tools they need to accomplish the strategic goals that the citizens have tasked the council with executing. In the process of this servant leadership I also believe that a person that charges the hill alone is a hiker not a leader. My charge is to bring people with me as we charge the hill, when we get to the top (and we never will) I want to be together as one cohesive team.

I also believe that the team includes the council. We have come a long way in the three and a half years I have been here. Council personality has changed and it is all for the better. Growth is constant, there is no final second and no war will be won. There are only battles won before we move on. You all have been instrumental in overcoming some great odds and we have won some great battles together. Our staff feeds off collaboration, cooperation and a sense of pride. You all have supported the staff and never belittled them in public, something that was perceived when I first got here. That respect and critical admiration has gone a long way in repairing relationships. I appreciate your willingness to support us, accept our honest failures and allowing us to learn from our mistakes.

I hope you all are happy with the staff, the leadership I have provided them and the influence I have had on the city. It has been my pleasure to serve you this year and I hope to serve for years to come. Rest assured though, should you grow weary of my constant drive for responsible growth, funding to match your requested level of service, defense of our staff, vision for the future of Port Orange or passion for what I think is in the best interest of the city then please let me know-I would rather go quietly as friends who have moved away from a common vision than in a flurry of misinformation and second guessing as you see with some city managers.

Please review the accomplishments of the staff that I serve.

COMMUNITY DEVELOPMENT:

The Community Development department has thrived this year under the leadership of Tim Burman. We moved the Code Enforcement to the Police Department which made Comm. Dev. nimbler. The building division and planning division have been busy with projects and new development that respects the comprehensive plan and the concerns of the citizens. We continue to be concerned with our ability to communicate with the citizens on impacts to them on new development and private property owner rights to develop.

The Community Development Department coordinated plan review and construction oversight for the following:

- Holiday Inn hotel

- AutoZone
- Arby's
- Lazul at Crystal Lake multi-family development (288 units),
- Acorn Self-Storage, Springs multifamily development (292 units),
- Takara Restaurant
- Bella Oaks Subdivision (183 townhome units).

Projects completed this year include:

- Sanctuary at Westport Apartment (360 units),
- Family Dollar (Nova Road)
- Blue Ribbon Pools (Ridgewood Avenue)
- Briarwood Clubhouse.
- Projects under construction include
- Benton House Senior Living Facility
- First Watch Cafe (Dunlawton Avenue)
- 7-Eleven (Nova Road)
- Port Orange Self Storage
- Giuseppe's Pizza (Nova Road)
- Port Orange Senior Housing (Yorktowne Boulevard)
- Dunlawton Village multi-tenant building (Dunlawton Avenue)
- Jimmy Hula's (Dunlawton Avenue).

Residential subdivisions in the construction process

- Westport Reserve Subdivision (186 single-family lots)
- Cornerstone Grove Subdivision (64 duplex lots),
- Hawks Preserve at Port Orange Plantation Phase 1 and 2 (189 single-family lots),
- The Pinnacle Subdivision Phase 2 (78 single-family lots)
- Woodhaven Subdivision (178 single-family lots and 93 townhome units).

Roadway and pedestrian improvement project design and permitting:

- Design and permitting of the Dunlawton Avenue Streetlight project
- North Spruce Creek Road sidewalk project C
- Construction of the McDonald Road and Victoria Gardens Boulevard sidewalk projects.
- Dunlawton Avenue median landscape and irrigation project.

The Public Utilities and Works department was officially combined this past year. The combined department has seen some economy of scale already, yet the biggest gain has been increased communication and coordination. The Engineers in Utilities and Public Works work together on projects to ensure economy of scale and deconfliction of assets. Additionally, the department has conducted professional development and leadership development to ensure a proper succession plan. Moving to the DLH City Center Annex has also helped with the communication and cooperation. Specific accomplishments include:

PUBLIC UTILITIES

- Potable water meter project is complete.
- The Sewer I&I (inflow & infiltration) project has started and is being done in house to save money.
- Designed the Watermain replacement project south of Commonwealth
- **Lab Operations** met State and Federal requirements while performing a total of 44,863 analyses Routine drinking water microbiological testing was increased due to increases in the population.
- Monitoring of the Wetlands began for the first time due to discharge into the wetlands.
- The Grease and Oil Program was further developed. The implementation of updates to Environmental Laboratory Standards, approved in late 2018, began. Preparations for certification in Chloride analysis and research into alternative methods for fecal coliform began.
Installed two new 7,000-gal Polyaluminum Chloride Tanks in WRF.
- Replaced a dangerous methanol carbon source with glycerin for water reclamation.. Influent Bypass Project was bid and completed.
- City staff successfully replaced five City lift stations in-house in 2018 as part of the Lift Station Replacement Program.
- The treatment plant received 1.83 billion gallons of sewage and distributed 1.86 billion gallons of reclaimed water.
- Sludge feed pumps & filter backwash upgrade project was completed.
- The Water Plant produced and distributed 2.14 billion gallons of water in 2018.

PUBLIC WORKS

- Repaired over 850 cubic yards of concrete sidewalks and curbing.
- Approximately 6.3 miles of streets were resurfaced to improve traffic safety.
- Multiple building improvements to Fire Departments, garages and restrooms.
- Multiple Irrigation system repairs. Of note, City Center irrigation is in need of replacement.

- Canopies lifting in several communities to improve safety.
- Drainage cleaned approximately 3,091 linear feet of pipe, rebuilt 17 catch basins, and cleaned over 34,601 linear feet of drainage ditches and canals to improve storm water drainage and mitigate flooding.
- Pond repairs to Thomas Drive and Thomasina Drive improved flood control.
- Maintained 305 street lights on Dunlawton Avenue, 112 street lights on Nova Road and 3,409 street lights throughout the City.
- A guardrail was installed on Summertrees Road to improve safety in the area.
- Major repairs were made to the exterior of the Public Works Building.
- More than 1,100 Citizens Connections for sidewalk, streets and tree trimming closed.
- Sold 40 vehicles and 16 various types of equipment at Public Auction for \$246,536.
- Forty new vehicles were purchased for the city, 8 of which were for Public Works.
- Two out of five dump trucks were refurbished to extend the useful life an estimated 5-10 years.
- The Solid Waste Contractor has replaced 3 trucks according to our contract. One front end loader for dumpsters, one claw truck for large yard waste and bulk, and one rear loader for every day garbage collection. They have also refurbished 3 of our rear loader trucks and have started the first recycle truck refurbishment. This year we divided the city into 5 zones for claw truck collection. This keeps the drivers from going from one side of town to the other and is more efficient and helps keep fuel cost down.

POLICE

- The City of Port Orange continues to be a leader in the state as one of the safest cities. Port Orange. Reported as the second safest city recently.
- Police Officers and civilian staff continued to work hard and made 1,927 arrests and responded to 61,533 calls for service.
- After a nearly 15-year hiatus, 2018 saw the reintroduction of Drug Abuse Resistance Education (D.A.R.E) at Port Orange Elementary schools. The D.A.R.E. program has also assisted in providing an invaluable opportunity to create positive relationships between the students and police officers.
- The Port Orange Police Department recruitment efforts involved attending several job fairs (Daytona State College, St. Johns River State College, Naval Air Station - Jacksonville) as well and regular visits to area law enforcement academies.
- The Accreditation Unit of the Port Orange Police Department is now run with civilian personnel in accordance with CALEA guidelines.
- In 2018, SafeWise, released their 5th annual list of the 20 safest cities, regardless of population size, in Florida for 2018. The list, based on 2016 FBI statistics, rated Port Orange #11. Since then we have risen to #2.

FIRE AND RESCUE

- Our average response time was 5 minutes and 32 seconds from time dispatch to arrival of first unit on scene.
- Members of the Fire Safety Division conducted 786 building inspections, an increase of 37%, which can be attributed to the addition of a 40-hr Fire Inspector. Additionally, there were 15 fire investigations and 162 plan reviews were completed in coordination with Community Development Review Committee.
- We acquired to new apparatus to keep our fleet and department as a responsive unit.
- Our ambulance was acquired and personnel obtained to be put into service.

PARKS AND RECREATION

- Renovated two fishing piers at Causeway Park that were damaged during hurricanes and two boat ramps.
- Replaced the gym floor and a playground.
- Managed the Dorothy L. Hukill City Center Annex renovation project to completion.

COMMUNITY REDEVELOPMENT

- Projects completed or in the development process this year in the Port Orange Town Center CRA include BlueRibbon Pools (Ridgewood Avenue), Jimmy Hula's (restaurant), Dunlawton Village (multi-tenant office/retail building), and Phase 2 of Riverwalk Park.

INFORMATION TECHNOLOGY (IT)

- Worked diligently to provide in house training on multiple software platforms used daily by staff.
- Updated the Information Technology Disaster Recovery Plan last updated in 2009. This update ensured the necessary procedures for securing the city's digital assets before, during, and after a disaster are cared for.
- Installed all communications systems at the new Dorothy L.Hukill City Center Annex
- Finally, as part of an ongoing effort to keep the city's data secure, staff researched and purchased a cutting edge next-generation firewall to add an additional layer of defense against data breaches or malicious activity.

Thank you for your time and feedback. I have not provided anyone a form to fill out as you have not utilized the forms in the past to provide feedback. If you would like one I can provide you with last year's form as a guide. I also request your top ten concerns going into FY19-20 so I can concentrate on them in the course of my year.

Respectfully yours in service, Jake