



REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

SEPTEMBER 1, 2020

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 Chaplain Sam Mercado of AdventHealth
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. August 19, 2020 - Regular City Council Meeting
 - b. August 25, 2020 - City Council Workshop
 - c. August 25, 2020 - Joint Meeting with Parks & Recreation Advisory Board
7. Resolution No. 20-28 -Budget Appropriations for Dunlawton Median Improvement Project (AIO022)
8. Resolution No. 20-34 -Ratifying Election Results for the Primary Election held August 18, 2020
9. Approval of Concurrence and Fair-Share Agreement for the Paytas Office Building Site Plan (908 Taylor Road) - Case No. 19-80000008
10. Approval of the Cooperative Economic Development Agreement with Team Volusia Economic Development Corporation

C. CITIZEN PARTICIPATION (Agenda)

11. Chris Seilkop, President/CEO, Volusia/Flagler Family YMCA

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

E. COUNCIL COMMENTS

12. Comments/Concerns from Council Members

F. PUBLIC HEARING

13. Second Reading - Ordinance No. 2020-22 - 20-1 Large-scale Future Land Use Map Amendment/4057 Bruner Road (Case No. 20-20000003)

14. Second Reading - Ordinance No. 2020-23 - Administrative Rezoning/4057 Bruner Road and 4505 Clyde Morris Boulevard (Case No. 20-60000004)

G. ADDITIONAL ITEMS

15. City Attorney

16. City Manager

H. COUNCIL COMMITTEE REPORTS

17. City Council Committee Reports

- a. River to Sea TPO
- b. General Employees' Pension Board
- c. Police Pension Board
- d. Fire Pension Board

I. ADJOURNMENT

NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) 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 OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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

Regular City Council Meeting

9/1/2020

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WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 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.

PUBLIC PARTICIPATION INSTRUCTIONS

Due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State, County, and the City's Declarations of State of Emergency, and City of Port Orange Executive Order 9, the City of Port Orange will be calling meetings only when necessary, and conducting public meetings using communications media technology until the Local State of Emergency has concluded. Those wishing to attend meetings are encouraged to join the meeting through electronic means.

The September 1, 2020 City Council Meeting will be conducted physically in Council Chambers at City Hall, 1000 City Center Circle with an opportunity to participate virtually. Access in Council Chambers will be limited in order to comply with the safety instructions relating to COVID-19.

To view and/or participate in the City Council meeting on September 1, 2020, which begins at 6:30 p.m., you have the following additional options:

1. Watch the meeting online, but not participate:

You may watch the meeting via Spectrum Channel 498 or through the City's YouTube Channel:
<https://www.youtube.com/channel/UCTYNmc7tZVRrB2NH5-Oj7hg>

2. Watch the meeting online and provide public comment prior to the meeting:

You may watch the meeting as listed above, and also provide written comments no less than 3 hours prior to the meeting time by emailing City Clerk Robin Fenwick at cityclerk@port-orange.org, regular mail at 1000 City Center Circle, Port Orange, FL 32129, or place it in the Drop Box at the front door of City Hall. Please include your full name, city of residence, and comments by the deadline and your comments will be read into the record. There is also a form located on the City's website at: www.port-orange.org/publiccomments which can be submitted electronically. Time limits will be enforced so written comments must be limited to no more than 3 minutes.

3. Watch the meeting online and provide public comment during the meeting:

Request to Speak instructions:

To request to attend virtually and speak during the meeting, you must complete the Request to Speak form prior to the start of the meeting to be placed on a list. You may access the form by visiting www.port-orange.org/publiccomments. You must fill out all required information for the form to be submitted. Forms are due to the City Clerk no later than 24 hours prior to the meeting date/time. Once the form is received, the meeting link and instructions will be provided to you via email.

For additional information or for special assistance prior to the meeting, please contact Robin Fenwick, City Clerk, cityclerk@port-orange.org or (386) 506-5563.

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 19, 2020

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

Invocation by Rev. Glen Rice of Port Orange United Church of Christ

Pledge of Allegiance

Roll Call	Present:	Council Member Marilyn Ford Council Member Chase Tramont Council Member Scott Stiltner Vice Mayor Drew Bastian Mayor Donald Burnette
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Also Present:	City Manager Jake Johansson City Attorney Matthew Jones City Clerk Robin Fenwick
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4. Novel Coronavirus 2019 (COVID-19) Proclamation

Mayor Donald Burnette read the proclamation relating to COVID-19 and encouraged citizens to wear masks when appropriate.

CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only

Robert Reinhausen, citizen, commented on Item 8(b). He is concerned relating to the sole source justification.

6. Agenda Approval

Motion to approve the Agenda as presented was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

7. Approval of Minutes

- a. July 31, 2020 - City Council Special Meeting
- b. August 4, 2020 - Regular City Council Meeting

8. Bid Awards and Contract Items

- a. Approval of the Port Orange/South Daytona Chamber of Commerce Services Agreement

b. Intent to Award Purchase Contract for New Brush Truck to Ten-8 Fire Equipment

9. Resolution No. 20-32 - Plat Note Vacation on Lot 31, Bentwood Phase II Subdivision

10. Resolution No. 20-33 - Plat Note Vacation on Lot 32, Bentwood Phase II Subdivision

11. Approval to Designate the Riverwalk Trail as the Robert E. Ford Trail

12. Reinstatement of years of service for Matthew Marchisio

Motion to remove Item #11 from the Consent Agenda was made by Council Member Scott Stiltner and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

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

11. Approval to Designate the Riverwalk Trail as the Robert E. Ford Trail

Motion to approve Item #11 was made by Council Member Scott Stiltner and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

The City Council Regular Meeting recessed at 6:42 p.m. to hold the Joint Meeting with Town Center CRA Meeting.

TOWN CENTER CRA & CITY COUNCIL JOINT MEETING

13. First Reading - Ordinance No. 2020-27 - Second Amendment to the Riverwalk Amended and Restated Master Development Agreement (Case No. 20-40000004)

Community Development requested that all items be opened together for purposes of discussion. Mayor Don Burnette advised that City Council will only be voting on Item #13, First Reading of Ordinance No. 2020-27. All other items are for City Council discussion only; however, City Council will vote on all items at second reading.

Mayor Don Burnette read Ordinance No. 2020-27 and opened all four (4) items for the Joint Meeting.

ORDINANCE NO. 2020-27

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE RIVERWALK AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (MDA); PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

- 14. Second Amendment to the Property Exchange and Escrow Agreement (Cardwell Funeral Home Property)
- 15. Second Amendment to the Economic Development Incentive Agreement
- 16. License Agreement for Temporary Off-Site Parking at 3571 Ridgewood Avenue (Former Cardwell Funeral Home Property)

Tim Burman, Community Development Director, presented the items for consideration and discussion and answered questions from Council and the CRA Board.

Jeff Brock, Attorney for Developer, also provided details of the request and answered questions from Council and the CRA Board.

There were no public comments.

Vice Chairman Stan Schmidt asked for a motion from the CRA Board regarding Item #13, Ordinance No. 2020-27.

Motion to recommend approval of Ordinance No. 2020-27, approving the Second Amendment to the Riverwalk Amended and Restated Master Development Agreement, as recommended by the Planning Commission was made by Member Drew Bastian and Seconded by Member Marilyn Ford. Motion carried 4-2 by roll call vote with Member Scott Stiltner and Member Chase Tramont voting no.

Mayor Don Burnette asked for a motion from City Council regarding Item #13, Ordinance No. 2020-27.

Motion to approve Ordinance No. 2020-27, approving the Second Amendment to the Riverwalk Amended and Restated Master Development Agreement, as recommended by the Planning Commission and Port Orange Town Center CRA was made by Council

Member Marilyn Ford and Seconded by Vice Mayor Drew Bastian. Motion carried 3-2 by roll call vote with Council Member Scott Stiltner and Council Member Chase Tramont voting no.

Item #14 - Vice Chairman Stan Schmidt asked for a motion by the CRA Board on Item #14, Second Amendment to the Property Exchange and Escrow Agreement (Cardwell Funeral Home Property.)

Motion to approve Item #14 as presented was made by Member Marilyn Ford and Seconded by Member Drew Bastian. Motion carried 4-2 by roll call vote with Member Scott Stiltner and Member Chase Tramont voting no.

Item #15 - Vice Chairman Stan Schmidt asked for a motion by the CRA Board on Item #15, Second Amendment to the Economic Development Incentive Agreement.

Motion to approve Item #15 as presented was made by Member Drew Bastian and Seconded by Member Marilyn Ford. Motion carried 4-2 by roll call vote with Member Scott Stiltner and Member Chase Tramont voting no.

Item #16 - Vice Chairman Stan Schmidt asked for a motion by the CRA Board on Item #16, License Agreement for Temporary Off-Site Parking at 3571 Ridgewood Avenue (Former Cardwell Funeral Home Property.)

Motion to approve Item #16 as presented was made by Member Marilyn Ford and Seconded by Member Drew Bastian. Motion carried 4-2 by roll call vote with Member Scott Stiltner and Member Chase Tramont voting no.

Mayor Don Burnette asked if there was any further business to be brought before the Members of the Town Center Redevelopment Agency and City Council. There being none, the Joint Meeting of the Town Center CRA And City Council adjourned at 7:19 p.m. and the City Council reconvened their regular meeting.

17. Michael Scudiero - Executive Director Coastal Florida Police Benevolent Association

Michael Scudiero, Executive Director of Coastal Florida PBA, spoke to Council regarding wages for the Police Department.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Mayor Don Burnette advised Council of the number of citizens who have signed up to speak and asked if Council is interested in extending the time allotted.

Motion to extend the public comment time by ten mins was made by Council Member Marilyn Ford and Seconded by Council Member Chase Tramont. Motion carried unanimously by voice vote.

Citizens spoke regarding their displeasure with the proposed millage rate and tax increase, as well as the low wages for the Police Department. Some spoke regarding the lack of training within the Police Department.

City Clerk Robin Fenwick read public comments into the record that were received prior to the deadline. These comments relate to funding of the Police Department.

COUNCIL COMMENTS

18. Comments/Concerns from Council Members

Council Member Chase Tramont spoke regarding his position against raising taxes but supports raises for staff including police.

Council Member Marilyn Ford spoke regarding the demonstration in support of the Police Department raises held tonight under the rumor of the Council potentially defunding the police. She supports the Police Officers and does NOT support defunding them.

Council recessed for five minutes at 8:23 p.m.

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

19. Report from Port Orange South Daytona Chamber of Commerce

Debbie Connors, President of the Port Orange/South Daytona Chamber of Commerce, provided their quarterly report. Jennifer Card, Chair of Chamber Board, thanked Council for their support.

BOARD APPOINTMENTS, INTERVIEWS, REPORTS

20. Citizen Advisory Committee for TPO

Bobby Ball, CAC member, provided an update from their recent meeting.

PUBLIC HEARING

21. Second Reading - Ordinance No. 2020-21 - Annexation/4057 Bruner Road

Mayor Don Burnette read Ordinance No. 2020-21.

ORDINANCE NO. 2020-21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ANNEXING APPROXIMATELY ±18.7 ACRES OF PROPERTY LOCATED AT 4057 BRUNER ROAD ALONG WITH A PORTION OF THE ADJACENT WELLFIELD ROAD AND BRUNER ROAD RIGHTS-OF-WAY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-21 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

22. First Reading - Ordinance No. 2020-28 - Land Development Code Amendment/Chapter 9, Article II and Chapter 13

Mayor Don Burnette read Ordinance No. 2020-28.

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 9, ARTICLE II AND CHAPTER 13 RELATING TO UPDATING REQUIREMENTS FOR TREE PROTECTION AND PRESERVATION, AND LANDSCAPING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-28 was made by Vice Mayor Drew Bastian

and Seconded by Council Member
Chase Tramont.

Penelope Cruz, Planning Manager, provided details of the changes and answered questions from Council and citizens regarding penalties for removing diseased trees in an emergency basis.

Motion carried 4-1 by roll call vote with
Council Member Chase Tramont voting
no.

23. Second Reading - Ordinance No. 2020-25 - Amending Section 2-267 to
Remove the Procurement of Lobbyist Services from the List of Exempt Purchases

Mayor Don Burnette read Ordinance No. 2020-25.

ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA
COUNTY, FLORIDA AMENDING SECTION 2-267 OF THE CODE
OF ORDINANCES REMOVING THE PROCUREMENT OF
LOBBYIST SERVICES FROM THE LIST OF EXEMPT
PURCHASES; PROVIDING FOR CODIFICATION; PROVIDING
FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-25
was made by Vice Mayor Drew Bastian
and Seconded by Council Member
Marilyn Ford. Motion carried
unanimously by roll call vote.

REGULAR AGENDA

24. Panhandling Discussion

Michael Kahn, Attorney, has been engaged by the City Attorney at the direction of the City Council to provide regulatory options for panhandling in the City and provided a plan of action and options to Council. Mr. Kahn answered questions from Council.

Mr. Reinhagen spoke regarding his concerns with passing an ordinance.

City Clerk Robin Fenwick read public comments submitted by the deadline.

Matthew Jones, City Attorney, asked for direction to move forward with preparation of the ordinance.

Motion to move forward with Mr. Kahn to prepare an ordinance as discussed was made by Vice Mayor Drew Bastian and Seconded by Council Member Scott Stiltner. Motion carried 3-2 by roll call vote with Council Members Marilyn Ford and Chase Tramont voting no.

25. First Reading Ordinance No. 2020-29 - Amending Chapter 42, Article II, Section 42-26 Lot maintenance regardless of size

Mayor Don Burnette read Ordinance No. 2020-29.

ORDINANCE NO. 2020-29

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCE CHAPTER 42, ARTICLE II, SECTION 42-26 (d) & (e) BY DELETING REFERENCE TO ONE ACRE OR LESS; PROVIDING FOR AN OWNER OF A LOT TO MAINTAIN IT REGARDLESS OF THE SIZE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2020-29 was made by Vice Mayor Drew Bastian and Seconded by Council Member Chase Tramont. Motion carried unanimously by roll call vote.

26. Approval of Interlocal agreement with Volusia County Animal Services

Motion to approve the Interlocal Agreement with Volusia County for animal control services was made by Council Member Chase Tramont and Seconded by Council Member Marilyn Ford. Motion carried unanimously by roll call vote.

ADDITIONAL ITEMS

27. City Attorney - There was nothing further.

28. City Manager - There was nothing further.

Regular City Council Meeting

August 19, 2020

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COUNCIL COMMITTEE REPORTS

29. City Council Committee Reports

- a. First Step Shelter - Council Member Chase Tramont provided details from their recent meeting.
- b. Port Orange/South Daytona Chamber of Commerce - Report given by Debbie Connors.

ADJOURNMENT - 10:17 p.m.

Mayor Donald O. Burnette

Attest:

Robin Fenwick, MMC
City Clerk

CITY COUNCIL WORKSHOP MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 25, 2020

THE CITY COUNCIL WORKSHOP 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:

Council Member Marilyn Ford
Council Member Chase Tramont
Council Member Scott Stiltner
Vice Mayor Drew Bastian
Mayor Donald Burnette

Also Present:

City Manager Jake Johansson
City Attorney Matthew Jones
City Clerk Robin Fenwick

DISCUSSION ITEMS

4. Budget Recap of CIP and General Fund

Dr. Scott Neils, Finance Director, provided details of the changes in the proposed budget based on the increase of the maximum millage rate set by Council in July. Jake Johansson, City Manager, spoke regarding the plan and some of the projects that have been pushed year after year that are becoming necessary. Discussion was held regarding projects to be funded from the 317 Fund, as well as CARES Act Funding, and a la cart items. No changes were requested from Council. Mr. Johansson suggested another Special Meeting before the first reading of the budget. Council agreed.

5. Sign Code Update

Tim Burman, Community Development Director, explained the changes being discussed relating to the sign code and answered questions from Council.

ADJOURNMENT - 6:59 p.m.

Mayor Donald O. Burnette

Attest:

Robin Fenwick, MMC, City Clerk

CITY COUNCIL & PARKS & RECREATION ADVISORY BOARD
JOINT MEETING MINUTES
LAKESIDE COMMUNITY CENTER
1999 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 25, 2020

THE CITY COUNCIL JOINT MEETING of the City of Port Orange and the Parks and Recreation Advisory Board was called to order by Mayor Donald O. Burnette at 7:13 p.m.

Silent Invocation

Pledge of Allegiance

Roll Call	Present:	Council:	Council Member Marilyn Ford Council Member Chase Tramont Council Member Scott Stiltner (arrived virtually at 7:22 p.m.) Vice Mayor Drew Bastian Mayor Donald Burnette
		Parks & Rec:	Mark Bowling John Cameron Bobby Ball Shawn Holmes Michael Navarra
		Absent:	Maria Mills-Benat James Richard
		Also Present:	City Manager Jake Johansson City Attorney Matthew Jones City Clerk Robin Fenwick

ACTION/DISCUSSION ITEMS

4. REC Discussion

Susan Lovallo, Parks & Recreation Director, provided details on the proposed project. The bids for the project came in at approximately \$3 million with a \$1.4 million shortfall. She advised personnel is not included until FY22. Staff is working to obtain other funding, including the usage of recreational impact funds but staff needs direction from Council as to moving forward as proposed, scale it back, or stall the project. Ms. Lovallo and Staff are working through savings in the budget, as well as extra revenues the REC will generate. The property housing the ArtHaus currently will probably generate income once they move, too. Council agreed with the funding source as discussed.

5. Priority List for the Parks & Recreation Advisory Board for FY21

Mark Bowling, Chairman, provided some ideas the Parks & Recreation Advisory Board has discussed and they feel are priorities, specifically a REC center west of I-95, as well as the expansion of Coraci Park and another park in the River District. He also spoke regarding long range plans in the Woodhaven area and Pioneer Trail interchange. He asked Council to advise if they prefer neighborhood parks or larger centers and facilities.

ADJOURNMENT - 8:31 p.m.

Mayor Donald O. Burnette

Attest:

Robin Fenwick, MMC
City Clerk



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 9/1/2020

Consent item: Yes

SUBJECT: (B7) Resolution No. 20-28 -Budget Appropriations for Dunlawton Median Improvement Project (AIO022)

DEPARTMENT: Finance

GOAL:

RECOMMENDED MOTION: Move to approve Budget Resolution No. 20-28.

SUMMARY:

On 1/7/2020, as part of the consent agenda, the City Council unanimously approved award of ITB #19-15 for SR 421/Dunlawton Avenue Median Landscape Beautification (Spruce Creek Road to I-95) to Verde Go Landscaping in the amount of \$1,417,472.50. The project information is "Dunlawton Median Landscape Beautification" - Project AIO022.

The FY20 construction contract amount is \$1,332,562.50. The non-construction portion (\$84,910) is related to a one-year maintenance agreement, starting January 1, 2021. This will be covered by a separate contract and will be included in the FY21 Water and Sewer Operating budget.

Budget Resolution 20-1 was approved to appropriate additional funding in the amount of \$225,433 to partially cover the city's portion of this contract (\$822,875). This project is partially funded by an FDOT- Joint Participation Agreement (JPA) in the amount of \$509,687.50.

The funding from General Capital Replacement Fund (317), Water and Sewer – Utilities Fund (401), and the Forestry Management Fund (420) were not part of Budget Resolution 20-1.

Funding for this contract to date is as follows:

Project AIO022 funding rolled forward from prior year:

- Fund 317 (General Capital Replacement): \$141,327
- Grant Funding – FDOT Joint Participation Agreement (JPA) \$509,687.50

Total: \$651,014.50

Budget Resolution 20-1 provided for the following:

Fund 306 (Transportation Capital Projects Fund): \$213,495 (re-directed from Project PNC008);

Fund 301 (Capital Projects Gas Tax Fund): \$11,938 (Appropriated Fund Balance);

Total: \$225,433.00

This Budget Resolution requests authorization from City Council to appropriate fund balance from the Water and Sewer Fund (401) and the Forestry Management Fund (420), and attach to Capital Project AIO022.

This Budget Resolution 20-28:

Fund 401 (Water and Sewer System): \$443,000

Fund 420 (Forestry Management): \$13,115

Total: \$456,115.00

Total Funding Available for this Contract = \$1,332,562.50

One-year Maintenance - \$84,910 **

Total \$1,417,472.50

**** The one-year maintenance amount of \$84,910 is to be included in a separate contract/agreement and included in the FY21 Public Works - Grounds Maintenance Operating budget.**

Project	Funding Account No.: Fund 401 / Water and Sewer
No.: <u>AIO022</u>	<u>Fund 420 / Forestry Management</u>
<u>AIO022</u>	<u>Grant Fund (199)</u>
<u>AIO022</u>	<u>Fund 306 - Transportation Capital Project</u>
<u>AIO022</u>	<u>Fund 301 - Capital Projects Gas Tax Fund</u>
<u>AIO022</u>	<u>Fund 317 - General Capital Replacement Fund</u>

Presenter: Scott Neils

ATTACHMENTS:

1.	Budget Resolution No. 20-28 Dunlawton Median	Bud Reso 20-28 Dunlawton Median.pdf
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Kevin Fall	Created/Initiated - 8/14/2020
Lupe Reyna-Coffin	Approved - 8/18/2020
Scott Neils	Approved - 8/19/2020
Matthew Jones	Approved - 8/19/2020
Jake Johansson	Approved - 8/24/2020
Robin Fenwick	Final Approval - 8/24/2020

RESOLUTION NO. 20-28

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING CAPITAL FUNDS FOR THE FISCAL YEAR 2020 BUDGET; TO DESIGNATE FUND BALANCE IN THE AMOUNT OF \$443,000 IN THE WATER AND SEWER SYSTEM FUND (401) AND APPROPRIATE TO PROJECT CAPITAL OUTLAY FOR DUNLAWTON MEDIAN IMPROVEMENTS PROJECT (AIO022) AND; TO DESIGNATE FUND BALANCE IN THE AMOUNT OF \$13,115 IN THE FORESTRY MANAGEMENT FUND (420) AND APPROPRIATE TO PROJECT CAPITAL OUTLAY FOR DUNLAWTON MEDIAN IMPROVEMENTS PROJECT (AIO022) AND; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Council desires to designate and appropriate fund balance in the amount of \$443,000 in the Water and Sewer System Fund (401) to provide funding for the Utilities portion of the Dunlawton Median Improvements Project (AIO022); and

WHEREAS, The City Council desires to designate and appropriate fund balance in the amount of \$13,115 in the Forestry Management Fund (420) to provide funding for the tree relocation of the Dunlawton Median Improvements Project (AIO022); and

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

Section 1. The funds for the City capital items are hereby appropriated as set forth in Composite Exhibit A, attached hereto, which reflects revenues and corresponding expenditures for the designated projects.

Section 2. The Budget item adopted in the preceding section shall govern the expenditures relating to such operations for the City during the current fiscal year effective October 1, 2019 through September 30, 2020.

Section 3. Supplemental appropriations, reductions of appropriations, emergency appropriations, and interdepartmental transfers of appropriations may be effected by the City Council and the City Manager as deemed necessary in strict compliance with the procedures specified in Chapter 2, Article VI, Division 3, Code of Ordinances, City of Port Orange, Florida.

Section 4. This resolution shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC City Clerk

Adopted on the _____ day of

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

FY2020 Water and Sewer System Fund (401)
Prepared: August 18, 2020
Finance: Finance Staff

	Budget Increase / (Decrease)
<u>Revenues:</u>	
Other Financing Sources - Appropriated Equity	443,000
Total Revenues:	<u>\$ 443,000</u>

<u>Expenditures:</u>	
Land Improvements-Irrigation System	443,000
Total Expenditures:	<u>\$ 443,000</u>

To budget for the use of Fund Balance and appropriate funds for the installation of the irrigation system for the Dunlawton Median Improvements Project (AIO022).

<u>Information for Budget Amendment</u>						
Type	Cost Center	Program	Ledger Acct Summary	Rev / Spend Category	Project	Amount
Revenue	General Revenues		380000 Other Financing Sources	Appropriated Equity	N/A	443,000
Total Revenues:						443,000
Expense	Water and Sewer		600000 Capital Outlay	Land Improvements - Irrigation System	AIO022	443,000
Total Expenditures:						443,000

FY2020 Forestry Management Fund (420)
Prepared: August 18, 2020
Finance: Finance Staff

	Budget Increase / (Decrease)
<u>Revenues:</u>	
Other Financing Sources - Appropriated Equity	13,115
Total Revenues:	<u>\$ 13,115</u>

<u>Expenditures:</u>	
Professional Services	
Land Improvements-Crepe Myrtle Relocation	13,115
Total Expenditures:	<u>\$ 13,115</u>

To budget for the use of Fund Balance and appropriate funds for the relocation of the Crepe Myrtle Trees part of the Dunlawton Median Improvements Project (AIO022).

<u>Information for Budget Amendment</u>						
Type	Cost Center	Program	Ledger Acct Summary	Rev / Spend Category	Project	Amount
Revenue	General Revenues		380000 Other Financing Sources	Appropriated Equity	N/A	443,000
Total Revenues:						443,000
Expense	Water and Sewer		600000 Capital Outlay	Land Improvements - Irrigation System	AIO022	443,000
Total Expenditures:						443,000



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 9/1/2020

Consent item: Yes

SUBJECT: (B8) Resolution No. 20-34 -Ratifying Election Results for the Primary Election held August 18, 2020

DEPARTMENT: City Clerk

GOAL:

RECOMMENDED MOTION: Move to approve Resolution No. 20-34.

SUMMARY: The purpose of this resolution is to ratify the results of the primary election for Port Orange City Council Member for District 1. The official results from the Port Orange Canvassing Board are attached.

Project No.: Funding Account No.:

Presenter: Robin Fenwick

ATTACHMENTS:

1.	Reso. No. 20-34 - Ratifying 2020 Primary Election Results and Declaring Council Members - CA FINAL	Reso. No. 20-34 - Ratifying 2020 Primary Election Results and Declaring Council Members - CA FINAL.pdf
2.	Election Summary	Election Summary - Official Results 2020.pdf

Robin Fenwick
Matthew Jones
Jake Johansson
Robin Fenwick

Created/Initiated - 8/19/2020
Approved - 8/25/2020
Approved - 8/25/2020
Final Approval - 8/25/2020

RESOLUTION NO. 20-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RATIFYING
THE RESULTS OF THE PRIMARY ELECTION FOR MAYOR
HELD ON AUGUST 18, 2020; DECLARING THE COUNCIL
MEMBERS ELECTED AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, a primary election for the Mayor of Port Orange was held in the City of
Port Orange, Volusia County, Florida, on August 18, 2020, pursuant to the provisions of the
City Charter, as amended; and

WHEREAS, it appears that said election has been duly and properly held in
accordance with the Charter of the City of Port Orange and applicable state law, and that
the votes cast thereat have been returned, delivered, and canvassed by the Volusia County
Canvassing Board, which has certified the results thereof.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, FOUND, DECLARED
AND HEREBY RATIFIED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE,
VOLUSIA COUNTY, FLORIDA, at a public meeting of said City Council, duly held, at which
the official returns of the election have been duly accepted and ratified according to the
Charter of the City of Port Orange, Florida and applicable state law:

Section 1. The legal votes cast for each candidate and totals are as follows:

<u>CANDIDATE</u>	<u>VOTES</u>
<u>MAYOR</u>	
Don Burnette	7,186
Sarah Jones	4,280
Derek LaMontagne	1,657
TOTAL	<u>13,123</u>

Section 2. The City Council hereby declares the council members as follows:

Mayor Donald O. Burnette

District 3 Drew Bastian (unopposed)

Section 3. The election is found to have been in all respects conducted in accordance with law, and all steps in connection with and preceding such election has been duly, regularly and lawfully taken.

Section 4. This resolution shall be deemed effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Adopted on the day of September, 2020.

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

Run Date:08/21/20 07:13 PM

Report EL45A

Page 001

	TOTAL VOTES	%	Early Vot	Vote Mail	Elec Day	Prov	Other
PRECINCTS COUNTED (OF 125)	125	100.00					
REGISTERED VOTERS - TOTAL	381,826						
REGISTERED VOTERS - Democratic	128,287	33.60					
REGISTERED VOTERS - Republican	141,713	37.11					
REGISTERED VOTERS - NONPARTISAN	111,826	29.29					
BALLOTS CAST - TOTAL.	106,739		10,323	71,301	25,073	28	14
BALLOTS CAST - Democratic	43,525	40.78	4,086	32,208	7,210	14	7
BALLOTS CAST - Republican	46,080	43.17	5,225	26,008	14,833	10	4
BALLOTS CAST - Nonpartisan.	17,134	16.05	1,012	13,085	3,030	4	3
BALLOTS CAST - BLANK.	141	.13	7	115	17	0	2
VOTER TURNOUT - TOTAL		27.95					
VOTER TURNOUT - Democratic.		33.93					
VOTER TURNOUT - Republican.		32.52					
VOTER TURNOUT - BLANK		.04					

SUMMARY REPT-GROUP DETAIL

2020 Primary Election
August 18, 2020
Volusia County, Florida
Democratic

Official

Run Date:08/21/20 07:13 PM

Report EL45A

Page 002

	TOTAL VOTES	%	Early Vot	Vote Mail	Elec Day	Prov	Other
Representative in Congress Dist 6							
(VOTE FOR) 1							
Clint Curtis	20,653	50.23	1,762	15,835	3,052	2	2
Richard Thripp.	20,467	49.77	2,122	14,645	3,684	12	4
Over Votes	40		4	32	4	0	0
Under Votes	2,365		198	1,696	470	0	1
State Sen 9 State Senator District 9							
(VOTE FOR) 1							
Rick Ashby	555	17.54	19	437	99	0	0
Alexis Carter	501	15.83	28	375	98	0	0
H. Alexander Duncan	155	4.90	8	122	25	0	0
Guerdy Remy.	209	6.61	12	162	35	0	0
Patricia Sigman	1,744	55.12	103	1,403	238	0	0
Over Votes	4		1	2	1	0	0
Under Votes	84		8	52	24	0	0
State Rep 26 Florida House District 26							
(VOTE FOR) 1							
Patrick Henry	9,060	64.48	891	6,634	1,527	5	3
Evans L. Smith.	4,990	35.52	778	3,064	1,145	3	0
Over Votes	6		0	6	0	0	0
Under Votes	463		41	328	90	1	3
Committeewoman PCT 215							
PCT 215 (Prec-0215)							
(VOTE FOR) 2							
Elizabeth Atlee Hall.	291	27.45	17	233	41	0	0
Joyce Cummings Cusack	449	42.36	34	364	51	0	0
Sally Boland Garcia	320	30.19	28	267	25	0	0
Over Votes	0		0	0	0	0	0
Under Votes	696		49	572	75	0	0
Committeeman PCT 217							
PCT 217 (Prec-0217)							
(VOTE FOR) 2							
Eric Kurlander.	144	23.11	10	109	25	0	0
Jeff Shepherd	216	34.67	23	142	51	0	0
Thurman Thomas.	263	42.22	19	183	61	0	0
Over Votes	0		0	0	0	0	0
Under Votes	501		50	336	115	0	0

Committeewoman PCT 224
PCT 224 (Prec-0224)

(VOTE FOR) 2

Alicia Kristen Baithe	128	31.22	5	102	21	0	0
Jessica Kathleen Reehl	140	34.15	10	109	21	0	0
Ethel A. Thomas	142	34.63	27	99	16	0	0
Over Votes	0		0	0	0	0	0
Under Votes	366		36	274	56	0	0

SUMMARY REPT-GROUP DETAIL

2020 Primary Election
August 18, 2020
Volusia County, Florida
Democratic

Official

Run Date:08/21/20 07:13 PM

Report EL45A

Page 003

	TOTAL VOTES	%	Early Vot	Vote Mail	Elec Day	Prov	Other
Committeeman PCT 301							
PCT 301 (Prec-0301)							
(VOTE FOR) 2							
Frank Herbert Doglione	68	20.80	3	59	6	0	0
Phillip Drewry.	84	25.69	3	74	7	0	0
Richard Thripp.	175	53.52	9	142	24	0	0
Over Votes	0		0	0	0	0	0
Under Votes	283		15	223	45	0	0
Committeewoman PCT 301							
PCT 301 (Prec-0301)							
(VOTE FOR) 2							
Melissa Drewry.	81	23.21	3	69	9	0	0
Barbara Grimm	91	26.07	5	77	9	0	0
Allison Norton Streeter.	55	15.76	2	43	10	0	0
Kristy Thripp	122	34.96	6	100	16	0	0
Over Votes	0		0	0	0	0	0
Under Votes	261		14	209	38	0	0
Committeeman PCT 532							
PCT 532 (Prec-0532)							
(VOTE FOR) 1							
Chris Reynolds.	198	69.72	5	176	17	0	0
Kenyon J. Watkins.	86	30.28	7	65	14	0	0
Over Votes	0		0	0	0	0	0
Under Votes	41		1	38	2	0	0
Committeeman PCT 633							
PCT 633 (Prec-0633)							
(VOTE FOR) 3							
Danny Fuqua.	350	44.76	57	215	77	1	0
Matthew Lizotte	103	13.17	12	70	21	0	0
Devon S. Morris	131	16.75	14	83	34	0	0
Leslie B. Thackston	198	25.32	24	137	37	0	0
Over Votes	0		0	0	0	0	0
Under Votes	901		160	524	215	2	0
Committeewoman PCT 903							
PCT 903 (Prec-0903)							
(VOTE FOR) 2							
Suzanne E. Genthner	166	37.39	10	129	27	0	0
Dominique Schmidt.	93	20.95	9	71	13	0	0
Laura G. Smith.	185	41.67	19	138	28	0	0
Over Votes	0		0	0	0	0	0
Under Votes	322		34	224	64	0	0

SUMMARY REPT-GROUP DETAIL

2020 Primary Election
August 18, 2020
Volusia County, Florida
Republican

Official

Run Date:08/21/20 07:13 PM

Report EL45A

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	TOTAL VOTES	%	Early Vot	Vote Mail	Elec Day	Prov	Other
Public Defender 7th Judicial Cir							
(VOTE FOR) 1							
George Burden	29,532	30.25	3,550	18,507	7,460	12	3
Anne Marie Gennusa	25,834	26.46	1,887	19,262	4,674	8	3
Matt Metz	42,269	43.29	4,086	26,999	11,177	3	4
Over Votes	22		1	17	4	0	0
Under Votes	9,082		799	6,516	1,758	5	4
State Rep 27 Florida House District 27							
(VOTE FOR) 1							
Webster Barnaby	5,224	42.93	468	3,024	1,729	3	0
Erika Benfield.	4,411	36.24	448	2,206	1,757	0	0
Zenaida Denizac	2,535	20.83	337	1,250	947	1	0
Over Votes	5		0	4	1	0	0
Under Votes	264		18	172	73	0	1
Tax Collector							
(VOTE FOR) 1							
Will Roberts	58,621	59.96	5,934	39,403	13,266	14	4
David Santiago.	39,139	40.04	3,605	25,447	10,072	8	7
Over Votes	16		1	13	2	0	0
Under Votes	8,963		783	6,438	1,733	6	3
Rep Party State Committeeman							
(VOTE FOR) 1							
Santiago Avila Jr.	15,273	36.59	1,797	8,371	5,101	2	2
Victor Waldorf Baker.	26,471	63.41	3,060	14,987	8,417	7	0
Over Votes	1		0	1	0	0	0
Under Votes	4,335		368	2,649	1,315	1	2
Rep Party State Committeewoman							
(VOTE FOR) 1							
Debbie Phillips	27,324	65.43	2,913	15,797	8,609	4	1
Maria Trent.	14,435	34.57	1,966	7,514	4,950	5	0
Over Votes	5		0	5	0	0	0
Under Votes	4,316		346	2,692	1,274	1	3
Committeeman PCT 107							
PCT 107 (Prec-0107)							
(VOTE FOR) 2							
Jeff Brower.	159	60.92	13	69	77	0	0
David D. Schaefer.	36	13.79	2	12	22	0	0
Tim Taylor	66	25.29	2	39	25	0	0
Over Votes	0		0	0	0	0	0

Under Votes	209	13	102	94	0	0
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SUMMARY REPT-GROUP DETAIL

2020 Primary Election
August 18, 2020
Volusia County, Florida
Nonpartisan

Official

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Report EL45A

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	TOTAL VOTES	%	Early Vot	Vote Mail	Elec Day	Prov	Other
Circuit Judge 7th Judicial Cir, Grp 6							
(VOTE FOR) 1							
Anna Handy	43,385	43.25	3,802	30,611	8,950	15	7
Mike Orfinger	56,917	56.75	5,999	36,239	14,665	11	3
Over Votes	10		1	4	5	0	0
Under Votes	6,427		521	4,447	1,453	2	4
Circuit Judge 7th Judicial Cir, Grp 14							
(VOTE FOR) 1							
Joan Anthony	35,959	36.23	3,726	25,530	6,684	13	6
Dan Hilbert.	31,299	31.53	3,147	18,845	9,296	6	5
MaryEllen Osterndorf.	31,997	32.24	2,875	21,880	7,237	5	0
Over Votes	10		1	4	5	0	0
Under Votes	7,474		574	5,042	1,851	4	3
Circuit Judge 7th Judicial Cir, Grp 27							
(VOTE FOR) 1							
Bryan Robert Rendzio.	42,389	43.53	4,356	26,358	11,661	10	4
Alicia Washington.	54,998	56.47	5,167	38,759	11,053	13	6
Over Votes	8		2	5	1	0	0
Under Votes	9,344		798	6,179	2,358	5	4
County Judge 7th Judicial Cir, Grp 6							
(VOTE FOR) 1							
Nora Hall	41,246	41.73	3,498	29,579	8,153	9	7
Chris Miller	57,593	58.27	6,142	36,422	15,010	16	3
Over Votes	9		1	5	3	0	0
Under Votes	7,891		682	5,295	1,907	3	4
County Council Chair							
(VOTE FOR) 1							
Jeff Brower.	45,811	44.85	5,142	28,014	12,640	11	4
Deborah A. "Deb" Denys	41,093	40.23	3,276	28,976	8,824	13	4
Gerard L. Witman	15,246	14.93	1,551	11,151	2,539	2	3
Over Votes	11		0	8	3	0	0
Under Votes	4,578		354	3,152	1,067	2	3
CC Member Dist 3 County Council District 3							
(VOTE FOR) 1							
Gary T. Conroy.	8,001	35.35	666	5,951	1,379	3	2
Johan "John" D'Hondt.	2,065	9.12	175	1,418	470	1	1
Danny Robins	12,566	55.52	1,487	7,617	3,457	5	0
Over Votes	1		0	0	1	0	0
Under Votes	1,461		114	1,043	303	0	1

SB Member Dist 2 School Board District 2
(VOTE FOR) 1

Anita Burnette.	9,168	48.21	835	6,021	2,307	3	2
André Lavon Grant	2,435	12.81	337	1,507	590	1	0
Ida Duncan Wright.	7,412	38.98	901	4,796	1,708	6	1
Over Votes	4		0	3	1	0	0
Under Votes	1,796		173	1,132	486	2	3

SUMMARY REPT-GROUP DETAIL

2020 Primary Election
August 18, 2020
Volusia County, Florida
Nonpartisan

Official

Run Date:08/21/20 07:13 PM

Report EL45A

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	TOTAL VOTES	%	Early Vot	Vote Mail	Elec Day	Prov	Other
Mayor Daytona Beach							
(VOTE FOR) 1							
Sherrise M. Boyd	2,279	18.72	377	1,275	624	3	0
Derrick L. Henry Sr	6,102	50.11	823	3,996	1,280	2	1
Ken Strickland.	3,796	31.17	545	2,232	1,016	3	0
Over Votes	2		0	2	0	0	0
Under Votes	236		28	163	45	0	0
Council Seat 2 DeBary							
(VOTE FOR) 1							
Darius Kelley	1,513	33.78	72	1,146	295	0	0
Jim Pappalardo.	2,020	45.10	160	1,198	662	0	0
Ryan Rinaldo	946	21.12	36	645	265	0	0
Over Votes	0		0	0	0	0	0
Under Votes	208		9	133	66	0	0
Commission District 6 Deltona District 6							
(VOTE FOR) 1							
Lawton Anthony Colley Shaw.	504	22.98	63	355	86	0	0
Julio David Sosa	886	40.40	114	472	300	0	0
Jody Lee Storozuk.	803	36.62	71	522	210	0	0
Over Votes	0		0	0	0	0	0
Under Votes	68		3	45	20	0	0
City Commissioner Zone 2 Lake Helen							
(VOTE FOR) 1							
Roger F. Eckert	219	27.41	5	105	109	0	0
Roxann Reid Goodman	292	36.55	21	119	152	0	0
J.T. "TI" Hargrove	95	11.89	0	54	41	0	0
Nancy Weary.	193	24.16	6	106	81	0	0
Over Votes	1		0	0	1	0	0
Under Votes	14		0	7	7	0	0
Town Council Seat 4 Ponce Inlet							
(VOTE FOR) 1							
David Israel	883	59.82	38	503	341	1	0
Joseph V. Perrone.	593	40.18	26	378	189	0	0
Over Votes	0		0	0	0	0	0
Under Votes	12		0	8	4	0	0
Mayor Port Orange							
(VOTE FOR) 1							
Don Burnette	7,186	54.76	704	4,606	1,875	0	1
Sarah Jones.	4,280	32.61	344	3,302	633	0	1

Derek LaMontagne	1,657	12.63	177	1,030	450	0	0
Over Votes	1		0	1	0	0	0
Under Votes	182		11	134	37	0	0

SUMMARY REPT-GROUP DETAIL

2020 Primary Election
August 18, 2020
Volusia County, Florida
Nonpartisan

Official

Run Date:08/21/20 07:13 PM

Report EL45A

Page 007

	TOTAL VOTES	%	Early Vot	Vote Mail	Elec Day	Prov	Other
Mayor South Daytona							
(VOTE FOR) 1							
William "Bill" Hall	1,589	57.74	124	933	532	0	0
Nancy Long	1,163	42.26	64	821	276	1	1
Over Votes	1		0	0	1	0	0
Under Votes	20		1	12	7	0	0
City Council Seat 4 South Daytona							
(VOTE FOR) 1							
Eric Sander.	1,445	55.11	102	939	404	0	0
Ralph G. Schoenherr	1,177	44.89	78	723	375	0	1
Over Votes	0		0	0	0	0	0
Under Votes	151		9	104	37	1	0



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 9/1/2020

Consent item: Yes

SUBJECT: (B9) Approval of Concurrency and Fair-Share Agreement for the Paytas Office Building Site Plan (908 Taylor Road) - Case No. 19-80000008

DEPARTMENT: Community Development

GOAL:

RECOMMENDED MOTION: Move to approve the Concurrency and Fair-Share Agreement for the Paytas Office Building Site Plan (908 Taylor Road) - Case No. 19-80000008

SUMMARY: The Paytas Office Building development project is proposed to be located on the west side of Taylor Road, south of Dunlawton Avenue. The proposed Concurrency and Fair-Share Agreement has been prepared in conjunction with the site plan for the development of a 12,937 square-foot office building on approximately 1.2 acres, along with associated on-site and off-site improvements. Access to the site will be provided along Taylor Road via a full access driveway.

The Trip Generation and Distribution Study completed by LTG Engineering & Planning, anticipates impact to segments to Williamson Boulevard (Town West Boulevard to N. Pavilion Driveway) and Taylor Road (Dunlawton Avenue to Clyde Morris Boulevard) and Taylor Road (Summer Trees Road to Crane Lakes Boulevard) and the intersections of Taylor Road and Devon Street and Williamson Boulevard and Taylor Road (impacts shown on Sheet A2 of the FSA). Based on the Trip Generation and Distribution Study completed by LTG Engineering & Planning prepared, the developer is required to make a \$154,781 fair-share mitigation payment for the 12 PM peak hour trips generated per day from the development. The Concurrency and Fair-Share Agreement is to document the number of vested trips being used by the proposed project and to mitigate the impact of the new traffic generated from the development. The developer's fair-share mitigation payment includes: 1) \$9,615 payment to the City for the Summer Trees Road, Devon/Taylor Traffic Light, and Yorktowne Blvd. extension projects. This amount is calculated based on the number of trips traveling through the Taylor/Williamson, Devon/Taylor intersections and on segments of Williamson Blvd. and Taylor Rd.; and 2) a combination of a \$129,784 payment to Volusia County along with dedication of 15' toward the Taylor Road (Dunlawton Avenue to Clyde Morris Boulevard) right-of-way at a cost of \$15,382 for impacts to Taylor Road between Dunlawton Ave. and Clyde Morris Blvd. According to Volusia County, the mitigation collected by the county will go to funding a feasibility study for roadway improvements on Taylor Road between Dunlawton Avenue and Clyde Morris Boulevard, and/or design work for projects identified in the Taylor Road feasibility study. The Concurrency and Fair-Share Agreement has been executed by the property owner and is attached for review. Payment of the fair-share mitigation payment to the City and Volusia County is

required prior to issuance of a Development Order for the site plan.

Project No.: Funding Account No.:

Presenter: Tim Burman

ATTACHMENTS:

1.	Paytas Office Building Fair Share Agreement	Paytas Office Building Fair Share Agreement.pdf
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Penelope Cruz
Tim Burman
Shannon Balmer
Jake Johansson
Robin Fenwick

Created/Initiated - 5/19/2020
Approved - 8/14/2020
Approved - 8/21/2020
Approved - 8/25/2020
Final Approval - 8/25/2020

CONCURRENCY AND FAIR SHARE AGREEMENT (Transportation)

This Concurrency and Fair Share Agreement (the "Agreement") made and entered into this ____ day of _____, 2020, by and between **CITY OF PORT ORANGE, FLORIDA**, a Chartered Florida Municipality located in Volusia County, Florida, 1000 City Center Circle, Port Orange, Florida 32129 (the "City"); and **N & T Enterprises, LLC**, a Florida limited liability company whose address is 794 Sanders Road Suite 1, Port Orange, FL 32127 (the "Developer").

RECITALS

WHEREAS, attached to this Concurrency and Fair Share Agreement ("Agreement"), are exhibits describing in greater detail the parties hereto, real property, traffic study and transportation improvements which are referenced throughout this Agreement. The parties agree that all attached exhibits have been reviewed and previously approved by the parties and their respective professional consultants, and all cumulative information set forth or otherwise referenced therein is deemed incorporated herein by reference; and

WHEREAS, unless otherwise stated, the Developer is the owner of the real property described within the Development Exhibit marked as **Exhibit "A-1,"** (the "Project"); Developer desires to permit, develop and, if appropriate, plat the real property described and, in addition to other requirements, is seeking to comply with the City's concurrency and proportionate fair share requirements for roads/traffic circulation under Chapters 4 and 21 of the City's Land Development Code ("Traffic Concurrency"); and

WHEREAS, Developer desires to develop a freestanding emergency building and medical office building on approximately One and Two-tenths (± 1.2) acres of real property, more particularly described in **Exhibit "B-1,"** attached hereto and incorporated herein by reference ("Paytas Office Building"), which will generate 12 P.M. Peak Hour Trips;

WHEREAS, the contribution to transportation improvements identified as "Impacted Intersections/Road Segments per Transportation Master Concurrency Plan" in **Exhibit "A-2"** (hereinafter "Concurrency Improvements") are required in order for the Project to meet minimum concurrency requirements for roads/traffic circulation to support the proposed Project(s) or, in the alternative, said Concurrency Improvements have been identified as mitigating existing transportation deficiencies within the area impacted by the Project; and

WHEREAS, the City and the Developer agree that the new capacity created by the Concurrency Improvements may not be the actual excess capacity of the roadway, due to the need to account for vested trips, pursuant to the City's Land Development Code, from previously approved, but unbuilt, developments; and

WHEREAS, through the Transportation Impact Analysis, certain transportation impacts were identified within the area impacted by the Project and payment for such site related improvements are set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and Developer, hereby agree as follows:

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and Developer, hereby agree as follows:

1. **Incorporation of Recitals.** The presumptions and facts stated above in the recitals are incorporated by reference herein and deemed by the parties to be true, correct and constitute a material part of this Agreement.
2. **Fair-Share Contributions.** Pursuant to Sections 6 and 8, Article V, Chapter 21, Land Development Code, City of Port Orange, Florida, a proportionate fair-share contribution for concurrency impacts may include, separately or collectively, private funds, contributions of land, contribution of facilities, and construction of facilities and, in coordination with other affected government entities, said contribution may be collected by other affected government entities and applied to facilities maintained by other government entities. The Total Fair Share Contribution for the Project is stated in **Exhibit "A-2"** (hereinafter "Total Fair Share Contribution"). The Developer shall take the one or more of the following actions to address Concurrency Improvements identified by the City as a result of the impact of the development of the Project:
 - (a) **Proportionate Fair Share Payment:** In connection with the City's construction of Concurrency Improvements, as set forth in **Exhibit "A-2"**, Developer shall pay to the City a fair share assessment in the amount of the Total Fair Share Contribution or, if applicable, the difference between the Total Fair-Share Contribution, and the value of the Construction Improvements, as described in subsection (b) of this Section 2, and, if applicable the value of the Contribution of Land, as described in subsection (c) of this Section 2, pursuant to Section 8(f) and (g), Article V, Chapter 21, Land Development Code, City of Port Orange, hereinafter the "Fair Share Payment." Developer agrees to pay the Fair Share Payment to the City in the form of a certified check payable to the City of Port Orange. The City shall apply the Fair Share Payment to fund the City's construction of the Concurrency Improvements described in **Exhibit "A-2"**. Upon the City's receipt of the payment from the Developer, the funds shall become the property of the City and the right to request a refund is waived. The payment must be deposited with the City within 30 days of the city council's approval of this Agreement and shall be required prior to the issuance of a Development Order for the Development.
 - (b) **Construction of Improvements.** Developer may agree to construct, or to have constructed, a portion or all of the Concurrency Improvements, referenced in **Exhibit "A-**

2", (hereinafter "Construction Improvements"), as full or partial payment towards the Total Fair Share Contribution, in accordance with Section 8(f), Article V, Chapter 21, Land Development Code, City of Port Orange, Florida. Construction of the Construction Improvements will commence and be complete to meet concurrency requirements or mitigate transportation deficiencies within the Project area, in accordance with Chapters 4 and 21 of the City's Land Development Code, prior to the issuance of the first Certificate of Occupancy, unless delay is caused for reasons outside of Developer's control, in which case, construction will commence as soon as is reasonably practical. For purposes of this Agreement, "reasons outside of Developer's control" shall mean: delays or stoppage caused by acts of God, war, inability to obtain labor or materials or reasonable substitutes therefore, inability to receive governmental permits and approvals newly enacted governmental regulations or controls, the application of existing regulations or controls in a manner which Developer could not have foreseen or other similar matters or causes. All planning, permitting, and construction will be subject to the review and approval by the Florida Department of Transportation and, if applicable, the County of Volusia, and will comply with the standards and requirements established by the appropriate governmental entities. Developer will have no responsibility for maintenance or upkeep of the Concurrency Improvements.

(c) Contribution of Land. Developer may agree to contribute land for all or part of the Total Fair Share Contribution in accordance with Section 8(g), Article V, Chapter 21, Land Development Code, City of Port Orange, Florida, provided that such land is related to the development of the Project. If the City accepts such land, then credit for the land shall be valued on the date of the execution of this Agreement at 100 percent of the most recent assessed fair market value established by an independent appraiser. The appraiser shall be authorized by the City to perform the work and shall be paid by the Developer. The Developer shall supply a survey and legal description of the land and a certified title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the Total Fair Share Contribution, then the Developer shall also pay the difference.

(d) Mitigation. If applicable, pursuant to Section 4, Chapter 4, Land Development Code, in the alternative, the City may divert a portion of the Total Fair Share Contribution to mitigate deficiencies in the impacted area that are maintained by another jurisdiction. In addition, pursuant to Section 6, Article V, Chapter 21, Land Development Code, City of Port Orange, Florida, if the City diverts all or a portion of the Total Fair Share Contribution to the affected jurisdiction in order to mitigate said deficiencies maintained by the affected jurisdiction, then Developer shall be required to provide a concurrency certification letter from the affected jurisdiction stating developer has met the concurrency requirements of the affected jurisdiction. Upon the affected jurisdiction's receipt of the payment from the Developer, the funds shall become the property of the said jurisdiction and the right to request a refund is waived. The payment must be deposited with the affected jurisdiction within 30 days of the City Council's approval of this Agreement and shall be required prior to the issuance of a Development Order for the Development.

(e) Application of Payment. If the City chooses to apply a portion of the Total Fair Share Contribution to an alternative improvement to mitigate transportation deficiencies within the area impacted by the project in accordance with Subsection (c), hereinabove, as described in **Exhibit “A-2”** or, if applicable, accept the Construction Improvements, separately or collectively, for the fair share contribution, then, unless otherwise stated herein, said mitigating payment and/or completed construction improvements are accepted as full payment for the Total Fair Share Contribution. If applicable, once Construction Improvements offered as full or partial payment toward the Total Fair-Share Contribution are complete, Developer shall provide actual costs of said improvements, certified, sealed, and signed by the engineer of record for the Project. If actual costs are less than the estimated costs of constructing said improvements previously provided for consideration toward the Total Fair Share Contribution, then Developer shall pay the outstanding balance owed on the Total Fair Share Contribution. Any additional monies owed and certification of actual costs shall be provided prior to the first Certificate of Occupancy.

(f) Other Affected Jurisdictions. It is understood the Total Fair Share Contribution by the Developer as contemplated in Subsections (a), (b), and (c) of this Section 2 may apply to contributions to other jurisdictions affected by the impacts of the Project.

(g) Other Project Participants. The City and the Developer acknowledge that other entities, including but not limited to the Florida Department of Transportation and the County of Volusia, may participate in and contribute financially to one or more Concurrency Improvements as referenced herein, and hereinafter “Project Participant.”

3. **Vested Rights in Traffic Concurrency.** The City agrees that by paying the City the Fair Share Payment, and by receiving a Development Order for the Project, Developer will be deemed to have satisfied the City's Traffic Concurrency requirements for the Project and that the Project shall be fully vested with Traffic Concurrency for purposes of development and related Project construction.
4. **Entitlement to Impact Fee Credits.** Nothing herein is intended to alter, reduce or otherwise waive Developer's right to receive impact fee or capacity credits in connection with the Total Fair Share Contribution to the extent that Developer would be entitled to receive such credits. It is the intent of the parties that if it is determined that any portion of the road segment where the Concurrency Improvements are to be constructed is eligible for impact fee credits under the Volusia County impact fee program, then the City shall not object to the Developer seeking a reimbursement from Volusia County to the extent that the Developer has paid impact fees with respect to this Project.
5. **Application of Agreement Limited to the Project.** Nothing herein is intended to bind the City in determining the additional trip capacity provided by the construction of the Concurrency Improvements beyond that provided to the Project in connection with the Total Fair Share Contribution and the City expressly reserves the right to determine such available excess capacity for all future developments within its jurisdiction.

6. **Miscellaneous.**

- A. Attorney's Fees. In the event of litigation to enforce the terms of this Agreement, the prevailing party shall be entitled to collect from the other party reasonable attorney's fees and costs of suit.
- B. Venue and Choice of Law. In the event of litigation regarding the terms of this Agreement or documents executed as a result of this Agreement, venue of the action shall be in Volusia County and Florida law shall apply. Trial shall be non-jury for any issues subject to trial.
- C. Waiver. The waiver by a party of any terms or conditions of this Agreement or any breach hereof shall not constitute a waiver of any other term or condition or any subsequent breach of this Agreement.
- D. Successors. This Agreement shall be binding on the parties hereto, their heirs, administrators, executors, successors in interest and assigns.
- E. Construction of Contract. The parties hereto agree that they have all participated in the drafting of this Agreement. Therefore, the presumption that any ambiguity or vagueness in the construction of this Agreement shall be construed against the drafter shall not apply. The terms and provisions of the Agreement shall be applied equally to each party and the interpretation of the Agreement shall be guided by the express intent of the parties as determined by the overall effect of the provisions herein.
- F. Expiration. This Agreement shall expire after Developer's payment of the Fair Share Payment has been received and, if applicable, all Construction Improvements to be constructed by the Developer as referenced in **Exhibit "A-2"** are complete in accordance with subsections 2(b) and (c) and, if applicable, a Contribution of Land has been completed in accordance with subsections 2(b) and (d), contained herein.
- G. Conflicts. Developer agrees to be bound by all City codes and ordinances that are not in conflict with the provisions of this Agreement.
- H. Recording. Developer shall record a copy of this Agreement, at its sole cost and expense, with the Public Records of Volusia County, Florida. After expiration of this Agreement, as set forth in paragraph F, hereinabove, upon the request of Developer, City will execute a release of this Agreement which will be recorded in the Public records, Volusia County, Florida at the sole cost and expense of the Developer.
- I. Binding Nature and Covenants Running With the Land. The provisions of this Agreement shall be binding upon the parties hereto, and upon all successors in interest in the subject real property. And further, the provisions of this Agreement

shall constitute covenants running with the land applicable to all of the subject real property comprising the referenced, "Project."

- J. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument. The delivery by facsimile of an executed copy of this Agreement shall be deemed valid as if an original signature was delivered.

REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties affix their signatures and seals on the dates set forth below:

WITNESSES:

CITY OF PORT ORANGE, a Florida
municipal corporation

Printed Name: _____

By: _____
Donald O. Burnette, Mayor

Printed Name: _____

Date: _____

Printed Name: _____

Attest: _____
Robin L. Fenwick, MMC, City Clerk

Printed Name: _____

Date: _____

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 2020, by Donald O. Burnette, Mayor of the City of Port Orange, a Florida municipal corporation, on behalf of the city, and who is personally known to me.

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 by means of [XX] physical presence or [] online notarization this _____ day of _____, 2020, by Robin L. Fenwick, City Clerk of the City of Port Orange, a Florida municipal corporation, on behalf of the city, and who is personally known to me.

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

WITNESSES:

Printed Name: _____

Printed Name: _____

DEVELOPER:
N & T Enterprises, LLC, a Florida limited liability company

By: _____
Sandra L. Paytas, Trustee of the James W. Paytas Trust, its Member

Date: _____, 2020

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged by means of [] physical presence or [] online notarization before me this _____ day of _____ 2020, by *Sandra L. Paytas, Trustee of the James W. Paytas Trust, Member of N & T Enterprises, LLC*, who ☐ is personally known to me OR ☐ produced _____ as identification.

Notary Public, State of Florida at Large
Printed name, commission and expiration of commission term



Development Exhibit A – 1
Concurrency and Fair-Share Agreement
Transportation Improvement (“TI”)

Development Data:

Development Name:	Paytas Office Building
Site Address:	908 Taylor Rd.
City Case No.	19-80000008
Zoning District	CC - Community Commercial
TIA Report Date	March 17, 2020
TIA Prepared by:	George Galan, PE
Name of Firm:	LTG Engineering & Planning
Est. Date of Impact	2022

Developer:

Corporate Entity	N & T Enterprises, LLC
Contact Person	Sandra Paytas
Mailing Address:	794 Sanders Rd. #1, Port Orange, FL 32127

Land Owner:

Corporate Entity	N & T Enterprises, LLC
Contact Person	Sandra Paytas
Mailing Address:	794 Sanders Rd. #1, Port Orange, FL 32127

Real Property

Total Acreage:	+/- 1.2 acres
Parcel Number(s):	6320-00-00-0400
Legal Description	Legible real property legal description and sketch attached as EXHIBIT B-1

**Development Exhibit A – 2 - Concurrency and Fair-Share Agreement
Transportation Improvement (“TI”)**

Traffic Impact Analysis

Development Name:	Paytas Office Building Site Plan
City Case No.:	19-80000008
TIA Report Date:	March 17, 2020
TIA Prepared by (Firm):	LTG Engineering & Planning
Estimated Date of Impact:	2022

Contribution Calculations: Adjusted August 14, 2020

Impacted Intersections/Road Segments per Transportation Master Concurrency Plan	TI Stage I Reservation Deposit Estimated Cost	TI Stage II Project Cost	TI Stage III Actual Cost	DT/CI Ratio	% of Cost	Contribution Without Multiplier ^[3]	Contribution with Multiplier* ^[3]
Summer Trees Road Extension [1] OR Book 7486 Page 1855	N/A	N/A	\$3,152,938.60	1/860	0.12%	\$3,666	N/A
Devon/Taylor OR Book 6145 Page 3697 [1]	N/A	N/A	\$68,305	2/774	0.23%	\$176	N/A
Yorktowne Boulevard Extension [1] & [2]	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1. Williamson Boulevard	N/A	N/A	N/A	N/A	N/A	N/A	N/A
a. Caribbean Pine Way to Madeline Ave. [4]	N/A	N/A	N/A	N/A	N/A	N/A	N/A
b. Madeline Ave to Willow Run Blvd. [4]	N/A	N/A	N/A	N/A	N/A	N/A	N/A
c. Willow Run Blvd. to Willow Run Blvd. [4]	N/A	N/A	N/A	N/A	N/A	N/A	N/A
d. Town West Blvd. to 4L Terminus N of PO Pavilion [4]	\$4,391,460	N/A	N/A	1/1870	0.05%	\$2,348	\$2,583
2. Taylor Road (Crane Lakes Blvd. to Summer Tree Rd.) [4]	\$5,422,184	N/A	N/A	1/1870	0.05%	\$2,900	\$3,190
Taylor Road (Dunlawton Avenue to Clyde Morris Boulevard) [2 & 4 & 5]	\$8,300,000	N/A	N/A	12/741	1.75%	\$134,413	\$145,166
*Financial Guarantee Multiplier	1.1	1.1	1.0				
Total Fair-Share Contribution						Port Orange FSP^[2] - \$ 9,615 Volusia County FSP^[2] - \$ 145,166	

Fair Share Projects Dunlawton/Taylor at I-95 (PRVCF ORB 5709/4728), Dunlawton/Clyde Morris (PRVCF ORB 5709/4732, and Town West/Williamson (PVRCF 5709/4736) are completed or fully funded.

[1] City Project Participant - *Eligible for City trans. impact fee credits*

[2] Per Chapter 4, Section 4 of the LDC, approval to a development project is subject to mitigating adverse impacts to Volusia County owned or maintained segments of Williamson Blvd. and Taylor Rd., per the Traffic Memo. The impacts resulting from this project will be mitigated by the developer by making a mitigation payment and/or Taylor Road right-of-way dedication to Volusia County or making a mitigation payment to the Port Orange Yorktowne Blvd. Extension Fair-Share project for the impacts to the Volusia County roads.

[3] Rounded up to nearest whole dollar

[4] Project estimate cost per Volusia County Traffic Engineering – February 2020

[5] FDOT Inflation Factor of 1.08 for mitigation payment to Volusia County

Planning Review: _____ Date _____

Finance Review: _____ Date _____

EXHIBIT "B-1"

THE EASTERLY 130 FEET OF THE WESTERLY 410 FEET OF THE NORTHERLY 330.48 FEET OF SECTION 20, TOWNSHIP 16 SOUTH, RANGE 33 EAST, AND THAT PART OF LOT 1A, PLAT NUMBER TWO OF CRAIG FARMS, AS RECORDED ON PLAT BOOK 11, PAGE 90, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING NORTH OF AND BETWEEN THE NORTHERLY PROLONGATION OF THE EAST AND WEST LINES OF THE AFORESAID PROPERTY, PORTION OF LOT 1A, PLAT NUMBER TWO OF CRAIG FARMS, OTHERWISE AS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 16 SOUTH, RANGE 3 EAST, THENCE NORTH 88°11'30" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 280 FEET TO THE PLACE OF BEGINNING; THENCE NORTH 01°45'30" WEST AND PARALLEL TO THE WESTERLY LINE OF SAID SECTION 20, A DISTANCE OF 58.52 FEET TO A POINT IN THE SOUTHERLY LINE OF NEW ROAD (A 50-FOOT RECORDED ROAD); THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID NEW ROAD, A DISTANCE OF 130 FEET; THENCE SOUTH 01°45'30' EAST, A DISTANCE OF 57.83 FEET TO A POINT ON THE NORTHERLY LINE OF SAID SECTION 20; THENCE SOUTH 88°11'30" WEST ALONG THE NORTHERLY LINE OF SAID SECTION 20, A DISTANCE OF 130 FEET TO THE PLACE OF BEGINNING



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 9/1/2020

Consent item: No

SUBJECT: (B10) Approval of the Cooperative Economic Development Agreement with Team Volusia Economic Development Corporation

DEPARTMENT: City Manager

GOAL: 4 - Economic Development

RECOMMENDED MOTION: Move to approve the cooperative economic development agreement with Team Volusia Economic Development Corporation in the amount of \$30,809 for fiscal year 2021 and authorize Mayor and City Clerk to execute all applicable documents.

SUMMARY: Team Volusia Economic Development Council (TVEDC) serves as a countywide public-private economic development agency. TVEDC coordinates economic development activities and prospects with city staff as well as the Volusia County Department of Economic Development. The annual contract amount of \$30,808.50 ensures the city has a voice on the executive board.

TVEDC's primary purpose is to support business growth and recruit new businesses to the area. The contract requires them to report no less than quarterly to the city regarding TVEDC activities. Funding for public agencies is based upon a rate of \$0.50 per capita. The 2019 Bureau of Economic and Business Research (BEBR) Estimates of Population report was used to determine the estimated population. The estimated population of Port Orange in this most recent updated report was 61,617. Based on this information, the contract for FY 2021 is \$30,808.50.

Project No.: Funding Account No.: General Fund - Community Development

Presenter: Tim Burman

ATTACHMENTS:

1.	FY 2020 Cooperative Agreement - Executed	FY 2020 Cooperative Agreement - Executed.pdf
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Alan Rosen	Created/Initiated - 6/16/2020
Tim Burman	Approved - 6/25/2020
Scott Neils	Approved - 6/25/2020
Matthew Jones	Approved - 8/5/2020
Jake Johansson	Approved - 8/5/2020
Robin Fenwick	Final Approval - 8/5/2020

COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT

THIS AGREEMENT is made and entered into this 20 day of August, 2019 by and between the City of Port Orange, a Florida municipal corporation, hereinafter referred to as "City", and the "Team Volusia Economic Development Corporation" a Florida non-profit corporation, hereinafter TVEDC.

WHEREAS, the TVEDC intends to engage in a cooperative venture between the public and private sectors for the purpose of recruiting new businesses to Volusia County and fostering expansion of existing businesses within Volusia County; and

WHEREAS, to avoid a fragmentation of efforts and jurisdictional competition, various municipalities of Volusia County and the business community have come together to support a unified business development effort through the TVEDC; and

WHEREAS, the City Council of the City of Port Orange has as agreed to appropriate the amount of **Thirty Thousand, Five Hundred Four Dollars and .50 cents (\$30,504.50)** at 50 cents per capita (Port Orange population 61,009 as indicated at www.bebr.ufl.edu/population), in the budget for the fiscal year 2019–2020 to support economic development activities, and such sum qualifies the City for a seat on the TVEDC Executive Committee.

WHEREAS, the City of Port Orange desires to contract with the TVEDC to perform such economic development activities and to insure accountability for use of public funds.

NOW, THEREFORE, in consideration of the covenants hereinafter set forth, the City and the TVEDC hereby agree as follows:

1. **Purpose of Agreement.** The purpose of this Agreement is to support and implement a program of economic and business development and expansion throughout Volusia County in order to enhance the economic well being of the citizens of the City. To this end, the City desires to contract with the TVEDC in order to provide for implementation of the economic development program and to ensure accountability for the use of public funds.
2. **Program Funding.** The City shall pay to the TVEDC the sum of *Thirty Thousand, Five Hundred Four Dollars and .50 cents (\$30,504.50)*, such sum being the total compensation to be paid by the City for the work performed under this Agreement, unless this amount is reduced or rescinded as provided herein. The City may make one (1) annual, two (2) semi-annual or four (4) quarterly payments that total the agreed amount beginning on October 1, 2019. The TVEDC shall use the funds herein provided for expenditures generally recognized as appropriate for economic development purposes. The TVEDC shall separately account for use of public funds provided under this Agreement through generally accepted accounting methods. The City will receive quarterly reports which detail the activities of the

TVEDC including the most recent monthly financial statement. The City shall contact the TVEDC in writing when future funding for the TVEDC is discussed at a public meeting.

3. **Program Requirements.** The TVEDC shall plan, implement and evaluate a program to recruit new businesses to the City of Port Orange and to foster expansion of existing businesses within the City of Port Orange; pursuant to TVEDC's Program of Work approved by TVEDC Board of Directors.
4. **Report of Operations.** Upon request, the TVEDC shall provide the City with a copy of its annual audit performed by an independent certified public accounting firm.
5. **Future Appropriations.** Nothing in this Agreement shall obligate or commit the City to appropriate any funds in any subsequent fiscal year.
6. **Term of Agreement.** This agreement shall commence on October 1, 2019 and shall continue in force for a one-year period ending September 30, 2020. In addition, this agreement may be terminated upon any of the following events;
 - a. Written notice by the TVEDC to the City termination of the Agreement with or without cause.
 - b. Written notice by either party to the other party of termination of the Agreement for failure or breach of the other party to perform its obligations hereunder.
 - c. Approval of a resolution by the City Council amending the City budget to reduce or rescind the funds provided under this Agreement in accordance with Paragraph 2 above.
7. **Notices.** Notices required under this Agreement shall be sent by email, first class, certified return receipt requested, or nationally recognized express document service to the following persons representing the parties:

City: City Manager
 City of Port Orange
 1000 City Center Circle
 Port Orange, FL 32129

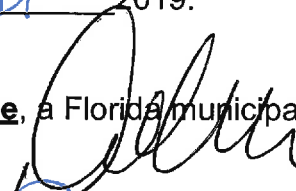
TVEDC: Keith A. Norden, CEcD
 President & CEO
 Team Volusia EDC
 One Daytona Blvd, Suite 240
 Daytona Beach, FL 32114

8. **Indemnification.** The TVEDC shall indemnify and hold harmless the City from and against all claims, damages, losses and expenses, including attorneys' fees and costs, arising out of or resulting from the grossly negligent or malicious performance of its operations under this Agreement.
9. **Amendments.** This Agreement may be amended or modified only by an instrument of equal formality signed by the respective parties.
10. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties. There are no further or other agreements or understandings, written or oral in effect between the parties relating to the subject matter of this Agreement.
11. **Public Records Compliance.** Contractor shall comply with public records laws as set forth in Chapter 119, Florida Statutes, and shall specifically:
- (a) Keep and maintain public records that ordinarily and necessarily would be required by the City in order to perform the service.
 - (b) Provide the public with access to public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided in Section 119, Florida Statutes, or as otherwise provided by law.
 - (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract term.
 - (d) Upon completion of the Contract, Contractor shall transfer to the City, at no cost, all public records in possession of the Contractor and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City in a format that is compatible with the information technology systems of the City. If Contractor does not comply with a public records request, the City shall enforce the Contract provisions in accordance with the Contract.
- CONTRACTOR QUESTIONS RELATING TO CONTRACTOR'S DUTIES TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT MUST BE FORWARDED TO THE OFFICE OF THE CITY CLERK, CITY HALL, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129 TELEPHONE: (386) 506-5563 E-MAIL: CITYCLERK@PORTORANGE.ORG.**

IN WITNESS WHEREOF, the parties hereto set their hands and seals this 20 day of August 2019.

City of Port Orange, a Florida municipal corporation

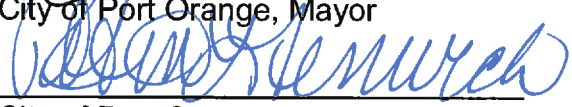
By:


City of Port Orange, Mayor

Date:

8/20/19

Attest:


City of Port Orange – City Clerk

Date:

8/20/19



Team Volusia Economic Development Corporation, a Florida non-profit corporation

By:	<u>Kenn A. Noland</u>	Date:	<u>7-10-2019</u>
Title:	<u>President + CEO</u>	Date:	<u>7-10-2019</u>
Attest:	<u>Deborah L. Ott</u>	Date:	<u>7-10-2019</u>



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 9/1/2020

Consent item: No

SUBJECT: (F13) Second Reading - Ordinance No. 2020-22 - 20-1 Large-scale Future Land Use Map Amendment/4057 Bruner Road (Case No. 20-20000003)

DEPARTMENT: Community Development

GOAL:

RECOMMENDED MOTION: Move to approve Ordinance No. 2020-22, adopting the 20-1 Large-Scale Comprehensive Plan Amendment and authorizing the transmittal to the required review agencies.

SUMMARY: Planning Commission Action (6-25-20): Recommended Approval

The City of Port Orange requests approval to change the Future Land Use (FLU) designation of approximately 18.7 acres from Volusia County Urban Low Intensity (0.2-4 units/acre) to City of Port Orange Public/Institutional. The subject property is located on the east side of Bruner Road, north of the City's water treatment plant and vacant city owned property (Gray property). If approved, the City plans to use the subject property as a Debris Management Site (DMS) will also comply with design requirements in the Land Development Code to ensure compatibility between adjacent land uses (i.e. preserve existing berms to screen adjacent residential properties).

Over the last few years, the City has used available City property, or contracted with private landowners, to handle debris management. The permanent establishment of a DMS provides the City with certainty as to the DMS location and we prepare for hurricane season each year. The City acquired the subject property in March 2020 to use as a debris management site (DMS) for the temporary disposal of vegetative debris generated by a natural disaster. The City's intent for property is to remain vacant open space until it is needed as a DMS. The subject site would enable debris haulers to efficiently and effectively remove debris from streets and residents' homes and have it delivered to the proposed DMS on the subject property. Once all storm debris is collected, it will be reduced by chipping and then hauled to the local landfill for ultimate disposal.

All public infrastructure has available capacity for the proposed amendment. However, the actual use of the site as a City DMS will be significantly less intense than the theoretical maximum impacts indicated in the Impact Analysis.

The staff report is attached for more details.

Project No.: Funding Account No.:

Presenter: Penelope Cruz

ATTACHMENTS:

1.	Ordinance No. 2020-22 with exhibit	Ord 2020-22 Large scale.pdf
2.	CC Staff Report_20-1 CPA_4057 Bruner Rd	CC Staff Report_20-1 CPA_4057 Bruner Rd.pdf

Robin Fenwick
Robin Fenwick

Created/Initiated - 7/22/2020
Final Approval - 8/17/2020

ORDINANCE NO. 2020-22

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
±18.7 ACRES FROM VOLUSIA COUNTY URBAN LOW
INTENSITY (0.2-4 UNITS/ACRE) TO CITY OF PORT
ORANGE PUBLIC/INSTITUTIONAL FOR PROPERTY
GENERALLY LOCATED ON THE EAST SIDE OF BRUNER
ROAD, NORTH OF THE CITY'S WATER TREATMENT AT
4057 BRUNER ROAD; 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 City Council of the City of Port Orange has provided an opportunity to receive comments and proposals from the general public and held at two public hearings 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, 2018-30, 2018-36, 2019-11, 2019-21, 2019-23, 2019-33, 2019-41, 2020-2, 2020-5, 2020-11, 2020-14, and this ordinance.

Section 2. The City Council hereby adopts and amends the Comprehensive Plan City of Port Orange 2010-2025, Future Land Use Map, attached hereto as **Exhibit “A”**, and incorporated herein by this reference.

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. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency. The City Clerk shall note the effective date hereon in the place provided below.

MAYOR DONALD O. BURNETTE

ATTEST:

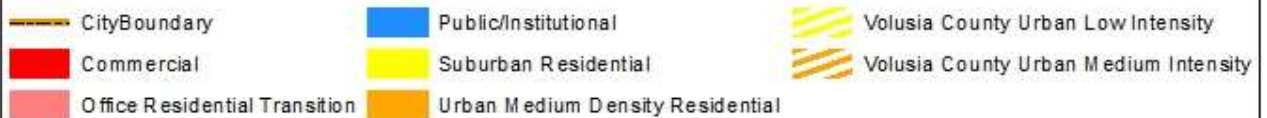
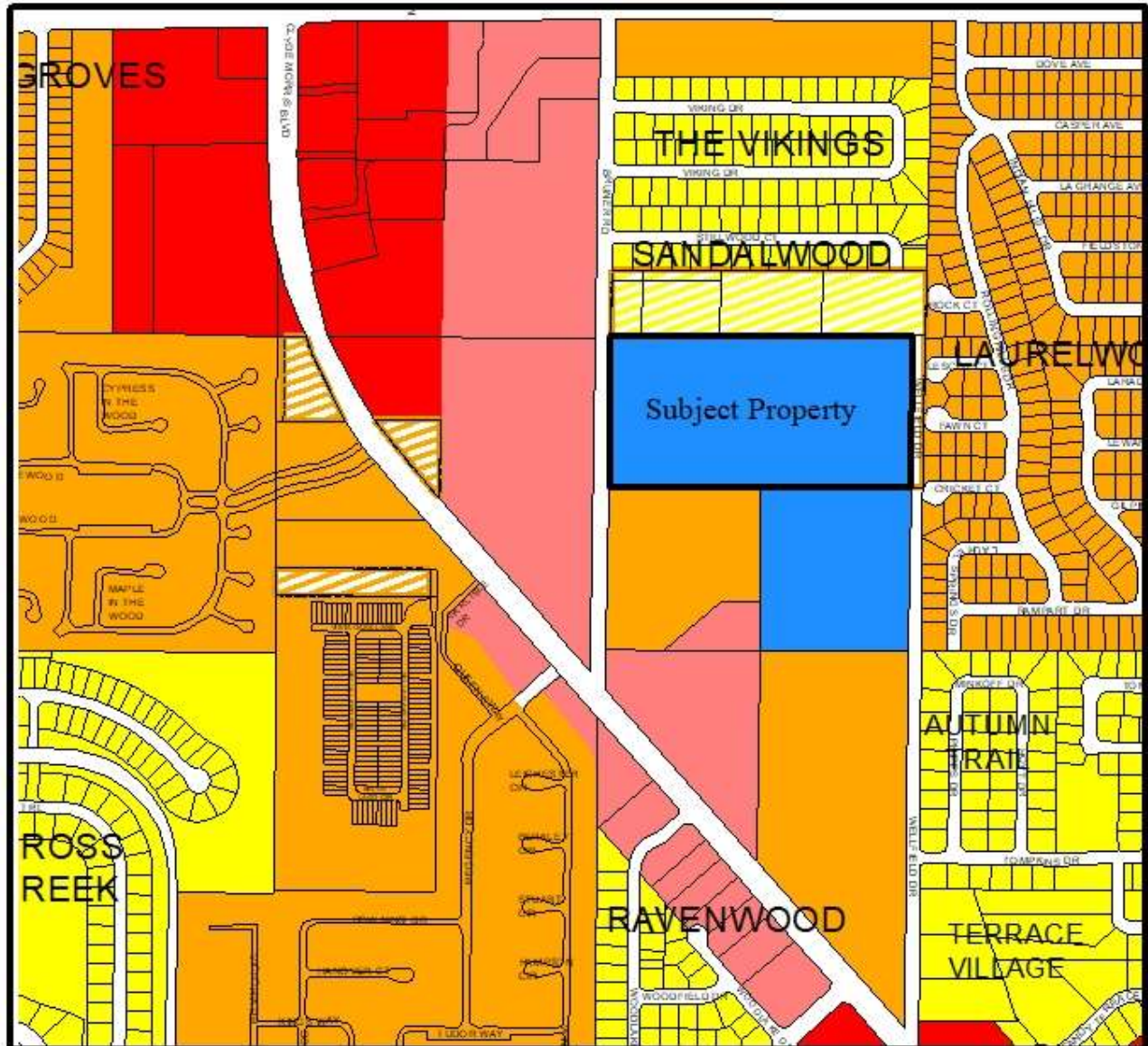
Robin L. Fenwick, MMC, City Clerk

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

EXHIBIT "A"



Future Land Use

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

20-1 Large-Scale Comprehensive Plan Amendment/
4057 Bruner Road
CASE NO. 20-20000003

REQUEST:	Amend the Comprehensive Plan Future Land Use (FLU) Map to change the FLU for ±18.7 acres from Volusia County <i>Urban Low Intensity</i> (0.2-4 units/acre) to City of Port <i>Public/Institutional</i> .
LOCATION:	4057 Bruner Road
APPLICANT/OWNER:	City of Port Orange
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	Recommended Approval (June 25, 2020)
CITY COUNCIL:	July 21, 2020

INTRODUCTION

The City of Port Orange requests approval to change the Future Land Use (FLU) designation of approximately 18.7 acres from Volusia County *Urban Low Intensity* (0.2-4 units/acre) to City of Port Orange *Public/Institutional*. The subject property is located on the east side of Bruner Road, north of the City's water treatment plant and vacant city owned property (Gray property). If approved, the City plans to use the subject property as a Debris Management Site (DMS).

Figure 1. Location Map



Map created by the City of Port Orange Community Development Department

DISCUSSION

Over the last few years, the City has used available City property, or contracted with private landowners, to handle debris management. The permanent establishment of a DMS provides the City with certainty as to the DMS location and we prepare for hurricane season each year. The City acquired the subject property in March 2020 to use as a debris management site (DMS) for the temporary disposal of vegetative debris generated by a natural disaster. The City's intent for property is to remain vacant open space until it is needed as a DMS. The subject site would enable debris haulers to efficiently and effectively remove debris from streets and residents' homes and have it delivered to the proposed DMS on the subject property. Once all storm debris is collected, it will be reduced by chipping and then hauled to the local landfill for ultimate disposal.

The surrounding existing land uses, Future Land Use designations, and Zoning classifications for the properties adjacent to the subject property are identified in Table 1.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Residential Mobile Home and Single Family Residential	Volusia County Urban Low Intensity	Volusia County MH-4
South	Vacant and City Wellfield	Urban Medium Density Residential (4-8 units/acre) and Public/Institutional	Multi-Family Residential (R-3L) and Government Public Use (GPU)
East	Residential Mobile Home	Urban Medium Density Residential (4-8 units/acre)	Residential Mobile Home (RMH)
West *	Vacant	Office/Residential Transition and Commercial	Planned Unit Development (PUD)

* Development applications are currently under review for a proposed multi-family development.

PROPOSED AMENDMENT

The proposed amendment is to change the FLU designation for ±18.7 acres from Volusia County *Urban Low Intensity* (0.2-4 units/acre) to City of Port Orange *Public/Institutional*. The proposed use of the site as a City DMS is allowed under the proposed *Public/Institutional* FLU designation.

The *Public/Institutional* FLU designation allows publicly owned lands to be developed as schools, libraries, active recreation parks, City administrative offices and yards, utility plants, the City's wellfield properties west of Tomoka Farms Road, and transportation facilities. This designation also allows privately owned land to be developed with uses that serve public needs, such as franchise utility operations, hospitals, churches, schools, institutions, etc. The intensity of permitted uses within this category is limited to a maximum floor area ratio (FAR)¹ of 0.2. This land use category may be located wherever needed to serve the City's population, businesses, and infrastructure in the most efficient manner. However, it is recognized that such uses are acceptable in a wide range of land

¹ The floor area ratio (FAR) is the relationship between the total amount of building floor area and the total area of the lot on which the building stands.

use environments and, therefore, small and/or isolated properties of this type may also be designated under adjoining land use types where appropriate.

The current and proposed Future Land Use designation of the subject property and adjacent properties are identified on Figure 2. The current and proposed zoning classification of the subject property and adjacent properties are identified on Figure 3.

Figure 2. Current and Proposed Future Land Use Map

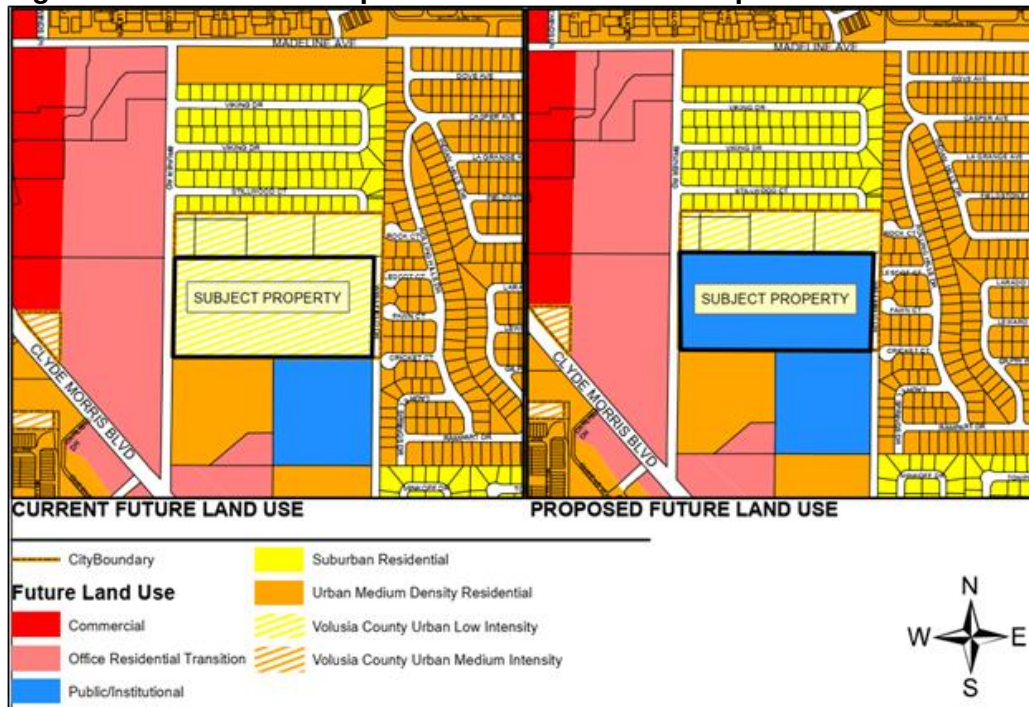
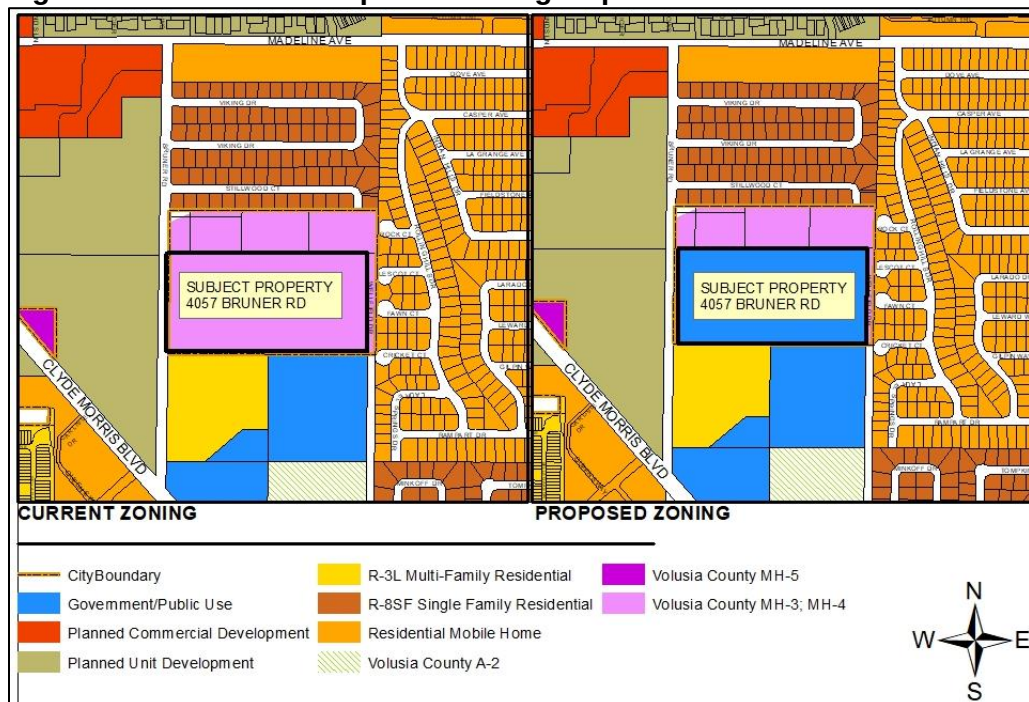


Figure 3. Current and Proposed Zoning Map



The following tables identify the current adopted and proposed FLU designations by acreage (Table 2) and the change to density/intensity on the subject property (Table 3).

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

FLU Designation	Current FLU (acres)	Proposed FLU (acres)	Net Change in FLU (acres)
Volusia County Urban Low Intensity (0.2-4 units/acre)	18.7	0	-18.7
City of Port Orange <i>Public/Institutional</i>	0	18.7	+18.7
Total Acreage	18.7	18.7	0

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

FLU Designation	Current FLU (theoretical max units/sq.ft.)	Proposed FLU (theoretical max units/sq.ft.)	Net Change in FLU (theoretical max units/sq.ft.)
Volusia County Urban Low Intensity (0.2-4 units/acre)	75 units	0	-75
City of Port Orange Public/Institutional (*FAR 0.2)	0	162,914 sq.ft.	+162,914 sq.ft.
Net Change	-75 units	+162,914 sq.ft.	-75 units +162,914 sq.ft.

*The floor area ratio (FAR) is the relationship between the total amount of building floor area and the total area of the lot on which the building stands.

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 (FLU) designation versus the proposed FLU designation. The following seven public facilities and services were examined:

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

Table 4. Impact Analysis (Theoretical Max.)

Development Variable	Current Land Use (VC Urban Low Intensity 0.2-4 units/acre)	Proposed Land Use (PO Public /Institutional)	Net Change
Residential Units	75	0	-75
Square footage	0	162,914 sq.ft.	+162,914 sq.ft.
Population ¹	169	0	-169
P.M. Peak Hour Trips/ Daily Trips ²	77/714	189/2,154	+112/+1,440
Sanitary Sewer (gallons/day) ³	12,000	16,291	+4,291
Potable Water (gallons/day) ⁴	13,500	16,291	+2,791
Solid Waste (lbs./day) ⁵	543	1,629	+1,086
Stormwater Drainage ⁶	n/a	n/a	n/a
Recreation/Open Space ⁷ (acres)	1.2	0	-1.2

Notes:

1. Population: 2.25 persons per household (per 2010 Census)
2. Transportation: Single-family (210) = 1.02 PM peak hour trips/unit and 9.52 daily trips/unit; Hospital (610) = 1.16 PM peak hour trips/1000 sq.ft. and 13.22 daily trips/1000 sq.ft; ITE Trip Generation Manual, 10th Edition
3. Sanitary Sewer: 160 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
4. Potable Water: 180 gallons per day per Equivalent Residential Unit; 1/10 gallon per square foot per day of non-residential development
5. Solid Waste: 3.21 pounds per person per day; 10 lbs. per 1,000 square feet of non-residential development per day
6. Stormwater Drainage: LOS standard = 25-year, 24-hour event; Drainage system will be designed to meet the requirements of the Land Development Code
7. Rec. & Open Space: 7 acres/1,000 persons (0.007 acres/person)

The proposed FLU designation would decrease the theoretical maximum number of residential units allowed on the subject property and increase the theoretical maximum of non-residential square-footage. Overall, the proposed amendment results in a net increase in impacts to public infrastructure based on the theoretical maximum analysis required by Florida Statutes. All public infrastructure has available capacity for the proposed amendment. However, the actual use of the site as a City DMS will be significantly less intense than the theoretical maximum impacts indicated in the *Impact Analysis*. For example, according to Florida Statutes, the theoretical maximum for daily and P.M. Peak trips for the *Public/Institutional* FLU designation must use the highest traffic generating use allowed by the *Public/Institutional* FLU designation in the Impact Analysis even though the City's intent for the site is to remain as vacant open space until it is needed as a DMS.

TRANSPORTATION

According to the ITE Trip Generation Manual, the anticipated maximum trip generation potential for the current FLU designation is 77 PM peak-hour trips and 714 daily trips. The anticipated maximum trip generation potential for the proposed FLU designation is 189 PM peak-hour trips and 2,154 daily trips based on the theoretical maximum development analysis. However, based on the proposed use of the subject site as DMS facility, the trips that would be produced on a daily basis will be de minimus. The only anticipated traffic accessing the site would be when the site is being used as a DMS and periodic city vehicles accessing the site for maintenance and training. No deficiencies have been identified on the existing and future roadway network in this area in the short term or the long-term.

SANITARY SEWER

The City has available sewer capacity to accommodate the proposed FLU amendment. The City's adopted LOS standard is 160 gallons per day per Equivalent Residential Unit (ERU) and 1/10 gallon per square foot per day of commercial, industrial, or institutional development. Using these standards, the proposed land use would theoretically generate 16,291 gallons per day (gpd) of wastewater. This is a net increase of 4,291 gpd between the current and proposed FLU designations.

POTABLE WATER

The City has available potable water capacity (well and Consumptive Use Permit) to serve the proposed FLU amendment. The City's adopted LOS standard is 180 gallons per day per ERU and 1/10 gallon per square foot per day of commercial, industrial, or institutional development. Using these standards, the proposed land use would theoretically demand 16,291 gpd of potable water. This is a net increase of 2,791 gpd in demand between the current and proposed FLU designations. Even though the City may have the technical capability to pump 15 MGD from its wells, prohibitions within the City's 20-year Consumptive Use Permit (CUP) issued by the St. Johns River Water Management District (SJRWMD) significantly limit the amount of water that is permitted to be withdrawn. The City's CUP allows for an average daily withdrawal of 8.97 MGD and a maximum daily withdrawal of 13.46 MGD in 2020. Actual average daily flow during the 2019 calendar year was 6.05 MGD. When reviewing Future Land Use amendments, the following is considered to determine the amount of permitted water capacity available for all other future uses: the current year CUP allocation, consumption in the previous calendar year, reserved capacity, and projected consumption. Based upon these measures, the City still has available CUP capacity.

SOLID WASTE COLLECTION

There is available capacity at the landfill to address the City's solid waste disposal needs. The City's collection standard is 1,350 residential units per curbside collection crew, per day, and a weight standard of 3.21 pounds per person per day. The proposed land use would generate 1,629 pounds of garbage per day. This is a net increase of 1,086 pounds/day between the current and proposed FLU. Solid waste generated within the City of Port Orange is delivered to the Volusia County landfill, a 3,000-acre Class I landfill with a projected life span to the year 2050.

STORMWATER DRAINAGE

There is no anticipated impact to the City's drainage system from the proposed land use. 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 redevelopment of the property will be required to address stormwater retention on the property in accordance with these City standards.

RECREATION AND OPEN SPACE

The proposed FLU designation does not require additional parkland because the proposed FLU designation does not increase residential demand. According to the City's 2019 Concurrency Management Report, the City has an excess of 55 acres of parkland, so no additional parkland is needed.

SCHOOLS

Pursuant to the Volusia County School District criteria, the proposed FLU amendment and any future development of this property is exempt from School Concurrency review because the proposed FLU amendment is a decrease in allowable residential units and subject property is proposed for a non-residential use.

ENVIRONMENTAL CONDITIONS

An environmental analysis was prepared by Young Bear Environmental (YBE) (May 2020). According to YBE, the subject site is disturbed land that is located within a highly developed urban area. The property was declared a Brownfield Site by Volusia County in June 2016.

In addition to the lake onsite, a small wetland occurs in the southeast corner. YBE states it is anticipated that protected species utilization is highly limited. The gopher tortoise, a state listed threatened species, was observed on the subject site. Several gopher tortoise burrows were found throughout the site. No other protected species, aside from gopher tortoises, were observed and none are anticipated. The gopher tortoise will require proper permitting with Florida Wildlife Conservation Commission (FWC) prior to site preparation activities. Any subsequent 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. *The land use proposal is consistent with the goals, objectives, and policies of the adopted Port Orange 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 category is compatible with adjacent parcels and adequate capacity

exists for potable water, sewer, schools, traffic, and solid waste to accommodate the proposed amendment. The Comprehensive Plan states that this land use category may be located wherever needed to serve the City's population, businesses, and infrastructure in the most efficient manner. The subject property is located adjacent to existing City owned property/facilities and located in an area that can efficiently serve the City. As with all development, the specific site development proposals for the subject property will be subject to concurrency regulations requiring adequate public facilities to be provided to mitigate the impacts.

2. *Amendments shall not result in incompatible land use designations for adjacent parcels or a neighborhood. Compatibility shall be determined by scale of development, intensity, density, and type of use, and the juxtaposition of uses.*

Staff finding: The proposed FLU amendment is compatible with the adjacent properties (see Table 1 – page 2). 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 will also comply with design requirements in the Land Development Code to ensure compatibility between adjacent land uses. The subject property has historically been used as a debris disposal site. The City intends to clean-up the site keep it as vacant open space until it is needed as a DMS.

3. *An amendment shall not result in negative economic, social, or other impacts to the City of Port Orange.*

Staff finding: All public facilities have adequate capacity to accommodate the proposed amendment and therefore there are no negative impacts.

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.

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

Staff finding: The proposed amendment will not encourage sprawl. Pursuant to section 171.043(1) Florida Statutes, the subject property was determined to be, reasonably compact and to not contribute to urban sprawl during the annexation review. The proposed amendment is for an infill property that has access to existing infrastructure and services.

PUBLIC NOTICE

On June 12, 2020, staff posted the property notifying the public of the proposed FLU amendment and rezoning. At the time this agenda item was prepared, there has been one (1) inquiry received that was a general inquiry asking what was proposed.

STAFF RECOMMENDATION

Staff recommends approval of the request to change the Future Land Use designation of approximately 18.7 acres of land from Volusia County *Urban Low Intensity* (0.2-4 units/acre) to City of Port Orange *Public/Institutional*, and transmittal to the required review agencies for review.



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 9/1/2020

Consent item: No

SUBJECT: (F14) Second Reading - Ordinance No. 2020-23 - Administrative Rezoning/4057 Bruner Road and 4505 Clyde Morris Boulevard (Case No. 20-60000004)

DEPARTMENT: Community Development

GOAL:

RECOMMENDED MOTION: Move to approve Ordinance No. 2020-23, rezoning approximately ± 18.7 acres from Volusia County Rural Mobile Home (MH-3 and MH-4) to City of Port Orange Government Public Use (GPU) and ± 8.1 acres from City of Port Orange Multi-Family Residential (R-3L) to City of Port Orange Government Public Use (GPU).

SUMMARY: Planning Commission Action (06/25/20): Recommended Approval

The proposed administrative rezoning is to rezone approximately 18.7 acres from Volusia County Rural Mobile Home (MH-3 and MH-4) to City of Port Orange Government Public Use (GPU) and approximately 8.1 acres from City of Port Orange Multi-Family Residential (R-3L) to City of Port Orange Government Public Use (GPU). The subject properties are located on the east side of Bruner Road, to the north and west of the City's water treatment plant and Police Station. If approved, the City plans to use 4057 Bruner Road as a Debris Management Site (DMS) and 4505 Clyde Morris Boulevard as the future Public Utilities Field Operations facility.

4057 Bruner Road: Over the last few years, the City has used available City property or contracted with private landowners to handle debris management. The permanent establishment of a Debris Management Site (DMS) provides the City with certainty as to the DMS location as we prepare for hurricane season each year. The City acquired the subject property in March 2020 to use as a DMS for the temporary disposal of vegetative debris generated by a natural disaster. The City's intent for the property is to remain vacant open space until it is needed as a DMS. The subject site would enable debris haulers to more efficiently and effectively remove debris from streets and residents' homes and have it delivered to the proposed DMS. Once all storm debris is collected, it will be reduced by chipping and then hauled to the local landfill for ultimate disposal.

4505 Clyde Morris Boulevard: The City acquired the subject property in 2005 as part of a multi-parcel sale to construct the current Police Station. The property has been zoned residential since 1981, and in 2007 a portion of the property was rezoned to GPU concurrently with construction of the Police Station. With the subject property being used as a single-family residence in 2007, the subject property was not rezoned to GPU

with the Police Station parcels. In May 2020, the single-family residence was removed, and the property can now be rezoned to GPU for consistency with the adjacent City-owned properties. The City is evaluating the relocation of the Public Utilities Field Operations facility from its current location on Oak Street to a new facility on the subject property. If approved, the City anticipates construction of the new facility to occur within the next three years.

As part of any future site development, site plans and/or building permits will be required to be submitted for staff review to verify all LDC and Florida Building Code requirements are met, such as landscape buffers (i.e. preserve existing berms for screen adjacent residential properties), parking, building setbacks, tree preservation, and infrastructure, to ensure compatibility with adjoining properties, and that adequate public facilities and services are available.

The staff report is attached for more information.

Project No.: Funding Account No.:

Presenter: Penelope Cruz

ATTACHMENTS:

1.	Ordinance No. 2020-23 with exhibits	Ord 2020-23 -.pdf
2.	CC Admin Rezoning Bruner Staff Report	CC Admin Rezoning Bruner Staff Report.pdf

Penelope Cruz
Robin Fenwick

Created/Initiated - 7/22/2020
Final Approval - 8/17/2020

ORDINANCE NO. 2020-23

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY ± 18.7 ACRES FROM VOLUSIA COUNTY RURAL MOBILE HOME (MH-3 AND MH-4) AND ± 8.1 ACRES FROM CITY OF PORT ORANGE MULTI-FAMILY RESIDENTIAL (R-3L) TO GOVERNMENT PUBLIC USE (GPU); AUTHORIZING REVISION OF THE OFFICIAL ZONING ATLAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a portion of the property to be rezoned from Volusia County Rural Mobile Home (MH-3 and MH-4) to City of Port Orange Government Public Use (GPU) consists of approximately ± 18.7 acres and is located at 4057 Brunner Road; and

WHEREAS, a portion of the property to be rezoned from City of Port Orange Multi-Family Residential (R-3L) to City of Port Orange Government Public Use (GPU) consists of approximately ± 8.1 acres and is located at 4505 Clyde Morris Boulevard; and

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

WHEREAS, the Planning Commission recommended approval of the proposed rezoning;

WHEREAS, the City Council has approved by majority vote of the members present the rezoning of the described property; and

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

rezone approximately ± 18.7 acres located at 4057 Bruner Road from Volusia County Rural Mobile Home (MH-3 and MH-4) to City of Port Orange Government Public Use (GPU), more particularly described as Area 1 in **Exhibit "A"**, attached hereto.

Section 2. The City Council of the City of Port Orange does hereby rezone approximately ± 8.1 acres located at 4505 Clyde Morris Boulevard from City of Port Orange Multi-Family Residential (R-3L) to City of Port Orange Government Public Use (GPU), more particularly described as Area 2 in **Exhibit "A"**, attached hereto.

Section 3. The City Council of the City of Port Orange does hereby approve, authorize and direct the revision of the City's Official Zoning Atlas to show the classifications for the area as hereby rezoned as shown on **Exhibit "B"** attached hereto.

Section 4. This ordinance shall become effective immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on first reading on the ____ day of _____, 2020

Passed and adopted on second and final reading on the ____ day of _____,
2020

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

Exhibit A

Area 1: 4057 Bruner Rd. (6306-00-00-0061)

The North 20 acres, plus or minus, of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 16 South, Range 33 East, Volusia County, Florida, except the Westerly 30 feet thereof, and the Easterly 50 feet thereof. The North property line of the aforescribed property shall be the at line established by Judicial Decree in that certain case styled Rowley V. Burner, Chancery Number 14,328, 7th Judicial Circuit, in and for Volusia County, Florida. ALSO DESCRIBED AS:

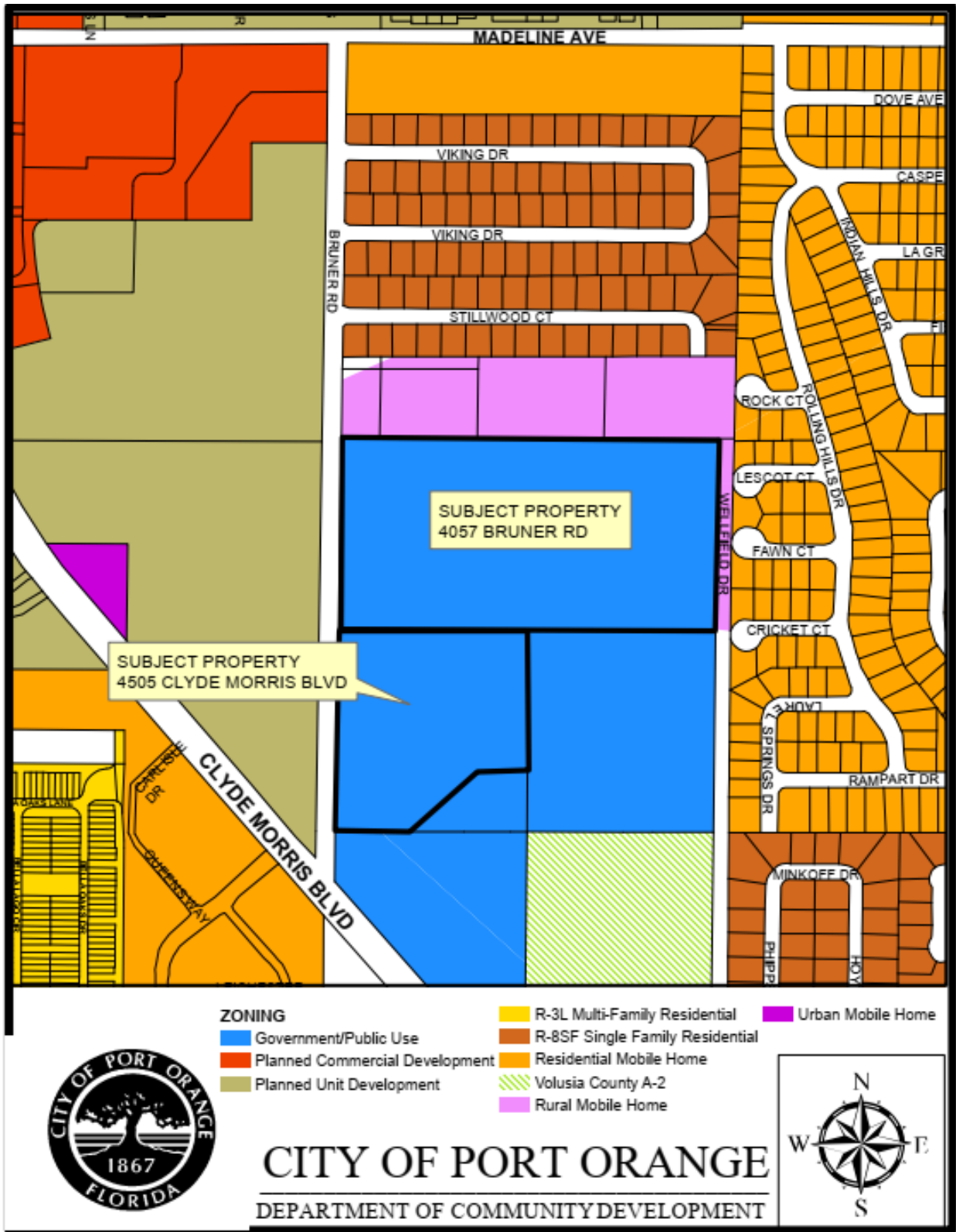
The Northerly 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 16 South, Range 33 East, Volusia County, Florida, excepting therefrom the Easterly 50 feet for road purposes, but including a triangle on the Northerly line being 9.5 feet on the West line and 1324.65 feet on the South line.

Area 2: 4505 Clyde Morris Blvd. (6306-00-00-0062)

A portion of Section 6, Township 16, South, Range 33 East, City of Port Orange, Volusia County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 6, thence run S89°19'34"W along the South line of the Southeast ¼ of said Section 6, a distance of 1064.39 feet to the Point of Beginning; thence continue S89°19'34"W along said South line, 234.37 feet to the Easterly right of way line on Bruner Road, a 60 foot right of way per Official Records Book 2764, Page 1153 of the Public Records of Volusia County, Florida; thence N01°01'40"E along said Easterly right of way line, 658.91 feet to the North line of the South ½ of the Southeast ¼ of the Southeast ¼ of said Section 6; thence N89°29'41"E along said North line 613.62 feet; thence S00°58'02"W, 464.00 feet; thence S89°29'41"W, 150.00 feet; thence S49°55'40"W, 304.78 feet to the Point of Beginning. Containing 8.095 acres, more or less.

EXHIBIT B





STAFF REPORT

ADMINISTRATIVE REZONING

CASE NO. 20-60000004

REQUEST:	Rezone ±18.7 acres from Volusia County Rural Mobile Home (MH-3 and MH-4) to City of Port Orange Government Public Use (GPU) and ±8.1 acres from City of Port Orange Multi-Family Residential (R-3L) to City of Port Orange Government Public Use (GPU)
LOCATION:	4057 Bruner Road and 4505 Clyde Morris Boulevard
OWNER/APPLICANT:	City of Port Orange
STAFF CONTACT:	Gwen Perney, Senior Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	Recommended Approval (June 25, 2020)
CITY COUNCIL:	July 21, 2020

Property Overview

The proposed administrative rezoning is to rezone approximately 18.7 acres from Volusia County Rural Mobile Home (MH-3 and MH-4) to City of Port Orange Government Public Use (GPU) and approximately 8.1 acres from City of Port Orange Multi-Family Residential (R-3L) to City of Port Orange Government Public Use (GPU). The subject properties are located on the east side of Bruner Road, to the north and west of the City's water treatment plant and Police Station. If approved, the City plans to use 4057 Bruner Road as a Debris Management Site (DMS) and is evaluating relocating the Public Utilities Field Operations facility from the current location on Oak Street to 4505 Clyde Morris Boulevard.

Figure 1. Location Map



Discussion

The following outlines the request to rezone these properties. The proposed rezoning was reviewed according to the criteria established in Chapter 3, Section 7 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and the surrounding land uses and zoning.

4057 Bruner Road

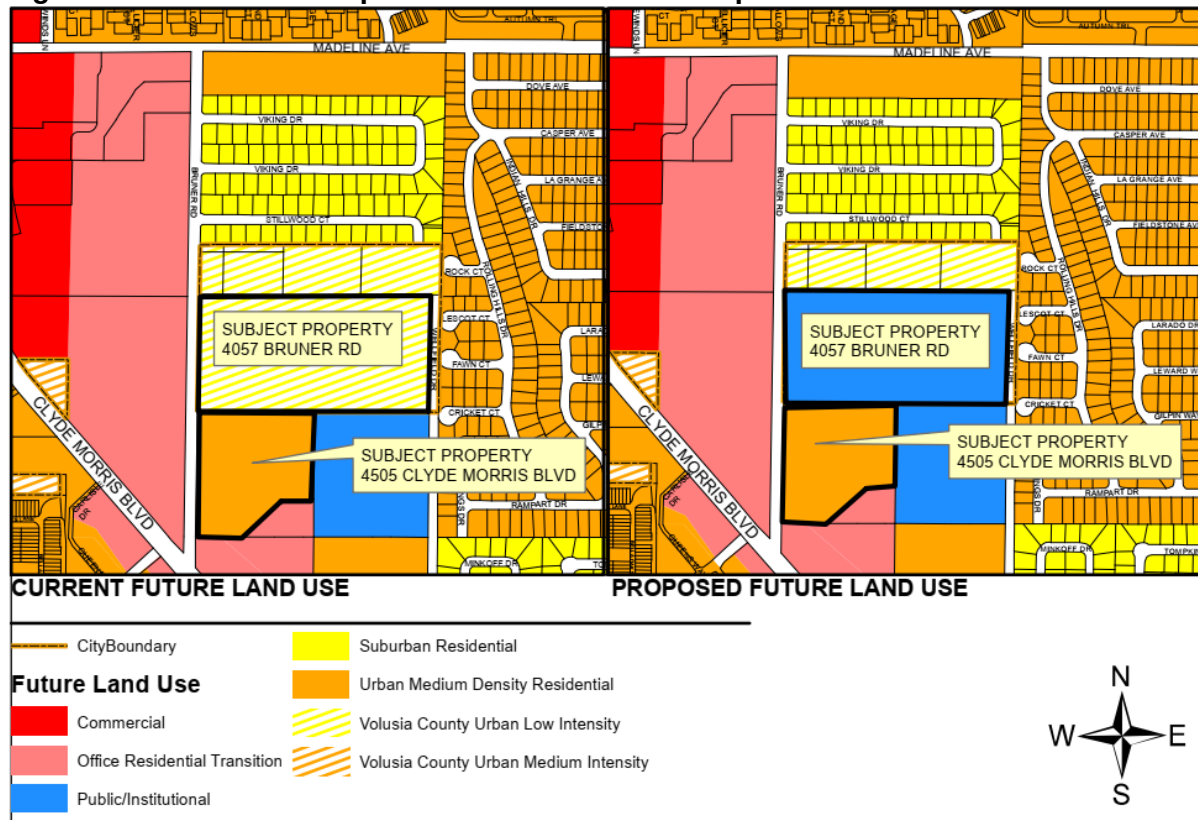
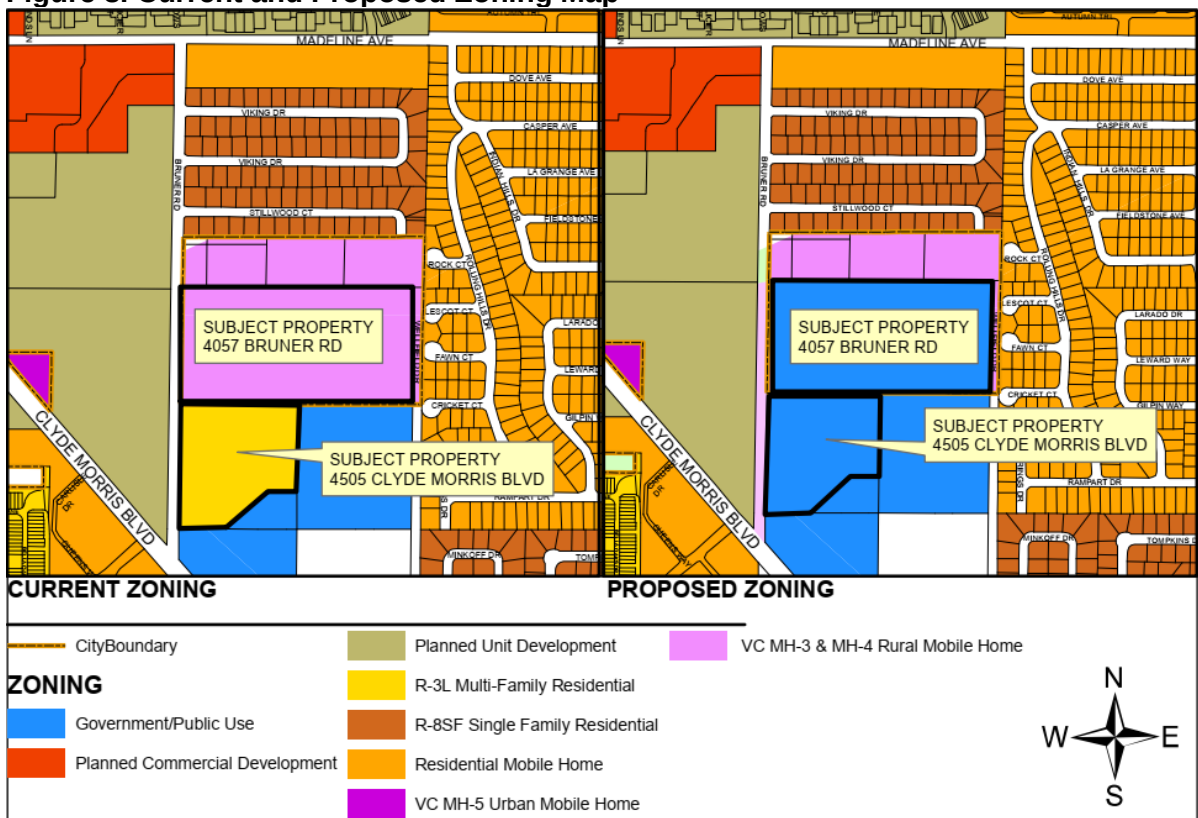
Over the last few years, the City has used available City property, or contracted with private landowners, to handle debris management. The permanent establishment of a Debris Management Site (DMS) provides the City with certainty as to the DMS location as we prepare for hurricane season each year. The City acquired the subject property in March 2020 to use as a DMS for the temporary disposal of vegetative debris generated by a natural disaster. The City's intent for the property is to remain vacant open space until it is needed as a DMS. The subject site would enable debris haulers to more efficiently and effectively remove debris from streets and residents' homes and have it delivered to the proposed DMS. Once all storm debris is collected, it will be reduced by chipping and then hauled to the local landfill for ultimate disposal.

An application to change the Future Land Use (FLU) designation to City of Port Orange *Public/Institutional* is running concurrent with this application. The proposed Government Public Use (GPU) zoning designation is consistent with the *Public/Institutional* FLU designation as it is property that will provide a public use of a post-storm debris management site for city-wide public use (Figures 2 and 3).

4505 Clyde Morris Boulevard

The City acquired the subject property in 2005 as part of a multi-parcel sale to construct the current Police Station. The property has been zoned residential since 1981, and in 2007, a portion of the property was rezoned to GPU concurrently with construction of the Police Station. With the subject property being used as a single-family residence in 2007, the subject property was not rezoned to GPU with the Police Station parcels. In May 2020, the single-family residence was removed, and the property can now be rezoned to GPU for consistency with the adjacent City-owned properties. The City is evaluating the relocation of the Public Utilities Field Operations facility from its current location on Oak Street to a new facility on the subject property. The City anticipates construction of the new facility to occur within the next three years.

The proposed zoning is consistent with the current FLU *Urban Median Density Residential* (4-8 units/acre). According to Future Land Use Element Policy 2.1.4 in the City's Comprehensive Plan, it recognizes that public/institutional uses are acceptable in a wide range of the City's Future Land Use designations, and isolated properties, such as the subject property, may be designated under any Future Land Use land use category where appropriate. Based on compatibility with adjacent zoning districts, access to an arterial roadway, availability of infrastructure, and ability to sufficiently buffer to adjacent uses, it has been determined that the proposed uses (City administrative or facility uses) and requested zoning are appropriate at this location and consistent with the current FLU designation.

Figure 2. Current and Proposed Future Land Use Map**Figure 3. Current and Proposed Zoning Map**

Consistency with Comprehensive Plan and Surrounding Uses and Zoning

The proposed rezoning is generally consistent with the pertinent Goals, Objectives, and Policies of the City's Comprehensive Plan and are compatible with adjacent properties (Table 1). 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 negatively impacted by the other.

If the City has future plans to develop either property, site plans and/or building permits will be required to be submitted for staff review, to verify all LDC requirements are met, such as landscape buffers, parking, building setbacks, tree preservation, and infrastructure, to ensure compatibility with adjoining properties and that adequate public facilities and services are available.

Table 1. Surrounding Land Uses and Zoning
4057 Bruner Road

Direction	Existing Land Use	FLU Designation	Zoning District
North	Residential Mobile Home and Single Family Residential	<i>Volusia County Urban Low Intensity</i>	Volusia County (MH-4)
South	Vacant and City Wellfield	<i>Urban Medium Density Residential (4-8 units/acre) and Public/Institutional</i>	Multi-Family Residential (R-3L) and Government Public Use (GPU)
East	Residential Mobile Home	<i>Urban Medium Density Residential (4-8 units/acre)</i>	Residential Mobile Home (RMH)
West	Vacant	<i>Office/Residential Transition and Commercial</i>	Planned Unit Development (PUD)

4505 Clyde Morris Boulevard

Direction	Existing Land Use	FLU Designation	Zoning District
North	Vacant	<i>Volusia County Urban Low Intensity</i>	Volusia County (M-4)
South	Police Station	<i>Office/Residential Transition</i>	Government Public Use (GPU)
East	Water Plant	<i>Public/Institutional</i>	Government Public Use (GPU)
West	Vacant	<i>Office/Residential Transition and Commercial</i>	Planned Unit Development (PUD)

Public Notice

On June 12, 2020, staff posted the property notifying the public of the proposed rezoning. At the time this agenda item was prepared, there has been one (1) inquiry received that was a general inquiry asking what was proposed.

Staff Recommendation

Staff recommends **approval** of the administrative rezoning of (1) ±18.7 acres from Volusia County Rural Mobile Home (MH-3 and MH-4) to City of Port Orange Government Public Use (GPU) and (2) ±8.1 acres from City of Port Orange Multi-Family Residential (R-3L) to City of Port Orange Government Public Use (GPU).

Attachments

Exhibit 1 – List of Permitted Uses for the GPU zoning districts

Exhibit 1

Government Public Use

Permitted uses. All uses proposed by any governmental entity or agency thereof shall be permitted in this district. In addition, the following quasi-public uses shall be permitted in this district:

- (1) Adult/vocational education.
- (2) Cemeteries.
- (3) Charitable organization offices.
- (4) Hospitals.
- (5) Houses of worship.
- (6) Nursing homes.
- (7) Private schools.
- (8) Public utility stations/plants.

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

- (1) Child care centers (subsection 4).
- (2) Community gardens (subsection 5.1).

Special exception uses (chapter 18, section 3).

- (1) Marina, recreational (subsection 9.6).