



REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

NOVEMBER 10, 2015

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. Pledge of Allegiance
2. Invocation - Pastor Rebecca Hyvonen - Venetian Bay United Methodist Church
3. Roll Call
4. Rules of Procedure

B. AGENDA APPROVAL

C. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

5. Recognition Awards
6. Environmental Advisory Board Update

D. PUBLIC HEARING

7. First Reading - Ordinance No. 2015-39 - LDC Amendment/Chapters 12, 17, and 18; Case No. 15-25000004
8. First Reading - Ordinance No. 2015-40 - Seventh Amendment to the Amended and Restated Port Orange Gateway Center Master Development Agreement; Case No. 15-40000001

E. CITIZEN PARTICIPATION

9. Adrienne Anello - 6068 Spruce Point Circle

F. CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

G. COUNCIL COMMENTS

10. Comments/Concerns from Council Members

H. CONSENT AGENDA

11. Approval of Minutes

a. November 3, 2015 - Regular City Council Meeting

12. Biketoberfest Report

13. Crime Report

14. Request To fill Accountant I/Payroll early

15. Resolution No. 15-81 - FIND Grant Acceptance for Riverwalk Park 1B

16. Bid Awards and Contract Items

a. Legislative Services Agreement with Pittman Law Group

b. Change Order No. 2 to the A.G. Pifer Construction Co., Inc. Contract for Riverwalk Park Phase 1A

I. REGULAR AGENDA

17. Resolution No. 15-77 - Recommending Elimination or Limiting the Jurisdiction of the Volusia County Growth Management Commission

18. Resolution No. 15-78 - Budget Encumbrances and Project Carry Over Appropriation

19. Resolution No. 15-79 - FY15 Budget Execution Review

20. Resolution No. 15-80 - FY15 Budget Appropriations - Budget Additional Carry-forward

J. COMMENTS

21. City Attorney Comments

22. City Manager Comments

K. COUNCIL COMMITTEE REPORTS

23. City Council Committee Reports

a. ArtHaus

b. Port Orange/South Daytona Chamber of Commerce

c. Roundtable

L. ADJOURNMENT

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

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



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: No

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**SUBJECT:** Recognition Awards

**DEPARTMENT:** Police Services

**GOAL:** N/A

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:**

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**SUMMARY:** The Police Department will present awards to employees and citizens.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

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**ATTACHMENTS:**

|    |        |                                |
|----|--------|--------------------------------|
| 1. | Awards | 2015 Awards - November 10.xlsx |
|----|--------|--------------------------------|

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Grabowski, Debbie  
Monahan, Gerald  
Johansson, M. Jake

Created/Initiated - 09/16/2015  
Approved - 09/16/2015  
Final Approval - 11/04/2015

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| <b><u>Officer</u></b> | <b><u>Award</u></b> | <b><u>Incident</u></b>                          |
|-----------------------|---------------------|-------------------------------------------------|
| Harler, Dale          | Achievement         | burglary suspect running in Summer Trees        |
| Carman, Warren        | Merit               | Suspect hid garbage bag with 502.6 gms cannabis |
| Wenzel, Jeff          | Merit               | Suspect hid garbage bag with 502.6 gms cannabis |
| Cook, Gregory         | Merit               | Suspect hid garbage bag with 502.6 gms cannabis |
| Unit Citation-Charlie | Merit               | fleeing driver from South Daytona               |

| <b>City Council Meeting</b> | <b>Shift</b> |
|-----------------------------|--------------|
| November 10, 2015           | Detectives   |
| November 10, 2015           | Charlie      |
| November 10, 2015           | Detectives   |
| November 10, 2015           | Charlie      |
| November 10, 2015           | Charlie      |



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: No

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**SUBJECT:** First Reading - Ordinance No. 2015-39 - LDC Amendment/Chapters 12, 17, and 18; Case No. 15-25000004

**DEPARTMENT:** Community Development

**GOAL:** 3 - Economic Development

**OBJECTIVE:** n/a

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**RECOMMENDED MOTION:** Move to approve Ordinance 2015-39, amending Chapters 12, 17, and 18 of the Land Development Code.

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**SUMMARY:** Edward J. Speno has requested an amendment to the Land Development Code (LDC) to allow 1) mini-warehouse as a Special Exception use and 2) office/warehouse facility as a permitted use with special development requirements in the Interchange Commercial Development (ICD) zoning district and 3) to revise the parking requirement for a mini-warehouse use. The properties zoned ICD are generally located along Dunlawton Avenue and Taylor Road, near the I-95 interchange.

The mini-warehouse use is a Special Exception use in the City's other commercial zoning districts. The applicant has proposed four Special Exception criteria. Three of the criteria are those currently in the LDC to control the aesthetics and number of mini-warehouse facilities in the Community Commercial, Highway Commercial, Ridgewood Development, and Planned Community-Agricultural zoning districts. The fourth criteria proposed is related to the design of the buildings to require any self-storage facility to generally resemble an office building or hotel.

The office/warehouse facility use is permitted with special development requirements in the Professional Office, Office/Residential Transition, and Planned Community-Agricultural zoning districts. The applicant has proposed to use the existing development requirements in the LDC for this use, with the exception of the special development requirement that prohibits retail use and any form of manufacturing. The ICD zoning district currently allows retail uses that could have some limited amount of associated manufacturing. The proposed special development requirements require the building for this use to be designed as an office building and to screen truck loading areas from any adjacent roadway.

The applicant's traffic engineer has provided documentation supporting the proposed parking ratio stating that it will provide sufficient parking for a mini-warehouse facility based on the typical traffic generated by this use consistent with the Institute of Transportation Engineers (ITE) Trip and Parking Generation Manuals.

Project            Funding Account  
No.:                No.:

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**ATTACHMENTS:**

|    |                       |                               |
|----|-----------------------|-------------------------------|
| 1. | Staff Report          | Staff Report.pdf              |
| 2. | Ordinance No. 2015-39 | LDC Am. Chs. 12 17 and 18.pdf |

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|                    |                                |
|--------------------|--------------------------------|
| Schmotzer, Melanie | Created/Initiated - 10/27/2015 |
| Clark, Wayne       | Approved - 10/27/2015          |
| Roberts, Margaret  | Approved - 11/04/2015          |
| Johansson, M. Jake | Final Approval - 11/04/2015    |

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# STAFF REPORT

LDC TEXT AMENDMENT/Chapter 12, 17, and 18  
CASE NO. 15-25000004

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**REQUEST:**

To amend Chapter 12 of the Land Development Code (LDC) to revise the parking requirement for the mini-warehouses use; amend Chapter 17 to add mini-warehouse as a Special Exception use and office/warehouse facility as a permitted use with special development requirements in the Interchange Commercial Development (ICD) zoning district; and amend Chapter 18 of the LDC to add special requirements for the mini-warehouse Special Exception use and add special development requirements for the office/warehouse facility use.

**APPLICANT:**

Edward J. Speno, Preferred Realty, Inc.

**PLANNING COMMISSION**

**RECOMMENDATION:**

**Approval**

**STAFF RECOMMENDATION:**

Approval

**STAFF CONTACT:**

Tim Burman, Planning Manager (386) 506-5675

**CITY COUNCIL DATE:**

November 10, 2015

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**DISCUSSION:**

The applicant proposes to amend the Land Development Code (LDC) to add mini-warehouse and office/warehouse facility to the list of permitted uses in the Interchange Commercial Development (ICD) zoning district. The properties zoned ICD are generally located along Dunlawton Avenue and Taylor Road, near the I-95 interchange (Exhibit A). The applicant also proposed to revise the parking requirements for the mini-warehouse use.

The ICD zoning district currently allows uses such as office, medical office, restaurant without a drive-thru, restaurant with a drive-thru, sit-down restaurant, retail, convenience store with gas, bank, health/fitness club, and hotel.

**Amendment #1: Add Mini-Warehouse as a Special Exception Use in the ICD Zoning District**

According to the Land Development Code (LDC), the mini-warehouse use is defined as a self-service storage facility in a building consisting of individual self-contained units of varying size that are leased or owned for the storage of business and household goods, or for contractor's supplies.

Currently, mini-warehouse uses are a Special Exception use in most of the City's other commercial zoning districts (Community Commercial "CC", Highway Commercial "HC", Ridgewood Development "RD", and Planned Community – Agriculture "PC-A"). The following table (Table 1) provides the current zoning districts where mini-warehouse uses are permitted.

**Table 1: Zoning Districts for Mini-Warehouse Use**

| Commercial Zoning District              | Permitted Use | Permitted Use with Special Development Requirements | Special Exception |
|-----------------------------------------|---------------|-----------------------------------------------------|-------------------|
| Commercial Industrial (CI)              | X             |                                                     |                   |
| Professional Office (PO)                |               |                                                     |                   |
| Office/Residential Transition (ORT)     |               |                                                     |                   |
| Mixed Use Center (MXC)                  |               |                                                     |                   |
| Community Commercial (CC)               |               |                                                     | X                 |
| Highway Commercial (HC)                 |               |                                                     | X                 |
| Ridgewood Development (RD)              |               |                                                     | X                 |
| Light Industrial (LI)                   |               |                                                     |                   |
| Planned Community - Agricultural (PC-A) |               |                                                     | X                 |

According to the LDC, a Special Exception is a use that would not be appropriate without restriction, but if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety, and general welfare. All requests for Special Exception uses must be reviewed by the Planning Commission and approved by the City Council.

All Special Exception uses must address a set of standard review criteria (traffic generation, parking, landscaping, etc.)(Exhibit B) along with use specific criteria. The applicant has proposed four Special Exception criteria. Three of the criteria are those currently in the LDC to control the aesthetics and number of mini-warehouse facilities in the CC, HC, and RD zoning districts. The fourth criteria proposed is to require the self-storage facility to be a multilevel building and storage cubicles can only be accessible through an interior corridor. The proposed Special Exception criteria include:

1. Warehouse buildings shall be screened from any public rights-of-way by a six-foot high opaque fence or wall with a type 2 bufferyard planted along the street side of the fence or wall. Bufferyard requirements may be increased in accordance with Chapter 13 (Landscape) of the Land Development Code;
2. The proposed site shall be a minimum of two acres;
3. The proposed site shall front on an arterial roadway; and
4. Mini-warehouse buildings shall be designed as a multilevel building in accordance with Chapter 14 (Architecture) of the Land Development Code. Storage cubicles shall only be accessible through an interior corridor.

**Amendment #2: Add Office/Warehouse Facility as a Permitted Use with Special Development Requirements in the ICD Zoning District**

According to the Land Development Code (LDC), the office/warehouse facility use is defined as “an establishment where an office building will provide an attached warehouse to accommodate the office use. The building housing these two uses must be designed so that its appearance from a street will be that of an office building, and with any truck loading areas associated with the use not being visible from that street”.

Currently, the office/warehouse facility use is a permitted use with special development requirements in the Professional Office “PO”, Office/Residential Transition “ORT”, and Planned Community – Agriculture “PC-A” zoning districts. The following table (Table 2) provides the current zoning districts where mini-warehouse uses are permitted.

**Table 2: Zoning District for Office/Warehouse Facility Use**

| <b>Commercial Zoning District</b>       | <b>Permitted Use</b> | <b>Permitted Use with Special Development Requirements</b> |
|-----------------------------------------|----------------------|------------------------------------------------------------|
| Commercial Industrial (CI)              |                      |                                                            |
| Professional Office (PO)                |                      | x                                                          |
| Office/Residential Transition (ORT)     |                      | x                                                          |
| Mixed Use Center (MXC)                  |                      |                                                            |
| Community Commercial (CC)               |                      |                                                            |
| Highway Commercial (HC)                 |                      |                                                            |
| Ridgewood Development (RD)              |                      |                                                            |
| Light Industrial (LI)                   |                      |                                                            |
| Planned Community - Agricultural (PC-A) |                      | x                                                          |

The applicant has proposed to use the existing development requirements in the LDC for this use, with the exception of the special development requirement that prohibits retail uses and any form of manufacturing. Currently, the ICD zoning district allows retail uses that could have some limited amount of associated manufacturing, such as furniture store, appliance store, kitchen cabinet sales facility, a home building material sales facility, etc.

The proposed development requirements for this use in the ICD zoning district include:

1. No commercial vehicles larger than a one-ton capacity shall be regularly parked on the site;
2. The building must be designed so that its appearance from a street will be that of an office or a commercial multi-tenant building, and with any truck loading areas associated with the use not being visible from that street;
3. A landscape buffer shall be provided based on a land use intensity factor of seven for access drives and other areas specifically designed to serve the warehouse facilities, and six for the remainder of the use; and
4. The proposed architectural treatment shall be compatible with surrounding developments with regard to building height and bulk, elevation design, colors and exterior finish materials. In particular, special architectural treatment shall be given to the warehouse elevations in order to maintain the appearance of general office development.

**Amendment #3: Revise the Parking Ratio for Mini-Warehouse Facility**

According to the applicant, the parking ratio of 1 parking space per 10 storage cubicles in the LDC for a mini-warehouse use is excessive. The last update to this parking requirement was 1996. The applicant has requested the parking ratio be amended to 1 parking space per 50 storage cubicles. The applicant's traffic engineer has provided documentation supporting the proposed parking ratio stating that it will provide sufficient parking for a mini-warehouse facility based on the typical traffic generated by this use (Exhibit C). The Institute of Transportation Engineers (*ITE*) Trips Generation Manual, 9th edition indicates that over a 24-hour period about 104 vehicles will typically access a facility with 700 storage cubicles and a parking ratio between 1.05 to 1.96 spaces per 100 cubicles will provide sufficient parking. The proposed 1 parking space per 50 storage cubicles is consistent with the ITE and is on the higher end of the suggested range.

If approved, the following parking ratio would apply to any new mini-warehouse facility or existing facility that is expanded within the City.

**Proposed Parking Ratio:**

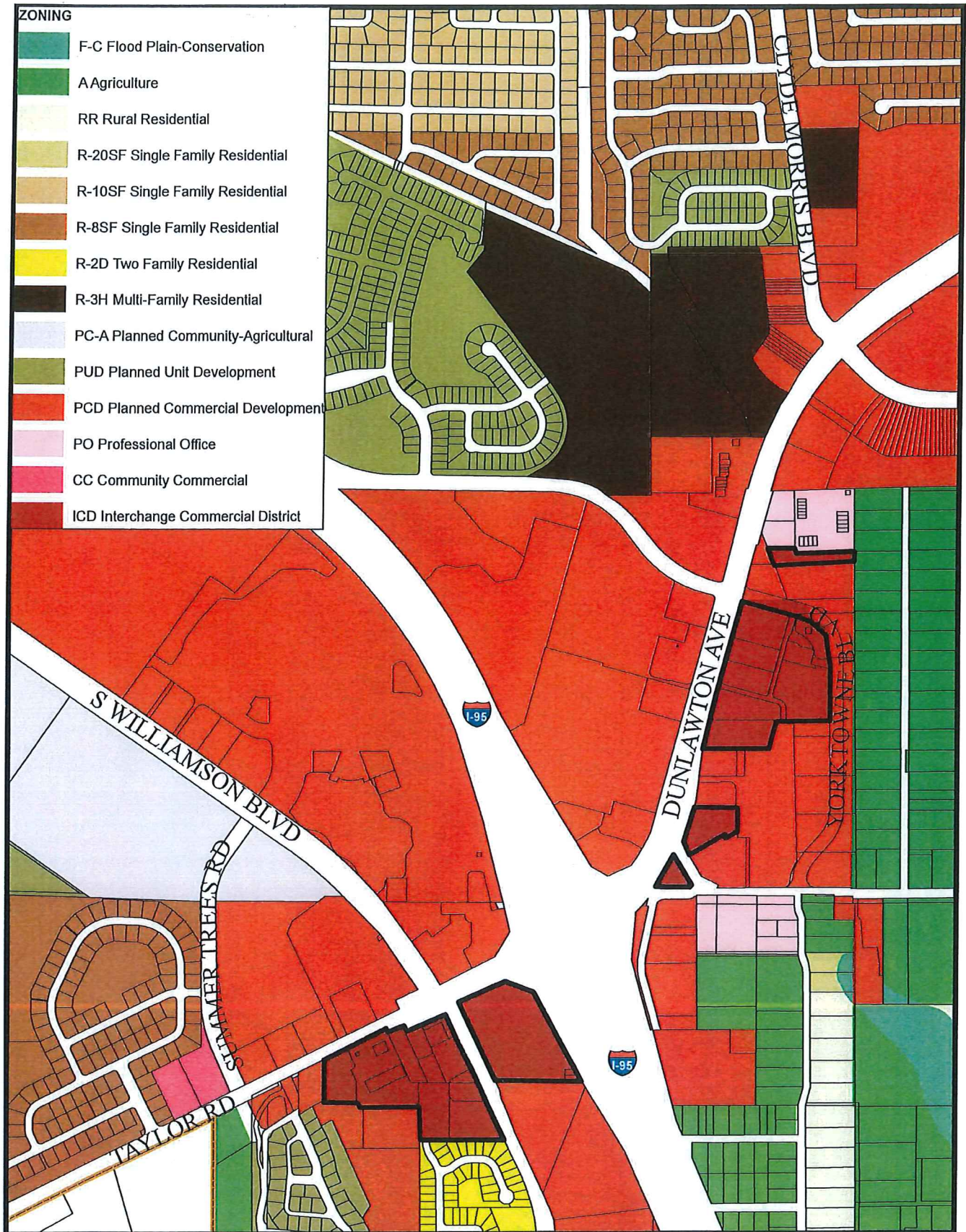
- 1 space per 50 cubicles
- Facility with exterior access - continuous loading spaces clear of through traffic access to be provided in front of all exterior cubical doors
- Facility with interior corridor access - loading space/area to be provided at all public entry doors and clear of through traffic access

**RECOMMENDATION:**

Staff recommends approval of the request to amend the Land Development Code.

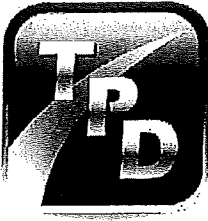


# EXHIBIT A



**Standard Review Criteria All Special Exception Uses Must Address  
[LDC Ch 18, Sec 2(d)(2)]:**

1. Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;
2. Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;
3. Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses;
4. Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development; and
5. Size, location or number of special exception uses in an area shall be limited so as to maintain the overall character of the district as intended by this code.



TO: Tim Burman, Principal Planner  
City of Port Orange

FROM: Turgut Dervish, P.E.

DATE: October 15, 2015

RE: **Mini-Warehouse Facility – Parking Considerations**  
Port Orange, Florida

Dear Mr. Burman,

Traffic Planning and Design, Inc. (TPD) has conducted a parking generation review to establish an adequate parking demand for a proposed Mini-Warehouse facility consisting of 700 storage units in the City of Port Orange, Florida.

The City's parking standards ratio for a self-storage/mini-warehouse facility is 1 space per 10 storage units, which equates to 70 parking spaces for the proposed 700-unit facility. It is proposed that 14 parking spaces be provided for the proposed development. This parking supply equates to 1 space per 50 storage units. TPD have utilized *the ITE Trip Generation Manual, 9<sup>th</sup> Edition* and the *ITE Parking Generation, 4<sup>th</sup> Edition* to develop the parking demand for the proposed facility, as follows:

*Proposed Parking Ratio Based on Parking Generation:*

A review of available parking generation information published by *the Institute of Transportation Engineers (ITE)* was conducted to determine the adequacy of the parking spaces proposed for the self-storage facility. Based on *ITE's Parking Generation (4th Edition)*, Land Use Code 151 for Mini-Warehouse, ITE Parking Generation Report provides an average peak period parking demand of 1.35 vehicles per 100 storage units. Using this, which equates to approximately 1 vehicle per 50 storage units, the calculation for the proposed facility is as follows:

$$700\text{-unit} \times \frac{1 \text{ vehicle}}{50 \text{ storage units}} = 14 \text{ parking spaces}$$

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**Traffic Planning and Design, Inc.**

535 Versailles Drive, Maitland, Florida 32751 ■ Phone (407) 628-9955 ■ Fax (407) 628-8850 ■ [www.tpdtraffic.com](http://www.tpdtraffic.com)

Therefore, this ratio indicates a parking demand of 14 parking spaces is needed to accommodate this storage facility. The ITE parking generation worksheet are included in **Attachment A**.

Proposed Parking Ratio Based on Trip Generation:

In addition, the zoning of this property allows for other uses, such as retail and office. The following trip generation rates from the *ITE Trips Generation Manual (9<sup>th</sup> Edition)* indicate that the current approved land use for self-storage/mini-warehouse facility is expected to generate significantly less traffic as compared to traffic generated by other land uses. The ITE trip generation worksheets are included in **Attachment B**.

**Table 1: Trip Generation Comparison**

| Use                           | ITE Code | P.M. Peak Hour Trip Rate | Daily Trip Rate | Multiplier   |
|-------------------------------|----------|--------------------------|-----------------|--------------|
| Mini-Warehouse                | 151      | 0.29                     | 2.5             | Per 1,000 SF |
| Medical/Dental Office         | 720      | 1.74                     | 11.65           | Per 1,000 SF |
| General Office                | 710      | 1.49                     | 11.03           | Per 1,000 SF |
| Restaurant without Drive-Thru | 934      | 18.49                    | 127.15          | Per 1,000 SF |
| Restaurant with Drive-Thru    | 933      | 47.3                     | 496.12          | Per 1,000 SF |
| Specialty Retail              | 826      | 5.02                     | 44.32           | Per 1,000 SF |
| Convenience Store             | 851      | 62.57                    | 845.6           | Per 1,000 SF |
| Bank                          | 912      | 24.3                     | 148.15          | Per 1,000 SF |
| Health/Exercise Club          | 492      | 4.06                     | 32.93           | Per 1,000 SF |
| Hotel                         | 310      | 0.61                     | 8.17            | Per 1,000 SF |

Source: ITE Trip Generation Manual, 9th Edition

Trip generation rates obtained from the 9<sup>th</sup> Edition of the *Institute of Transportation Engineers (ITE) Trip Generation Manual* were used to calculate the project trips. The following table summarizes the trip generation calculations for the proposed development.

**Table 2: Trip Generation for Proposed Development**

| ITE Code | Land Use       | Quantity (Units) | Daily |       | A.M. Peak Hour |       |      |       | PM Peak Hour |       |      |       |
|----------|----------------|------------------|-------|-------|----------------|-------|------|-------|--------------|-------|------|-------|
|          |                |                  | Rate  | Trips | Rate           | Enter | Exit | Total | Rate         | Enter | Exit | Total |
| 151      | Mini-Warehouse | 700              | 0.25  | 175   | 0.02           | 7     | 7    | 14    | 0.02         | 7     | 7    | 14    |
| Totals   |                |                  |       | 175   |                | 7     | 7    | 14    |              | 7     | 7    | 14    |



The proposed development is estimated to generate 175 net daily trips, of which 14 will occur in the A.M. peak hour (7 entering/7 exiting) and 14 will occur in the P.M. peak hour (7 entering/7 exiting). Therefore, it is believed that the proposed 14 parking spaces will adequately serve the proposed development.

*Parking Recommendation:*

The recommendations for the parking of the proposed self-storage facility are summarized herein:

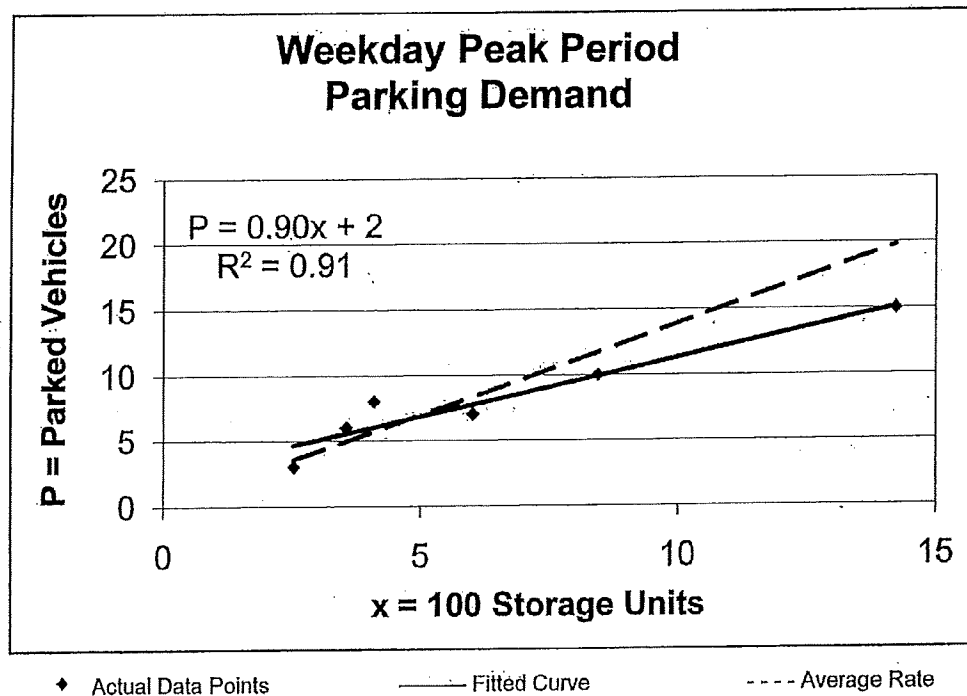
- It is recommended that the City approve the 14 parking spaces proposed for this site. This represents a peak parking demand ratio of 1 space per 50 storage units. It is believed that this parking demand will be sufficient to serve the proposed storage facility.
- For a facility with exterior access, it is recommended that continuous loading spaces clear of through traffic access to be provided in front of all exterior storage unit doors.
- For a facility with interior corridor access it is recommended that a loading space/area be provided at all public entry doors and clear of through traffic access.

ATTACHMENT A

## Land Use: 151 Mini-Warehouse

### Average Peak Period Parking Demand vs. 100 Storage Units On a Weekday

| Statistic                          | Peak Period Demand                       |
|------------------------------------|------------------------------------------|
| Peak Period                        | 11:00 a.m.–12:00 p.m.; 4:00–5:00 p.m.    |
| Number of Study Sites              | 6                                        |
| Average Size of Study Sites        | 648 storage units                        |
| Average Peak Period Parking Demand | 1.35 vehicles per 100 storage units      |
| Standard Deviation                 | 0.34                                     |
| Coefficient of Variation           | 25%                                      |
| Range                              | 1.05–1.96 vehicles per 100 storage units |
| 85th Percentile                    | 1.66 vehicles per 100 storage units      |
| 33rd Percentile                    | 1.17 vehicles per 100 storage units      |



## ATTACHMENT B



# Mini-Warehouse (151)

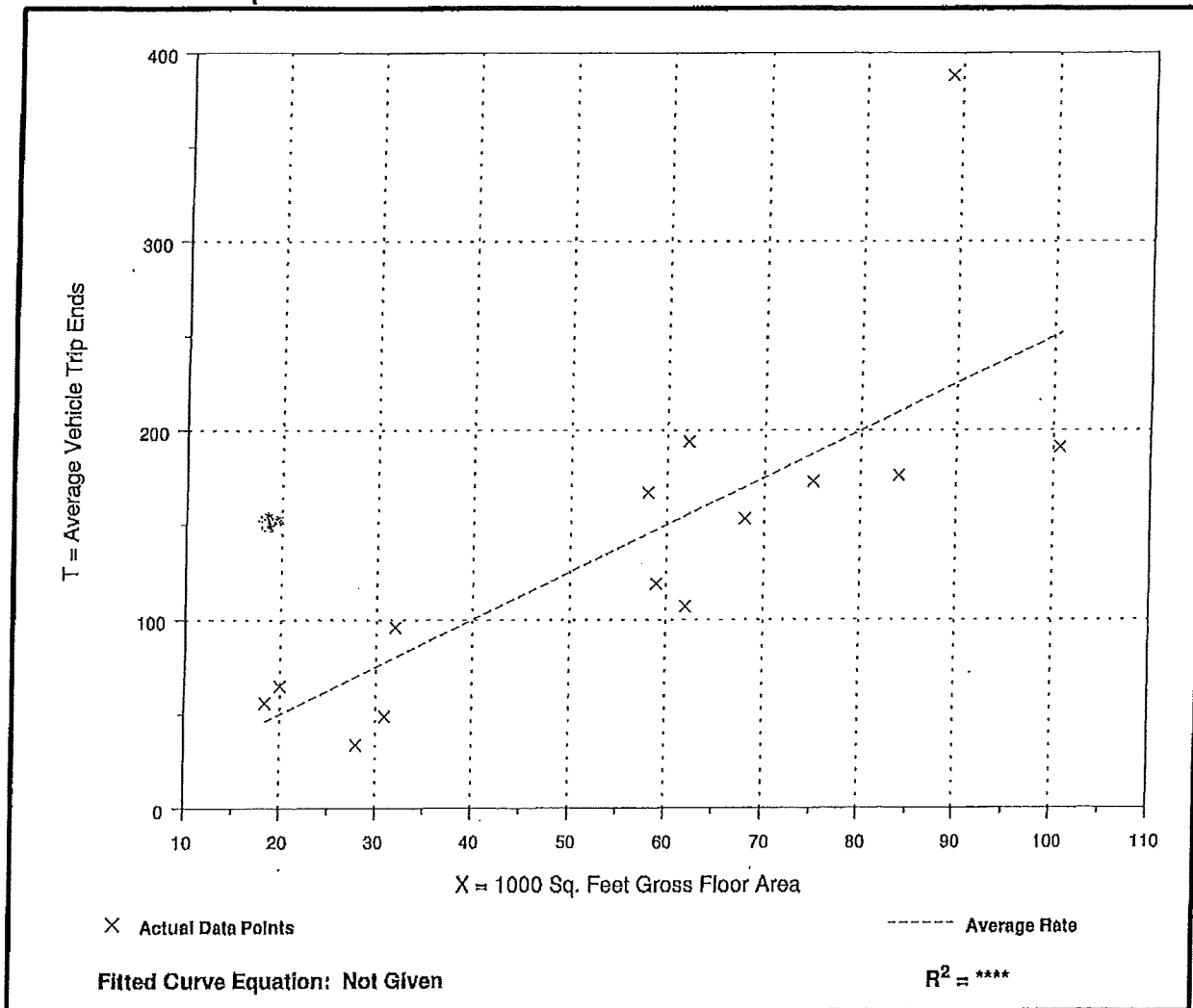
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Weekday

Number of Studies: 14  
Average 1000 Sq. Feet GFA: 56  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 2.50         | 1.21 - 4.36    | 1.78               |

## Data Plot and Equation



## Mini-Warehouse (151)

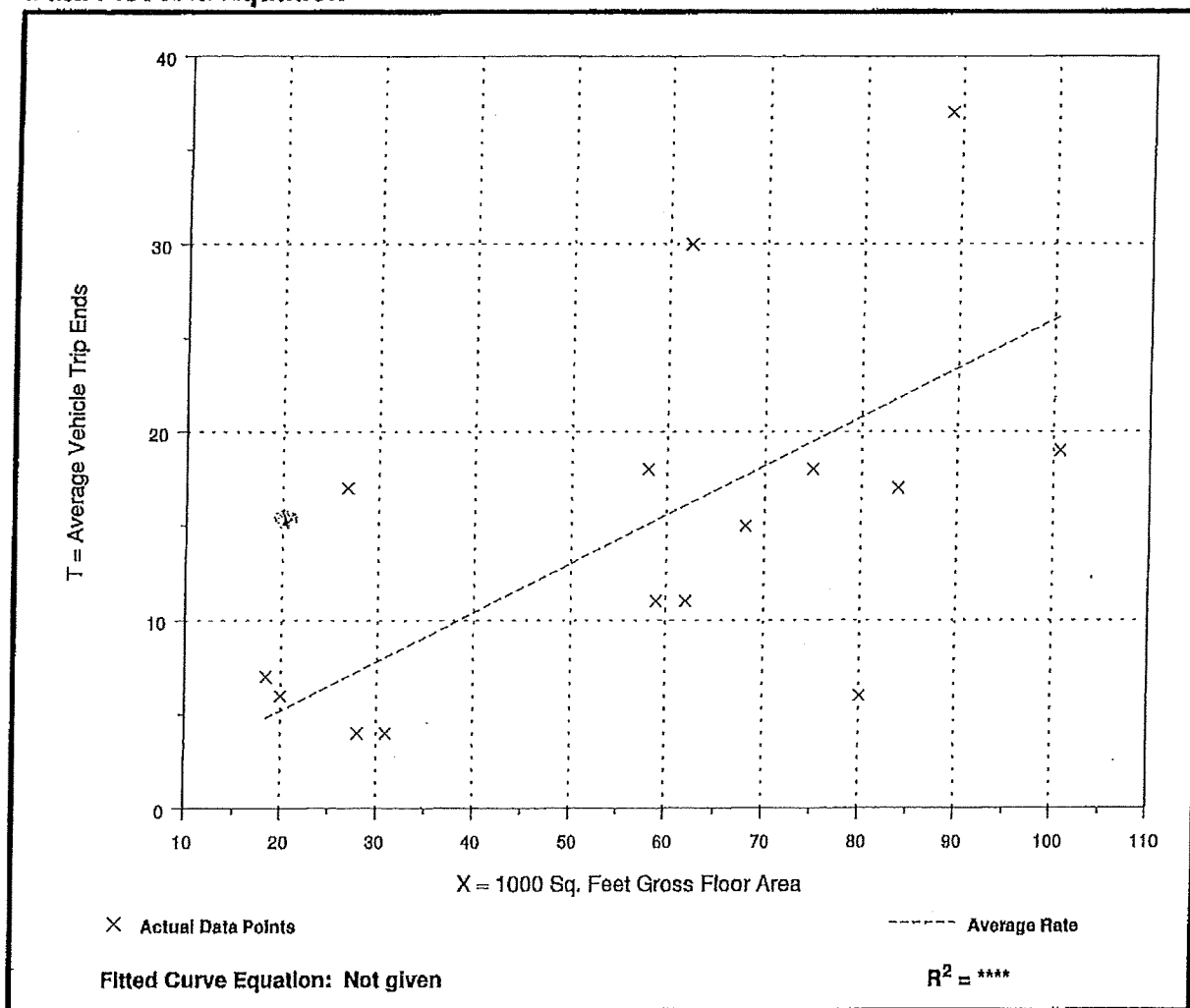
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

Number of Studies: 15  
 Average 1000 Sq. Feet GFA: 57  
 Directional Distribution: 50% entering, 50% exiting

### Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.26         | 0.07 - 0.64    | 0.52               |

### Data Plot and Equation



ORDINANCE NO. 2015-39

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE; AMENDING CHAPTER 12, SECTION 4 TO REVISE THE PARKING REQUIREMENT FOR MINI-WAREHOUSE USES; AMENDING CHAPTER 17, SECTION 22.5 TO ADD MINI-WAREHOUSE AS A SPECIAL EXCEPTION USE IN THE INTERCHANGE COMMERCIAL DEVELOPMENT (ICD) ZONING DISTRICT AND TO ADD OFFICE/WAREHOUSE FACILITY AS A PERMITTED USE WITH SPECIAL DEVELOPMENT REQUIREMENTS IN THE INTERCHANGE COMMERCIAL DEVELOPMENT (ICD) ZONING DISTRICT; AMENDING CHAPTER 18, SECTIONS 3 AND 4 TO ADD SPECIAL REQUIREMENTS FOR THE MINI-WAREHOUSE USE AND SPECIAL DEVELOPMENT REQUIREMENTS FOR OFFICE/WAREHOUSE FACILITY USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has received an application from a developer requesting to amend the Land Development Code ("LDC") to add mini-warehouse and office/warehouse facility to the list of allowed uses in the Interchange Commercial Development (ICD) zoning district; and

WHEREAS, the mini-warehouse use is proposed as a special exception use, thus allowing the City to control the number of facilities and aesthetics; and

WHEREAS, the office/warehouse facilities use is proposed as a permitted use with special exceptions which imposes certain development requirements regarding aesthetics; and

WHEREAS, currently, mini-warehouse uses are a special exception use in most of the City's other commercial zoning districts (Community Commercial "CC", Highway Commercial "HC", Ridgewood Development "RD", and Planned Community - Agriculture "PC-A"); and

WHEREAS, currently, the office/warehouse facility use is a permitted use with special development requirements in the Professional Office "PO", Office/Residential Transition "ORT", and Planned Community - Agriculture "PC-A" zoning districts; and

WHEREAS, the applicant has presented documentation from a traffic engineer supporting the proposed parking ratio revision; and

WHEREAS, the Planning Commission has recommended adoption of this Ordinance to amend the Land Development Code; and

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

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

SECTION 1: The City Council of the City of Port Orange hereby amends Chapter 12, Section 4 of the Land Development Code, to revise the parking requirements for mini-warehouse uses as follows:

## **Chapter 12 – ROADS AND VEHICULAR USE AREAS**

### **Section 4: - Parking.**

- (a) [Remains Unchanged]
- (b) Required off-street parking spaces.
  - (1) – (5) [Remain Unchanged]
  - (6) Matrix.

| Use             | Minimum Off-Street Parking Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Ratio of Full Size/ Compact Spaces | Required Bicycle Spaces |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------|
| Mini-warehouses | <del>1 space/10 cubicles, plus continuous loading spaces clear of through traffic access</del><br><br><u>1 space per 50 cubicles, plus:</u><br><br><u>Facility with exterior access: continuous loading spaces clear of through traffic access to be provided in front of all exterior cubical doors</u><br><br><del>-OR-</del><br><br><u>Facility with interior corridor access: one (1) loading space is to be provided at all public entry doors and clear of through traffic access.</u> | 75/25                              | 0                       |

SECTION 2: The City Council hereby amends Chapter 17, Section 22.5 of the Land Development Code, to read as follows:

**Chapter 17 - ZONING DISTRICT REGULATIONS**

**Section 22.5: - Interchange Commercial Development (ICD) district.**

- (a) *Purpose and intent.* The interchange commercial development (ICD) district is intended to provide for a variety of land uses designed to meet the commercial needs of the local community, traveling motorist, and businesses within the adjoining commercial/industrial areas. The district is designed to meet the following objectives:
  - (1) Provide for land uses generally situated at interstate interchanges;
  - (2) Provide for land uses necessary for the development of sub-regional commercial nodes which serve both Port Orange and surrounding communities;
  - (3) Provide for land uses necessary to accommodate the neighborhood and community commercial needs of the nearby residential neighborhoods;
  - (4) Provide for the establishment of employment centers which offer professional, technical and skilled opportunities in addition to service-related positions;
  - (5) Provide for flexibility to accommodate mixed-use development; and
  - (6) Provide for innovative site and building design.
- (b) *Permitted uses.*
  - (1) Antennas.
  - (2) Athletic/sports facilities.
  - (3) Banks.
  - (4) Business services.
  - (5) Camouflaged and monopole communication towers.
  - (6) Clubs, lodges, and fraternal organizations.
  - (7) Convenience stores with or without fuel operations.
  - (8) Financial services.
  - (9) Fleet-based services.
  - (10) Furniture and appliance stores.
  - (11) Game/recreation facilities.
  - (12) Health/exercise clubs.
  - (13) Hotels/motels.
  - (14) Medical offices/clinics.
  - (15) Motor vehicle service stations.
  - (16) Offices.
  - (17) Office supplies.
  - (18) Personal services.

- (19) Restaurants.
- (20) Retail home building materials.
- (21) Retail nurseries and garden supplies.
- (22) Retail sales and services.
- (23) Theaters.
- (24) Veterinary clinics.
- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*
  - (1) Child care centers (subsection 4).
  - (2) Community gardens (subsection 5.1).
  - (3) Office/warehouse facilities (subsection 12.2).
- (c) *Special exception uses (chapter 18, section 3).*
  - (1) Bars, lounges, and night clubs (subsection 3).
  - (2) Guyed and lattice communication towers.
  - (3) Mini-warehouses (subsection 10.5).
  - ~~(34)~~ Motor vehicle repair facilities (subsection 13).
  - ~~(45)~~ Truck stops (subsection 21).
- (d) *Project access and location.* Any ICD district development shall have direct frontage on the roadway which accesses the interstate highway system and be located no more than one-half mile from the intersection of the centerlines of the interstate and the crossing roadway.

SECTION 3: The City Council hereby amends Chapter 18, Section 3 of the Land Development Code, to read as follows:

## **CHAPTER 18 - CONDITIONAL USES, SPECIAL EXCEPTIONS AND PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS**

### **Section 3: - Special requirements for special exception uses.**

- (a) *In general.* For those special exception uses listed below, the following special requirements shall apply in addition to those described in section 2(d) above.
- (b) *Special requirements.*
  - (1) – (10) [Remain Unchanged]
  - (10.5) Mini-warehouses (ICD).
    - (a) Warehouse buildings shall be screened from any public rights-of-way by a six-foot high opaque fence or wall with a type 2 bufferyard planted along the street side of the fence or wall. Bufferyard requirements may be increased in accordance with chapter 13 of this code.
    - (b) The proposed site shall be a minimum of two acres.
    - (c) The proposed site shall front on an arterial roadway.
    - (d) Mini-warehouse buildings shall be designed as a multilevel building in accordance with Chapter 14 (Architecture) of the Land Development Code. Storage cubicles shall only be accessible through an interior corridor.
  - (11) – (25) [Remain Unchanged]

SECTION 4: The City Council hereby amends Chapter 18, Section 4 of the Land Development Code, to read as follows:

**CHAPTER 18 - CONDITIONAL USES, SPECIAL EXCEPTIONS AND PERMITTED USES WITH SPECIAL DEVELOPMENT REQUIREMENTS**

**Section 4: - Special development requirements for permitted uses.**

- (a) *In general.* The following uses shall be considered permitted uses within the corresponding zoning districts, provided that proposed development, redevelopment, renovation, or reuse of any site for the subject use complies with the special development requirements set forth in subsection (b) and, where applicable, the special locational criteria set forth in subsection (c).
- (b) *Special development requirements.*
  - (1) – (12) [Remain Unchanged].
  - (12.2) Office/warehouse facilities (ICD).
    - (a) No commercial vehicles larger than one-ton capacity shall be regularly parked on the site.
    - (b) The building must be designed so that its appearance from a street will be that of an office or a commercial multi-tenant building, and with any truck loading areas associated with the use not being visible from that street
    - (c) Buffering shall be provided based on a land use intensity factor of seven for access drives and other areas specifically designed to serve the warehouse facilities, and six for the remainder of the use.
    - (d) The proposed architectural treatment shall be compatible with surrounding development with regard to building height and bulk, elevation design, colors and exterior finish materials. In particular, special architectural treatment shall be given to the warehouse elevations in order to maintain the appearance of general office development.
  - (12.5) – (18) [Remain Unchanged]
- (c) *Special locational criteria.* Where the proposed site for a permitted use with special development requirements is required to be located on or front on an arterial or major collector roadway, said requirement is intended to ensure that traffic impacts associated with the use are directed toward the arterial or major collector roadway. This frontage requirement may be met by sites without direct frontage on an arterial or major collector roadway, provided that the proposed site is located in close proximity to the designated roadway and the traffic impacts associated with the proposed use will be directed through areas of higher intensity development to reach the designated roadway.

SECTION 5: CONFLICTING ORDINANCES.

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

SECTION 6: CODIFICATION.

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

SECTION 7: SEVERABILITY.

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

SECTION 8: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the       day of

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

Reviewed and Approved: \_\_\_\_\_  
Assistant City Attorney





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: No

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**SUBJECT:** First Reading - Ordinance No. 2015-40 - Seventh Amendment to the Amended and Restated Port Orange Gateway Center Master Development Agreement; Case No. 15-40000001

**DEPARTMENT:** Community Development

**GOAL:** 3 - Economic Development

**OBJECTIVE:** 4 - Establish a pricing and marketing program for City land in Eastport and other areas

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**RECOMMENDED MOTION:** Move to approve Ordinance No. 2015-40, the 7th Amendment to the Amended and Restated Port Orange Gateway Center Planned Commercial Development Master Development Agreement.

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**SUMMARY:** Planning Commission Action (10/22/15): Recommended Approval

At the October 6 City Council Meeting, Council authorized staff to prepare an amendment to the Master Development Agreement (MDA) for the Gateway Center Planned Commercial Development (PCD). The proposed amendment will remove the 30,000 square-foot building size limit for the City-owned property. The 4.8-acre property is located on the west side of Yorktowne Boulevard, south of the Bourbon Street entrance to the Oakbrook Subdivision and across from Hawthorn Village Apartments.

The City was approached by a prospective buyer for the site who is interested in developing an Assisted Living Facility (ALF) if the building size limit is removed. This change would provide more flexibility for the potential buyer to build a multi-story ALF within the existing 50-foot maximum building height. Even if the prospective buyer does not purchase the property, removing the building size limit may make the property more marketable to another prospective buyer.

The PCD contains dimensional requirements such as maximum building coverage, maximum building height, open space, building setbacks, and parking requirements to control development scale. Any proposed development will also be required to meet all site development and infrastructure requirements of the City's Land Development Code and the Port Orange Gateway Center MDA.

Project              Funding Account  
No.:                  No.:

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**ATTACHMENTS:**

|    |              |          |
|----|--------------|----------|
| 1. | Staff Report | CC Staff |
|----|--------------|----------|

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|    |                       |                                           |
|----|-----------------------|-------------------------------------------|
|    |                       | Report_7thAmendmentPOGatewayCenterPCD.pdf |
| 2. | Ordinance No. 2015-40 | Ord. No. 2015-40.pdf                      |

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Cruz, Penelope  
Clark, Wayne  
Roberts, Margaret  
Johansson, M. Jake

Created/Initiated - 10/26/2015  
Approved - 10/27/2015  
Approved - 11/04/2015  
Final Approval - 11/04/2015

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## STAFF REPORT

7<sup>th</sup> Amendment to the Amended and Restated  
Port Orange Gateway Center PCD MDA  
CASE NO. 15-40000003

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|                              |                                                                                                                                                              |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>              | Approve the Seventh Amendment to the Amended and Restated Port Orange Gateway Center Planned Commercial Development (PCD) Master Development Agreement (MDA) |
| <b>APPLICANT/OWNER:</b>      | City of Port Orange                                                                                                                                          |
| <b>LOCATION:</b>             | 3875 Yorktowne Blvd.                                                                                                                                         |
| <b>STAFF CONTACT:</b>        | Penelope Cruz, Principal Planner (386) 506-5671                                                                                                              |
| <b>STAFF RECOMMENDATION:</b> | <b>Approval</b>                                                                                                                                              |
| <b>PLANNING COMMISSION:</b>  | <b>Approved</b>                                                                                                                                              |
| <b>CITY COUNCIL DATE:</b>    | November 10, 2015                                                                                                                                            |

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### INTRODUCTION

At the October 6 City Council Meeting, Council authorized staff to prepare an amendment to the Master Development Agreement (MDA) for the Gateway Center Planned Commercial Development (PCD). The proposed amendment will remove the 30,000 square-foot building size limit for the City-owned property. The 4.8-acre property is located on the west side of Yorktowne Boulevard, south of the Bourbon Street entrance to the Oakbrook Subdivision and Hawthorn Village Apartments (see Figure 1).



### DISCUSSION

The City was approached by a prospective buyer for the site who is interested in developing an Assisted Living Facility (ALF) if the building size limit is removed. This change would provide more flexibility for the potential buyer to build a multi-story ALF within the existing 50-foot maximum building height.

The proposed amendment would remove the 30,000 square-foot building size limit for only the City-owned property. Staff understands that the square-footage limitation was included in the MDA to limit additional large single-story retail stores like Target or Lowe's at this site.

The PCD contains dimensional requirements such as maximum building coverage, open space, building setbacks, and parking requirements to control development scale. Any proposed development will also be required to meet all site development and infrastructure requirements of the City's Land Development Code and the Port Orange Gateway Center MDA.

#### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The proposed amendment does not change either the permitted uses or the dimensional criteria that control development scale of the subject property and therefore the PCD remains consistent with the existing commercial land use designation and intensity allowed by the City of Port Orange Comprehensive Plan. A detailed review of public infrastructure and facilities capacity, such as water, sewer, reclaimed water, stormwater, and traffic will occur when a site plan is submitted.

#### **RECOMMENDATION**

Per the direction of the City Council, staff has prepared the Seventh Amendment to the Amended and Restated Port Orange Gateway Center Master Development Agreement to remove the 30,000 square-foot building size limit for Lot 8 of the Port Orange Gateway Center PCD.

#### **ATTACHMENT**

Exhibit A - Seventh Amendment to the Amended and Restated Port Orange Gateway Center Master Development Agreement (See Ordinance Exhibit)

ORDINANCE NO. 2015-40

AN ORDINANCE OF THE CITY OF PORT ORANGE,  
VOLUSIA COUNTY, FLORIDA, APPROVING THE  
SEVENTH AMENDMENT TO THE AMENDED AND  
RESTATED MASTER DEVELOPMENT AGREEMENT FOR  
THE PORT ORANGE GATEWAY CENTER PLANNED  
COMMERCIAL DEVELOPMENT (PCD); PROVIDING FOR  
CONFLICTING ORDINANCES; PROVIDING FOR  
SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange as the Property Owner of Lot 8 of the Port Orange Gateway Center PCD desires to amend the Master Development Agreement for the Port Orange Gateway Center PCD to delete in its entirety any reference to a maximum building square-footage for Lot 8; and

WHEREAS, a public hearing was held to review the proposed amendment following public notice as prescribed by ordinance; and

WHEREAS, the Planning Commission has by a majority vote recommended approval of the proposed amendment; 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 approve the Seventh Amendment to the Amended and Restated Master Development Agreement for the Port Orange Gateway Center Planned Commercial Development (PCD), attached hereto as **Exhibit "1"**.

Section 2. The Mayor and City Manager are hereby authorized to execute said Seventh Amendment to the Amended and Restated Master Development Agreement for the Port Orange Gateway Center Planned Commercial Development (PCD) on behalf of the City of Port Orange.

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

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

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

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Passed on first reading on the      day of

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

Reviewed and Approved: \_\_\_\_\_  
Assistant City Attorney

## EXHIBIT "1"

This Document Prepared By:  
Office of the City Attorney  
1000 City Center Circle  
Port Orange, FL 32129

Return Recorded Document to:  
Office of Records Clerk  
1000 City Center Circle  
Port Orange, FL 32129

### SEVENTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT FOR THE PORT ORANGE GATEWAY CENTER PLANNED COMMERCIAL DEVELOPMENT (PCD)

This Agreement, entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129 (hereinafter referred to as the "Property Owner"); and the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129, (hereinafter referred to as the "City"), constitutes the Seventh Amendment to the Amended and Restated Master Development Agreement for the Port Orange Gateway Center Planned Commercial Development (hereinafter referred to as the "Seventh Amendment").

**WHEREAS**, CITY OF PORT ORANGE is the Property Owner of Lot 8 (further described in Exhibit "A"); and

**WHEREAS**, The City, Lowe's Home Centers, Inc. and Port Orange Gateway Center, Inc. previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Master Development Agreement For The Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "Original MDA" recorded in Official Records Book 4397, Page 4153, Public Records of Volusia County, Florida

**WHEREAS**, the Original MDA was amended and restated by an agreement entitled "Amended and Restated Master Development Agreement for The Port Orange Planned Commercial Development" (hereinafter referred to as the "Amended and Restated MDA"), recorded in Official Records Book 4886, Page 3772, Public Records of Volusia County, Florida, which included the Property; and

**WHEREAS**, the Amended and Restated MDA was first amended by an agreement entitled, "First Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "First Amendment") recorded in Official Records Book 4904, Pages 20-26, Public Records of Volusia County, Florida; and

**WHEREAS**, the Amended and Restated MDA was amended for a second time by an agreement entitled, "Second Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "Second Amendment"). Recorded in Official Records Book 5281, Page 2720, Public Records of Volusia County, Florida; and

**WHEREAS**, the Amended and Restated MDA was amended for the third time by an agreement entitled, "Third Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)" (hereinafter referred to as the "Third

Amendment") recorded in Official Records Book 5389, Page 4833, Public Records of Volusia County, Florida; and

**WHEREAS**, the Amended and Restated MDA was amended for a fourth time by an agreement entitled, "Fourth Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Commercial Development (PCD)" (hereinafter referred to as the "Fourth Amendment") recorded in Official Records Book 5860, Page 1476, Public Records of Volusia County, Florida; and

**WHEREAS**, the Amended and Restated MDA was amended for a fifth time by an agreement entitled, "Fifth Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Commercial Development (PCD)" (hereinafter referred to as the "Fifth Amendment") recorded in Official Records Book 6582, Page 1603, Public Records of Volusia County, Florida; and

**WHEREAS**, the Amended and Restated MDA was amended for a sixth time by an agreement entitled, "Sixth Amendment to the Amended and Restated Master Development Agreement for The Port Orange Gateway Center Commercial Development (PCD)" (hereinafter referred to as the "Sixth Amendment") recorded in Official Records Book 6682, Page 1329, Public Records of Volusia County, Florida; and

**WHEREAS**, the City as the Property Owner has opted to further amend the operation and effect of the Amended and Restated MDA as further modified by the First, Second, Third, Fourth, Fifth and Sixth Amendments all as applied to the Property by creating and agreeing to a "Seventh Amendment to the Amended and Restate Master Development Agreement for The Port Orange Gateway Center Planned Commercial Development (PCD)"; and

**WHEREAS**, the City is the owner of the Property which is the only property impacted by the Seventh Amendment; and

**WHEREAS**, the City, as the Property Owner, and as the local governing body having jurisdiction hereof, desires to amend the Amended and Restated MDA and the First, Second, Third, Fourth, Fifth and Sixth Amendments as applied to the Property to delete in its entirety any reference to a maximum building square-footage.

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

1. The premises stated above are true correct and form a material part of the Seventh Amendment.
2. Paragraph 7, "Uses", Section (a) of the Amended and Restated Master Development Agreement for the Port Orange Gateway Center Commercial Development (PCD) and the Fourth Amendment to the Amended and Restated Master Development Agreement for the Port Orange Gateway Center Planned Commercial Development (PCD), are hereby further amended as follows:

| Permitted Uses                                                                    | Site Area | Retail/Other Area |
|-----------------------------------------------------------------------------------|-----------|-------------------|
| Lot 8<br><br>Adult/vocational education<br>Antennas<br>Assisted living facilities | 4.8 AC.   | 30,00 SF          |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------|
| Business services<br>Convenience stores without fuel operation<br>Financial services<br>Fleet-based services<br>Furniture and appliance stores<br>Grocery stores<br>Health/exercise clubs<br>Hotel/Motels<br>Laboratory, research and development<br>Medical offices and clinics<br>Nursing homes<br>Office supplies<br>Offices<br>Personal Services<br>Public Uses<br>Restaurants<br>Retail Sales and Services<br>Theaters<br>Veterinary Clinics |         |           |
| Lot 8                                                                                                                                                                                                                                                                                                                                                                                                                                             | 4.8 AC. | 30,000 SF |

3. Amended Conceptual Development Plan. The textual provisions of this Seventh Amendment shall supersede any conflicting information as it may appear on the Amended Conceptual Development Plan in effect and recorded in the public land records of Volusia County, Florida as of the effective date of this Seventh Amendment.
4. All other dimensional requirements identified in Exhibit "C" shall remain in full force and effect.
5. This Seventh Amendment shall be effective as of the date it is executed by all parties.
6. The Amended and Restated MDA, as previously enacted, and the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, and Sixth Amendment shall remain in full force and effect except with the respect to those matters specifically amended by the Seventh Amendment.

[REMAINDER OF PAGE LEFT BLANK]

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

WITNESSES:

CITY:  
CITY OF PORT ORANGE, a Florida  
Municipal Corporation

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Allen Green, Mayor

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

Attest \_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Allen Green, Mayor of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public

(Notary Seal)  
STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Robin L. Fenwick, CMC, City Clerk, of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public

(Notary Seal)

WITNESSES:

PROPERTY OWNER:

CITY OF PORT ORANGE, a Florida  
Municipal Corporation

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Allen Green, Mayor

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

Attest \_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

\_\_\_\_\_  
\_\_\_\_\_  
Printed Name

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Allen Green, Mayor of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. He is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public

(Notary Seal)

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Robin L. Fenwick, CMC, City Clerk, of the CITY OF PORT ORANGE, FLORIDA, a Florida Municipal Corporation, on behalf of the City. She is personally known to me and did not take an oath.

\_\_\_\_\_  
Notary Public

(Notary Seal)

**Exhibit "A"**

**Lot 8, PORT ORANGE GATEWAY CENTER REPLAT, a subdivision, according to the plat thereof recorded in Map Book 50, pages 24 through 27, Public Records of Volusia County, Florida.**



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: No

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**SUBJECT:** Adrienne Anello - 6068 Spruce Point Circle

**DEPARTMENT:** City Manager

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:**

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**SUMMARY:** Adrienne Anello has requested to discuss the lien on 6068 Spruce Point Circle again. On April 21, 2015, Council directed Staff to work out an agreement that she could afford but would make the City whole. An excerpt from the meeting minutes follows:

*CITIZEN PARTICIPATION (Agenda)*

12. *James Martin - Utility Lien at 6068 Spruce Point Circle*

*James Martin, citizen, asked Council for a reduction of the utility lien.*

*Councilman Ford would like more information from the City Attorney, along with a recommendation. Mr. Martin said the property has been empty since 2009 and most of the charges are interest.*

*Mr. Harden advised that the total charges are \$3,672.38 with penalties of \$1,329.44.*

*Councilman Burnette asked if any title work was done before they purchased the property. Mr. Martin said yes, but they didn't realize the charges would continue to accrue. Councilman Burnette would like to help as much as possible. He asked if the late fees could be waived as well as a payment plan.*

*Vice Mayor Bastian agreed to a payment plan and reducing the interest charges but wants the City to be made whole.*

*Councilman Stiltner asked if there are other liens. Mr. Martin said yes, two mortgages. Councilman Stiltner would like to work with him.*

*Councilman Ford asked that the City Attorney to work out an agreement that Mr. Martin can afford while making the City whole. He wants the property back on the tax rolls and fixed up.*

---

*Mayor Green cautioned Council on not being consistent.*

The City Attorney worked with Ms. Anello and prepared the attached Agreement for Lien Recovery. Ms. Anello does not agree with the agreement and would like Council to provide further direction to Staff regarding her request for a reduction of the lien amount due.

Project            Funding Account  
No.:                No.:

---

**ATTACHMENTS:**

|    |                                      |                                  |
|----|--------------------------------------|----------------------------------|
| 1. | Proposed Agreement for Lien Recovery | Agreement for Lien Recovery.pdf  |
| 2. | Estoppel Letter dated 11/4/15        | 6068 Spruce Point Circle.pdf     |
| 3. | Lien Calculation from Anello         | Lien Calculation from Anello.pdf |

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Fenwick, Robin  
Roberts, Margaret  
Johansson, M. Jake

Created/Initiated - 11/03/2015  
Approved - 11/05/2015  
Final Approval - 11/05/2015

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## **AGREEMENT FOR LIEN RECOVERY**

This Agreement for Lien Recovery ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015 ( the "effective date"), by and between James G. Martin and Adrienne M. Anello ("Utility Account Holders") and the Finance Director on behalf of the City of Port Orange, Florida, a Florida municipality ("City"), collectively referred to as the "Parties."

WHEREFORE, the Utility Account Holders are the owners of the property located at 6068 Spruce Point Circle, Port Orange Florida, Parcel I.D. No. 6330-15-00-0670("Subject Property"), where utility services are requested.

WHEREFORE, the Utility Account Holders declare their intent to permanently reside at the Subject Property, referenced herein. Furthermore, Utility Account Holders declare said property shall be designated as their homestead; and

WHEREFORE, this Agreement is to pay the balance due and owing on an existing Claim of Lien ("Lien") against the Subject Property, bearing the date of February 9, 2009, recorded in Official Records Book 6322, Page 4981 in the public records of Volusia County, Florida; and

WHEREFORE, the above referenced Lien is valid against the real property referenced herein and is superior and paramount to the interest in such land or premises of any owner, lessee, tenant, mortgagee or any other person, except the liens of state, county, and municipal taxes, and shall be on parity with the liens of such.

NOW THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the Parties hereto mutually agree as follows:

1. The City agrees to the establishment of utility service at Subject Property with the existing Lien balance, subject to the execution of this Agreement.
2. The outstanding Lien balance on the effective date of this Agreement is Five Thousand and Six Dollars and Forty-Seven Cents (\$5,006.47). The Utility Account Holders agree to make an initial payment of One Hundred and Thirty-Nine Dollars and Two Cents (\$139.02). The Utility Account Holders agree to thereafter make payments of the utility charges to the City as follows: Thirty-Five successive monthly payments in the amount of One Hundred and Thirty-Nine Dollars and Seven Cents (\$139.07). The initial payment of One hundred and Thirty-Nine Dollars and Two Cents (\$139.02) shall be made upon execution of this Agreement and at the time service is established for the Subject Property.
3. The Lien recovery payment shall constitute a utility charge. Payment of the Lien shall be invoiced monthly commencing after the execution of this Agreement and established service at the Subject Property. Any payments for utility charges at the Subject Property shall be applied first to the Lien amount, with any remaining monies being applied to the current utility services account balance.
4. Upon establishing service, the City shall suspend any further accrual of penalties, interest, and late fees with regard to the outstanding balance of said Lien.

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JGM

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AMA

5. If any one of the monthly payments under this Agreement is not paid as and when due, and remains unpaid for 30 days or more after the due date, then the Utility Account Holder shall be considered in default of this Agreement. In the event of a default of this Agreement, the City shall cause the accrual of penalties, interest, and late fees, previously suspended in consideration of this Agreement, to be reinstated as to the remaining balance of said Lien from date of default. In addition, in the event of default of this Agreement, there shall be a discontinuance of utility services without further notice to the Utility Account Holders.
6. Upon proof of receipt of full payment of the Lien amount, as referenced in Paragraph (1), the City shall immediately deem the Lien satisfied and shall execute and record a Satisfaction of Lien in the public records of Volusia County within the time permitted under the Florida Statutes.

This Agreement incorporates and makes a part hereof the above-referenced Claim of Lien. Furthermore, as it relates to said Lien, this Agreement shall be construed and enforced according to the provisions of Chapters 2 and 74, Code of Ordinances, City of Port Orange, and Section 159.17, Florida Statutes, and any other applicable laws of the State of Florida.

This Agreement forms the entire agreement between the Parties and supersedes any prior discussions or correspondence. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provisions of this Agreement, which shall remain in full force and effect.

Utility Account Holders have read the foregoing Agreement in its entirety, and voluntarily agree to each of its terms with full knowledge thereof. Furthermore, they acknowledge and understand that they have the opportunity to have outside counsel of their choice review this Agreement.

IN WITNESS THEREOF, the Parties, intending to be legally bound, have executed this Agreement as of the date above.

\_\_\_\_\_  
James G. Martin

\_\_\_\_\_  
Adrienne M. Anello

State of Florida  
County of Volusia

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by James G. Martin and Adrienne M. Anello, who have produced identification or is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida  
*Printed Name, Stamped Commission, Seal, and Term*

\_\_\_\_\_  
JGM

\_\_\_\_\_  
AMA



City of Port Orange

By: \_\_\_\_\_  
Tracey Riehm, Finance Director

State of Florida  
County of Volusia

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Tracey Riehm, as Finance Director for the City of Port Orange, a Florida municipality, on behalf of the city and who is personally known to me.

\_\_\_\_\_  
Notary Public, State of Florida  
*Printed Name, Stamped Commission, Seal, and Term*

\_\_\_\_\_  
JGM

\_\_\_\_\_  
AMA



# **CITY OF PORT ORANGE ESTOPPEL LETTER**

TITLE CO./RESIDENT NAME/FAX #: Adrienne Anello  
 PROPERTY ADDRESS: 6068 Spruce Point Circle  
 PROPERTY OWNER: \_\_\_\_\_  
 PARCEL NUMBER: 6330-15-00-0670

Refer to the following for any liens and/or outstanding charges against the above named property:

| <u>TYPE OF FINES/LIENS</u>                                                                         | <u>ACCOUNT #/CUST ID #</u>                                                                                   | <u>PER DIEM</u><br>(if applicable) | <u>AMOUNT DUE</u>                                    |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------|
| Unpaid Utility Charges: (Include:<br>Water/Sewer/Solid Waste/Drainage)<br>Utility Lien             | <u>110651 - 33023</u><br><u>136817 - 33023</u><br><u>148837 - 33023</u><br>Book <u>6322</u> Page <u>4981</u> | \$ <u>1.48</u>                     | <u>456.54</u><br><u>2517.66</u><br>\$ <u>2940.13</u> |
| Lot Mowing Lien - LML                                                                              | Book _____ Page _____                                                                                        | \$ <u>N/A</u>                      | <u>NONE</u>                                          |
| False Alarm Lien - FAL                                                                             | Book _____ Page _____                                                                                        | \$ <u>N/A</u>                      | <u>NONE</u>                                          |
| Code Enforcement Lien:                                                                             | Book _____ Page _____                                                                                        | \$ <u>N/A</u>                      | <u>NONE</u>                                          |
| Code Enforcement Cases<br>Pending Utility Impact/Connection Chgs                                   | _____                                                                                                        |                                    | <u>NONE</u>                                          |
| Building Permit Charges, Outstanding (Fire, Parks, Transportation)<br>Impact Fees, Connection Chgs | _____                                                                                                        | \$ <u>N/A</u>                      | <u>NONE</u>                                          |
| Other/Pymt Code _____                                                                              |                                                                                                              |                                    | <u>—</u>                                             |
| Total Per Diem (to be added to the "Total Due" if paid beyond 10 days from date of this letter)    |                                                                                                              | \$ <u>1.48</u>                     |                                                      |
| TOTAL DUE (if payment received by City within ten (10) days from date of this letter)              |                                                                                                              |                                    | \$ <u>5914.33</u>                                    |

The above charges include late fees, interest, lien filing fees, release fees, and per diem fees. **This letter is valid if the "TOTAL DUE" is received by the City within ten (10) days from the date of this letter.** The property shall be subject to additional charges after ten (10) days from the date of this letter based upon per diem, if applicable, additional usage and/or availability fees.

**\*\*THIS IS NOT A FINAL BILL.\*\***

## **CITY CLERK'S OFFICE PREPARES ESTOPPEL LETTERS - INQUIRIES & REQUESTS:**

INQUIRIES - CALL CITY CLERK'S OFFICE PHONE # (386) 506-5563  
 FAX ESTOPPEL LETTER REQUESTS FAX # (386) 756-5290

## **ESTOPPEL LETTER PREPARATION FEE PAYABLE TO: CITY OF PORT ORANGE**

☒ \$25.00 FOR 5 BUSINESS DAYS TURNAROUND; OR N/A \$50.00 FOR 48 HOUR TURNAROUND  
 (FEE PAYABLE IN ADVANCE TO: ATTN: CITY CLERK'S OFFICE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FL 32129)

Date received: 11-3-15 Check #: N/A CC Payment: pd 11-3-15 Staff: (Signature)

## **MAKE "TOTAL DUE" AMOUNT PAYABLE TO: CITY OF PORT ORANGE**

MAIL OR DELIVER PAYMENTS TO: CITY OF PORT ORANGE - ATTN: CUSTOMER SERVICE  
 1000 CITY CENTER CIRCLE, PORT ORANGE, FL 32129  
 ATTN: Parcel No. 6330-15-00-0670

City Employee Name: (Signature) Date: 11-4-15

PREPARED: 11/04/15  
PROGRAM: UT476L  
City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 1

(11/25/08 TO 99/99/99)

CUSTOMER: 110651

ALEXIOU GEORGE THOMAS (BR)  
C/O BRIAN GEORGE THOMAS (BR)  
6068 SPRUCE POINT CIR  
PORT ORANGE FL 321285503

LOCATION: 33023  
BALANCE: 456.54  
CYCLE/ROUTE: 02:59  
STATUS: C  
BUDGET TRANSACTIONS (\*)

| DATE     | TYPE | DESCRIPTION                   | PREVIOUS BALANCE | CURRENT AMOUNT | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|----------|------|-------------------------------|------------------|----------------|--------------------|-------------------|
| 3/20/09  | BIL  | FINAL BILL PUBLIC SERVICE TAX | 380.78           | 4.56           |                    | 456.54            |
|          | BF   | BACK FLOW FEE CHARGE          |                  | 1.70           |                    |                   |
|          | ER   | OVER 20K                      |                  | 2.31           | 40.00              |                   |
|          | GA   | GARBAGE PICKUP OWNER          |                  | 10.04          |                    |                   |
|          | MR   | METERED RECLAIMED             |                  | 29.25          | 60.00              |                   |
|          | SW   | SEWER                         |                  | 11.70          |                    |                   |
|          | WA   | WATER                         |                  | 19.76          |                    |                   |
|          |      | TOTAL ACTUAL CHGS             |                  | 75.76          |                    |                   |
| 2/10/09  | BIL  | CYCLE BILL PUBLIC SERVICE TAX | 242.25           | 3.48           |                    | 385.98            |
|          | BF   | BACK FLOW FEE CHARGE          |                  | 3.79           |                    |                   |
|          | MR   | METERED RECLAIMED             |                  | 24.05          | 51.00              |                   |
|          | SW   | SEWER                         |                  | 11.70          |                    |                   |
|          | WA   | WATER                         |                  | 19.76          |                    |                   |
|          |      | TOTAL ACTUAL CHGS             |                  | 35.00          |                    |                   |
| 2/05/09  | ADJ  | PENALTY                       |                  | 22.02          |                    |                   |
| 1/13/09  | BIL  | CYCLE BILL PUBLIC SERVICE TAX | 122.39           | 4.79           |                    | 220.23            |
|          | BF   | BACK FLOW FEE CHARGE          |                  | 1.70           |                    |                   |
|          | MR   | METERED RECLAIMED             |                  | 31.80          | 57.00              |                   |
|          | SW   | SEWER                         |                  | 31.40          | 3.00               |                   |
|          | WA   | WATER                         |                  | 16.10          |                    |                   |
|          |      | TOTAL ACTUAL CHGS             |                  | 97.84          |                    |                   |
| 1/03/09  | ADJ  | PENALTY                       |                  | 11.13          |                    |                   |
| 12/09/08 | BIL  | CYCLE BILL PUBLIC SERVICE TAX | .00              | 3.71           |                    | 111.26            |

PREPARED: 11/04/15  
PROGRAM UT46L  
City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS  
(11/25/08 TO 99/99/99)

PAGE: 2

CUSTOMER: 110651 ALEXIOU, GEORGE THOMAS (BR)  
LOCATION: 33023 6068 SPRUCE POINT CIR

\*\*\*\*\*TRANSACTION\*\*\*\*\*  
DATE TYPE DESCRIPTION PREVIOUS BALANCE CURRENT AMOUNT BILLED CONSUMPTION TOTAL BILL AMOUNT

BF BACK FLOW FEE CHARGE 1.70  
GA GARBAGE PICKUP 27.20  
MR METERED RECLAIMED 11.70  
SW SEWER 19.90  
WA WATER 35.00  
TG SERVICE CHARGE 111.26  
TOTAL ACTUAL CHGS 208.55

11/25/08 PMT CG C2GCXUSER 11250899

TOTALS BY CATEGORY

DI Payments: . . . . . 1.82  
DR Payments: . . . . . 100.00  
CG Payments: . . . . . 208.55  
TOTAL PAYMENTS . . . . . 310.37

BF Adjustments . . . . . 00  
ER Adjustments . . . . . 00  
GA Adjustments . . . . . 00  
MR Adjustments . . . . . 00  
SW Adjustments . . . . . 00  
WA Adjustments . . . . . 00  
Other Adjustments . . . . . 00  
TOTAL ADJUSTMENTS . . . . . 123.77

Tax Charges . . . . . 16.54  
BF Charges . . . . . 6.80  
ER Charges . . . . . 6.40  
GA Charges . . . . . 78.40  
MR Charges . . . . . 113.15  
SW Charges . . . . . 56.50  
WA Charges . . . . . 45.80  
Other Charges . . . . . 35.00  
TOTAL CHARGES . . . . . 323.59  
TOTAL TRANSFER BALANCE FROM . . . . . 00  
TOTAL TRANSFER BALANCE TO . . . . . 00

CONSUMPTION PARAMETERS FOR METERED RECLAIMED  
EXCEPTION REPORT FLAG . . . . . 00  
CONSUMPTION ESTIMATE . . . . . 1.11  
DEMAND CONSUMPTION ESTIMATE . . . . . 1.11  
AVERAGE CONSUMPTION . . . . . 1922.00  
TOTAL DEMAND CONSUMPTION . . . . . 1732  
TOTAL CONSUMPTION . . . . . 1732  
TOTAL READING DAYS . . . . . 1732

PREPARED: 11/04/15 ACCOUNT BILLING HISTORY  
PROGRAM UT476L  
City of Port Orange DETAILS

PAGE: 3

(11/25/08 TO 99/99/99)

CUSTOMER: 110651 ALEXIOU, GEORGE THOMAS (BR)  
LOCATION: 33023 6068 SPRUCE POINT CIR

CONSUMPTION PARAMETERS FOR METERED RECLAIMED

| CONSUMPTION REPORT FLAG  | PORT FLAG | ESTIMATE |
|--------------------------|-----------|----------|
| EXCEPTION                | ...       | ...      |
| CONSUMPTION              | ...       | ...      |
| DEMAND CONSUMPTION       | ...       | ...      |
| AVERAGE CONSUMPTION      | ...       | ...      |
| TOTAL CONSUMPTION        | ...       | ...      |
| TOTAL DEMAND CONSUMPTION | ...       | ...      |
| TOTAL READING DAYS       | ...       | ...      |

00  
00  
17  
296.00  
1732

PREPARED: 11/04/15  
PROGRAM UT476L  
City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 1

CUSTOMER: 136817

ALEXIOU, GEORGE THOMAS (BR)  
6068 SPRUCE POINT CIR  
PORT ORANGE FL 321285503

LOCATION: 33023  
BALANCE: 2517.66  
CYCLE/ROUTE: 02-55  
STATUS: C  
BUDGET TRANSACTIONS (\*)

| DATE     | TYPE | DESCRIPTION       | PREVIOUS<br>BALANCE | CURRENT<br>AMOUNT | BILLED<br>CONSUMPTION | TOTAL BILL<br>AMOUNT |
|----------|------|-------------------|---------------------|-------------------|-----------------------|----------------------|
| 12/05/11 | BIL  | FINAL Bill        |                     |                   |                       |                      |
|          |      | TOTAL ACTUAL CHGS | 2517.66             | .00               |                       | 2517.66              |

|          |     |                      |         |       |  |         |
|----------|-----|----------------------|---------|-------|--|---------|
| 11/08/11 | BIL | CYCLE Bill           | 2474.34 |       |  |         |
|          |     | PUBLIC SERVICE TAX   |         | 1:87  |  |         |
|          |     | BACK FEE CHARGE      |         | 7:27  |  |         |
|          |     | ENERGY GARBAGE OW    |         | 7:38  |  |         |
|          |     | LANDFILL OW          |         | 1:75  |  |         |
|          |     | MR METERED RECLAIMED |         | 11:70 |  |         |
|          |     | SM SEWER             |         | 9:90  |  |         |
|          |     | WA WATER             |         | 43:32 |  |         |
|          |     | TOTAL ACTUAL CHGS    |         |       |  | 2517.66 |

|          |     |                      |         |       |  |         |
|----------|-----|----------------------|---------|-------|--|---------|
| 11/03/11 | ADJ | PENALTY              |         | 21:86 |  |         |
| 11/03/11 | ADJ | PENALTY              |         | 22:12 |  |         |
| 10/11/11 | BIL | CYCLE Bill           | 2387.04 |       |  |         |
|          |     | PUBLIC SERVICE TAX   |         | 1:87  |  |         |
|          |     | BACK FEE CHARGE      |         | 7:27  |  |         |
|          |     | ENERGY GARBAGE OW    |         | 7:38  |  |         |
|          |     | LANDFILL OW          |         | 1:75  |  |         |
|          |     | MR METERED RECLAIMED |         | 11:70 |  |         |
|          |     | SM SEWER             |         | 9:90  |  |         |
|          |     | WA WATER             |         | 43:32 |  |         |
|          |     | TOTAL ACTUAL CHGS    |         |       |  | 2430.36 |

|          |     |                      |         |       |  |         |
|----------|-----|----------------------|---------|-------|--|---------|
| 10/06/11 | ADJ | PENALTY              |         | 21:86 |  |         |
| 10/06/11 | ADJ | PENALTY              |         | 21:86 |  |         |
| 9/13/11  | BIL | CYCLE Bill           | 2298.87 |       |  |         |
|          |     | PUBLIC SERVICE TAX   |         | 1:87  |  |         |
|          |     | BACK FEE CHARGE      |         | 1:15  |  |         |
|          |     | ENERGY GARBAGE OW    |         | 1:70  |  |         |
|          |     | LANDFILL OW          |         | 1:70  |  |         |
|          |     | MR METERED RECLAIMED |         | 11:70 |  |         |
|          |     | SM SEWER             |         | 9:90  |  |         |
|          |     | WA WATER             |         | 45:07 |  |         |
|          |     | TOTAL ACTUAL CHGS    |         |       |  | 2343.94 |

|         |     |                   |         |       |  |         |
|---------|-----|-------------------|---------|-------|--|---------|
| 9/01/11 | ADJ | PENALTY           |         | 21:64 |  |         |
| 9/01/11 | ADJ | PENALTY           |         | 20:40 |  |         |
| 8/09/11 | BIL | CYCLE Bill        | 2211.76 |       |  |         |
|         |     | TOTAL ACTUAL CHGS |         |       |  | 2256.83 |

PREPARED: 11/04/15  
PROGRAM UT476L  
City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 2

CUSTOMER: 136817 ALEXIOU GEORGE THOMAS (BR)  
LOCATION: 33023 6068 SPRUCE POINT CIR

| *****TRANSACTION***** |      |                      |  | PREVIOUS BALANCE |  | CURRENT AMOUNT | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|-----------------------|------|----------------------|--|------------------|--|----------------|--------------------|-------------------|
| DATE                  | TYPE | DESCRIPTION          |  |                  |  |                |                    |                   |
| -----                 |      |                      |  |                  |  |                |                    |                   |
| 8/04/11               | ADJ  | PENALTY              |  |                  |  | 21.56          |                    |                   |
| 7/13/11               | BIL  | CYCLE BILL           |  | 2125.58          |  | 1.87           |                    |                   |
|                       | BF   | PUBLIC SERVICE TAX   |  |                  |  | 1.70           |                    |                   |
|                       | GA   | BACK FLOW FEE CHARGE |  |                  |  | 1.75           |                    |                   |
|                       | MR   | GARBAGE PICKUP OWNER |  |                  |  | 1.70           |                    |                   |
|                       | SM   | METERED RECLAIMED    |  |                  |  | 45.07          |                    |                   |
|                       | WA   | WATER                |  |                  |  |                |                    |                   |
|                       |      | TOTAL ACTUAL CHGS    |  |                  |  |                |                    |                   |
| 8/04/11               | ADJ  | PENALTY              |  |                  |  | 21.56          |                    |                   |
| 7/13/11               | BIL  | CYCLE BILL           |  | 2125.58          |  | 1.87           |                    |                   |
|                       | BF   | PUBLIC SERVICE TAX   |  |                  |  | 1.70           |                    |                   |
|                       | GA   | BACK FLOW FEE CHARGE |  |                  |  | 1.75           |                    |                   |
|                       | MR   | GARBAGE PICKUP OWNER |  |                  |  | 1.70           |                    |                   |
|                       | SM   | METERED RECLAIMED    |  |                  |  | 45.07          |                    |                   |
|                       | WA   | WATER                |  |                  |  |                |                    |                   |
|                       |      | TOTAL ACTUAL CHGS    |  |                  |  |                |                    |                   |
| 7/07/11               | ADJ  | PENALTY              |  |                  |  | 21.34          |                    |                   |
| 6/14/11               | BIL  | CYCLE BILL           |  | 2040.45          |  | 1.87           |                    |                   |
|                       | BF   | PUBLIC SERVICE TAX   |  |                  |  | 1.70           |                    |                   |
|                       | GA   | BACK FLOW FEE CHARGE |  |                  |  | 1.75           |                    |                   |
|                       | MR   | GARBAGE PICKUP OWNER |  |                  |  | 1.70           |                    |                   |
|                       | SM   | METERED RECLAIMED    |  |                  |  | 45.07          |                    |                   |
|                       | WA   | WATER                |  |                  |  |                |                    |                   |
|                       |      | TOTAL ACTUAL CHGS    |  |                  |  |                |                    |                   |
| 6/02/11               | ADJ  | PENALTY              |  |                  |  | 22.57          |                    |                   |
| 5/10/11               | BIL  | CYCLE BILL           |  | 1955.07          |  | 1.87           |                    |                   |
|                       | BF   | PUBLIC SERVICE TAX   |  |                  |  | 1.70           |                    |                   |
|                       | GA   | BACK FLOW FEE CHARGE |  |                  |  | 1.75           |                    |                   |
|                       | MR   | GARBAGE PICKUP OWNER |  |                  |  | 1.70           |                    |                   |
|                       | SM   | METERED RECLAIMED    |  |                  |  | 45.07          |                    |                   |
|                       | WA   | WATER                |  |                  |  |                |                    |                   |
|                       |      | TOTAL ACTUAL CHGS    |  |                  |  |                |                    |                   |
| 5/05/11               | ADJ  | PENALTY              |  |                  |  | 20.76          |                    |                   |
| 4/12/11               | BIL  | CYCLE BILL           |  | 1872.14          |  | 1.87           |                    |                   |
|                       | BF   | PUBLIC SERVICE TAX   |  |                  |  | 1.70           |                    |                   |
|                       | GA   | BACK FLOW FEE CHARGE |  |                  |  | 1.75           |                    |                   |
|                       | MR   | GARBAGE PICKUP OWNER |  |                  |  | 1.70           |                    |                   |
|                       | SM   | METERED RECLAIMED    |  |                  |  | 11.70          |                    |                   |
|                       | WA   | WATER                |  |                  |  |                |                    |                   |
|                       |      | TOTAL ACTUAL CHGS    |  |                  |  |                |                    |                   |

CUSTOMER: 136817  
 LOCATION: 33023  
 ALEXIOU, GEORGE THOMAS (BR)  
 6068 SPRUCE POINT CIR

\*\*\*\*\*TRANSACTION\*\*\*\*\*  
 DATE TYPE DESCRIPTION PREVIOUS BALANCE CURRENT AMOUNT BILLED CONSUMPTION TOTAL BILL AMOUNT

WA WATER  
 TOTAL ACTUAL CHGS 9.90  
 45.07

3/31/11 ADJ PENALTY  
 3/14/11 ADJ ad1 per City Policy  
 3/08/11 BIL CYCLE Bill  
 BF BACK FLOW SERVICE TAX  
 GA GARBAGE PICKUP CHARGE  
 MR METERED RECLAIMED  
 SW WATER  
 TOTAL ACTUAL CHGS 2621.30  
 1.87  
 11.15  
 11.75  
 19.90  
 45.07

3/03/11 ADJ PENALTY  
 2/08/11 BIL CYCLE Bill  
 BF BACK FLOW SERVICE TAX  
 GA GARBAGE PICKUP CHARGE  
 MR METERED RECLAIMED  
 SW WATER  
 TOTAL ACTUAL CHGS 2499.93  
 1.87  
 11.15  
 11.75  
 19.90  
 45.07

2/03/11 ADJ PENALTY  
 1/11/11 BIL CYCLE Bill  
 BF BACK FLOW SERVICE TAX  
 GA GARBAGE PICKUP CHARGE  
 MR METERED RECLAIMED  
 SW WATER  
 TOTAL ACTUAL CHGS 2227.59  
 1.87  
 11.15  
 11.75  
 19.90  
 45.07

1/06/11 ADJ PENALTY  
 12/14/10 BIL CYCLE Bill  
 BF BACK FLOW SERVICE TAX  
 GA GARBAGE PICKUP CHARGE  
 MR METERED RECLAIMED  
 SW WATER  
 TOTAL ACTUAL CHGS 1980.01  
 1.87  
 11.15  
 11.75  
 19.90  
 45.07

12/02/10 ADJ PENALTY  
 11/09/10 BIL CYCLE Bill  
 1754.94  
 180.00  
 1800.01



CUSTOMER: 136813 ALEXIOU GEORGE THOMAS (BR)  
 LOCATION: 33023 6068 SPRUCE POINT CIR

| *****TRANSACTION***** |      |                     |  | PREVIOUS BALANCE |  | CURRENT AMOUNT |  | BILLED CONSUMPTION |  | TOTAL BILL AMOUNT |  |
|-----------------------|------|---------------------|--|------------------|--|----------------|--|--------------------|--|-------------------|--|
| DATE                  | TYPE | DESCRIPTION         |  |                  |  |                |  |                    |  |                   |  |
| 11/04/10              | ADJ  | PENALTY             |  |                  |  | 159.54         |  |                    |  |                   |  |
| 10/12/10              | BIL  | CYCLE BILL          |  | 1550.33          |  | 1.87           |  |                    |  | 1595.40           |  |
|                       | BF   | PUBLIC SERVICE TAX  |  |                  |  | 1.87           |  |                    |  |                   |  |
|                       | GA   | BACKFLOW FEE CHARGE |  |                  |  | 1.15           |  |                    |  |                   |  |
|                       | MR   | PICKUP OWNER        |  |                  |  | 18.70          |  |                    |  |                   |  |
|                       | SN   | METERED RECLAIMED   |  |                  |  | 18.70          |  |                    |  |                   |  |
|                       | WA   | WATER               |  |                  |  | 45.07          |  |                    |  |                   |  |
|                       |      | TOTAL ACTUAL CHGS   |  |                  |  | 45.07          |  |                    |  |                   |  |
| 10/07/10              | ADJ  | PENALTY             |  |                  |  | 140.84         |  |                    |  |                   |  |
| 9/16/10               | ADJ  | city policy         |  |                  |  | 398.86         |  |                    |  |                   |  |
| 9/14/10               | BIL  | CYCLE BILL          |  | 1763.28          |  | 1.87           |  |                    |  | 1808.35           |  |
|                       | BF   | PUBLIC SERVICE TAX  |  |                  |  | 1.87           |  |                    |  |                   |  |
|                       | GA   | BACKFLOW FEE CHARGE |  |                  |  | 1.15           |  |                    |  |                   |  |
|                       | MR   | PICKUP OWNER        |  |                  |  | 18.70          |  |                    |  |                   |  |
|                       | SN   | METERED RECLAIMED   |  |                  |  | 18.70          |  |                    |  |                   |  |
|                       | WA   | WATER               |  |                  |  | 45.07          |  |                    |  |                   |  |
|                       |      | TOTAL ACTUAL CHGS   |  |                  |  | 45.07          |  |                    |  |                   |  |
| 9/02/10               | ADJ  | PENALTY             |  |                  |  | 160.30         |  |                    |  |                   |  |
| 8/10/10               | BIL  | CYCLE BILL          |  | 1557.91          |  | 1.87           |  |                    |  | 1602.98           |  |
|                       | BF   | PUBLIC SERVICE TAX  |  |                  |  | 1.87           |  |                    |  |                   |  |
|                       | GA   | BACKFLOW FEE CHARGE |  |                  |  | 1.15           |  |                    |  |                   |  |
|                       | MR   | PICKUP OWNER        |  |                  |  | 18.70          |  |                    |  |                   |  |
|                       | SN   | METERED RECLAIMED   |  |                  |  | 18.70          |  |                    |  |                   |  |
|                       | WA   | WATER               |  |                  |  | 45.07          |  |                    |  |                   |  |
|                       |      | TOTAL ACTUAL CHGS   |  |                  |  | 45.07          |  |                    |  |                   |  |
| 8/05/10               | ADJ  | PENALTY             |  |                  |  | 141.63         |  |                    |  |                   |  |
| 7/13/10               | BIL  | CYCLE BILL          |  | 1371.21          |  | 1.87           |  |                    |  | 1416.28           |  |
|                       | BF   | PUBLIC SERVICE TAX  |  |                  |  | 1.87           |  |                    |  |                   |  |
|                       | GA   | BACKFLOW FEE CHARGE |  |                  |  | 1.15           |  |                    |  |                   |  |
|                       | MR   | PICKUP OWNER        |  |                  |  | 18.70          |  |                    |  |                   |  |
|                       | SN   | METERED RECLAIMED   |  |                  |  | 18.70          |  |                    |  |                   |  |
|                       | WA   | WATER               |  |                  |  | 45.07          |  |                    |  |                   |  |
|                       |      | TOTAL ACTUAL CHGS   |  |                  |  | 45.07          |  |                    |  |                   |  |

PREPARED: 11/04/15  
PROGRAM UT4761  
City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 5

CUSTOMER: 136817 ALEXIOU, GEORGE THOMAS (BR)  
LOCATION: 33023 6068 Spruce Point Ctr

| DATE    | TYPE | DESCRIPTION                                                                                                 | PREVIOUS BALANCE | CURRENT AMOUNT                           | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|---------|------|-------------------------------------------------------------------------------------------------------------|------------------|------------------------------------------|--------------------|-------------------|
| 7/01/10 | ADJ  | PENALTY                                                                                                     |                  | 124.66                                   |                    |                   |
| 6/08/10 | BIL  | PUBLIC SERVICE TAX<br>BACK FLOW PICKUP CHARGE<br>GA GARBAGE RECLAIMED<br>MR METERED<br>SW SEWER<br>WA WATER | 1201.48          | 1.87<br>11.15<br>11.70<br>19.90<br>45.07 |                    | 1246.55           |
|         |      | TOTAL ACTUAL CHGS                                                                                           |                  |                                          |                    |                   |
| 6/03/10 | ADJ  | PENALTY                                                                                                     |                  | 109.23                                   |                    |                   |
| 5/11/10 | BIL  | PUBLIC SERVICE TAX<br>BACK FLOW PICKUP CHARGE<br>GA GARBAGE RECLAIMED<br>MR METERED<br>SW SEWER<br>WA WATER | 1047.18          | 1.87<br>11.15<br>11.70<br>19.90<br>45.07 |                    | 1092.25           |
|         |      | TOTAL ACTUAL CHGS                                                                                           |                  |                                          |                    |                   |
| 5/06/10 | ADJ  | PENALTY                                                                                                     |                  | 95.20                                    |                    |                   |
| 4/13/10 | BIL  | PUBLIC SERVICE TAX<br>BACK FLOW PICKUP CHARGE<br>GA GARBAGE RECLAIMED<br>MR METERED<br>SW SEWER<br>WA WATER | 906.91           | 1.87<br>11.15<br>11.70<br>19.90<br>45.07 |                    | 951.98            |
|         |      | TOTAL ACTUAL CHGS                                                                                           |                  |                                          |                    |                   |
| 4/03/10 | ADJ  | PENALTY                                                                                                     |                  | 82.45                                    |                    |                   |
| 3/22/10 | ADJ  | adj per city policy                                                                                         |                  | 209.32                                   |                    |                   |
| 3/09/10 | BIL  | PUBLIC SERVICE TAX<br>BACK FLOW PICKUP CHARGE<br>GA GARBAGE RECLAIMED<br>MR METERED<br>SW SEWER<br>WA WATER | 988.61           | 1.87<br>11.15<br>11.70<br>19.90<br>45.07 |                    | 1033.68           |
|         |      | TOTAL ACTUAL CHGS                                                                                           |                  |                                          |                    |                   |
| 3/04/10 | ADJ  | PENALTY                                                                                                     |                  | 89.87                                    |                    |                   |
| 2/09/10 | BIL  | PUBLIC SERVICE TAX<br>BACK FLOW PICKUP CHARGE<br>GA GARBAGE RECLAIMED<br>MR METERED<br>SW SEWER             | 853.67           | 1.87<br>11.15<br>11.70<br>19.90<br>45.07 |                    | 898.74            |

PREPARED: 11/04/15  
PROGRAM 07476L  
City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 6

CUSTOMER: 136817 ALEXIOU, GEORGE THOMAS (BR)  
LOCATION: 33023 6068 SPRUCE POINT CIR

| DATE | TYPE | DESCRIPTION | PREVIOUS BALANCE | CURRENT AMOUNT | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|------|------|-------------|------------------|----------------|--------------------|-------------------|
|------|------|-------------|------------------|----------------|--------------------|-------------------|

|                   |     |          |  |       |  |  |
|-------------------|-----|----------|--|-------|--|--|
| 11/12/10          | BIL | WA WATER |  | 45.07 |  |  |
| TOTAL ACTUAL CHGS |     |          |  |       |  |  |

|          |     |            |        |       |  |        |
|----------|-----|------------|--------|-------|--|--------|
| 12/04/10 | ADJ | PENALTY    |        | 77.61 |  |        |
| 1/12/10  | BIL | CYCLE BILL | 730.99 |       |  | 776.06 |

BF BACK FLOW SERVICE TAX  
GA GARBAGE PICKUP OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

|          |     |            |        |       |  |        |
|----------|-----|------------|--------|-------|--|--------|
| 12/31/09 | ADJ | PENALTY    |        | 66.45 |  |        |
| 12/08/09 | BIL | CYCLE BILL | 619.47 |       |  | 664.54 |

BF BACK FLOW SERVICE TAX  
GA GARBAGE PICKUP OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

|          |     |            |        |       |  |        |
|----------|-----|------------|--------|-------|--|--------|
| 12/03/09 | ADJ | PENALTY    |        | 56.32 |  |        |
| 11/10/09 | BIL | CYCLE BILL | 518.08 |       |  | 563.15 |

BF BACK FLOW SERVICE TAX  
GA GARBAGE PICKUP OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

|          |     |            |        |       |  |        |
|----------|-----|------------|--------|-------|--|--------|
| 11/05/09 | ADJ | PENALTY    |        | 47.10 |  |        |
| 10/13/09 | BIL | CYCLE BILL | 425.91 |       |  | 470.98 |

BF BACK FLOW SERVICE TAX  
GA GARBAGE PICKUP OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

|          |     |            |        |       |  |        |
|----------|-----|------------|--------|-------|--|--------|
| 10/01/09 | ADJ | PENALTY    |        | 38.72 |  |        |
| 9/08/09  | BIL | CYCLE BILL | 342.12 |       |  | 387.19 |

BF BACK FLOW SERVICE TAX  
GA GARBAGE PICKUP OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

CUSTOMER: 136817 ALEXIOU GEORGE THOMAS (BR)  
 LOCATION: 136817 8068 SPRUCE POINT CIR

\*\*\*\*\*TRANSACTION\*\*\*\*\*  
 DATE TYPE DESCRIPTION PREVIOUS BALANCE CURRENT AMOUNT BILLED CONSUMPTION TOTAL BILL AMOUNT

MR METERED RECLAIMED 8.75  
 SN SEWER 10.70  
 WA WATER 45.07  
 TOTAL ACTUAL CHGS

9/03/09 ADJ PENALTY \*\*\*\*\*  
 8/11/09 BIL CYCLE BILL 265.95  
 BF BACK FLOW SERVICE TAX 1.87  
 BF GARBAGE PICKUP CHARGE 11.12  
 MR METERED RECLAIMED 10.70  
 SN SEWER 10.70  
 WA WATER 45.07  
 TOTAL ACTUAL CHGS

\*\*\*\*\*  
 8/06/09 ADJ PENALTY \*\*\*\*\*  
 7/14/09 BIL CYCLE BILL 196.70  
 BF BACK FLOW SERVICE TAX 1.87  
 BF GARBAGE PICKUP CHARGE 11.12  
 MR METERED RECLAIMED 10.70  
 SN SEWER 10.70  
 WA WATER 45.07  
 TOTAL ACTUAL CHGS

\*\*\*\*\*  
 7/02/09 ADJ PENALTY \*\*\*\*\*  
 6/24/09 ADJ \*\*\*\*\*  
 6/09/09 BIL CYCLE BILL 133.75  
 BF BACK FLOW SERVICE TAX 1.87  
 BF GARBAGE PICKUP CHARGE 11.12  
 MR METERED RECLAIMED 10.70  
 SN SEWER 10.70  
 WA WATER 45.07  
 TOTAL ACTUAL CHGS

\*\*\*\*\*  
 6/04/09 ADJ PENALTY \*\*\*\*\*  
 5/12/09 BIL CYCLE BILL 66.43  
 BF BACK FLOW SERVICE TAX 1.87  
 BF GARBAGE PICKUP CHARGE 11.12  
 MR METERED RECLAIMED 10.70  
 SN SEWER 10.70  
 WA WATER 45.07  
 TOTAL ACTUAL CHGS

\*\*\*\*\*  
 5/07/09 ADJ PENALTY \*\*\*\*\*  
 5/07/09 ADJ PENALTY \*\*\*\*\*

CUSTOMER: 136817 ALEXIOU GEORGE THOMAS (BR)  
LOCATION: 133023 8088 SPRUCE POINT CIR

| DATE    | TYPE | DESCRIPTION           | PREVIOUS BALANCE | CURRENT AMOUNT | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|---------|------|-----------------------|------------------|----------------|--------------------|-------------------|
| 4/15/09 | BIL  | CYCLE BILL            |                  | 3.79           |                    | 3.79              |
|         | BE   | PUBLIC SERVICE TAX    |                  | 1.70           |                    | 1.70              |
|         | BE   | BACKFLOW FEE CHARGE   |                  | 14.88          |                    | 14.88             |
|         | BE   | OVERFLOW PICKUP OWNER |                  | 17.82          |                    | 17.82             |
|         | BE   | GARAGE RECLAIMED      |                  | 17.90          |                    | 17.90             |
|         | BE   | SEWER                 |                  | 17.90          |                    | 17.90             |
|         | BE   | WATER                 |                  | 17.90          |                    | 17.90             |
|         |      | TOTAL ACTUAL CHGS     |                  | 60.39          |                    | 60.39             |

TOTALS BY CATEGORY

|                             |         |
|-----------------------------|---------|
| TOTAL PAYMENTS              | .00     |
| BE Adjustments              | .00     |
| BG Adjustments              | .00     |
| BP Adjustments              | .00     |
| BR Adjustments              | .00     |
| BS Adjustments              | .00     |
| BT Adjustments              | .00     |
| BU Adjustments              | .00     |
| Other Adjustments           | .00     |
| TOTAL ADJUSTMENTS           | 1018.51 |
| Tax Charges                 | 52.07   |
| BE Charges                  | 14.70   |
| BG Charges                  | 35.00   |
| BP Charges                  | 293.40  |
| BR Charges                  | 316.80  |
| BS Charges                  | 1464.15 |
| TOTAL CHARGES               | 1464.15 |
| TOTAL TRANSFER BALANCE FROM | .00     |
| TOTAL TRANSFER BALANCE TO   | .00     |

CONSUMPTION PARAMETERS FOR METERED RECLAIMED

|                             |       |
|-----------------------------|-------|
| EXCEPTION REPORT FLAG       | .00   |
| CONSUMPTION ESTIMATE        | .00   |
| DEMAND CONSUMPTION ESTIMATE | .00   |
| AVERAGE CONSUMPTION         | 84.00 |
| TOTAL CONSUMPTION           | 988   |
| TOTAL DEMAND CONSUMPTION    |       |
| TOTAL READING DAYS          |       |

PREPARED: 11/04/15  
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ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 9

CUSTOMER: 136817 ALEXIOU, GEORGE THOMAS (BR)  
LOCATION: 33023 6068 SPRUCE POINT CIR

CONSUMPTION PARAMETERS FOR METERED RECLAIMED

PREPARED: 11/04/15  
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ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 1

CUSTOMER: 148837

ALEXIQU, GEORGE T  
6068 SPRUCE POINT CIR  
PORT ORANGE FL 321285503

LOCATION: 33023  
BALANCE: 2254.62  
CYCLE/ROUTE: 02-55  
STATUS: S  
BUDGET: TRANSACTIONS (\*)

| DATE | TYPE | DESCRIPTION | PREVIOUS BALANCE | CURRENT AMOUNT | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|------|------|-------------|------------------|----------------|--------------------|-------------------|
|------|------|-------------|------------------|----------------|--------------------|-------------------|

|          |     |                      |         |       |  |         |
|----------|-----|----------------------|---------|-------|--|---------|
| 10/07/15 | BIL | CYCLE BILL           | 2210.15 | 1.87  |  | 2254.62 |
|          | BF  | PUBLIC SERVICE TAX   |         | 2.92  |  |         |
|          | EG  | BACKFLOW FEE         |         | 8.78  |  |         |
|          | GA  | ENERGY GARAGE OW     |         | 8.75  |  |         |
|          | MR  | GARBAGE/RECYCLING OW |         | 11.70 |  |         |
|          | SM  | METERED RECLAIMED    |         | 19.90 |  |         |
|          | WA  | SEWER                |         | 44.47 |  |         |

TOTAL ACTUAL CHGS

|         |     |            |         |      |  |         |
|---------|-----|------------|---------|------|--|---------|
| 9/08/15 | BIL | CYCLE BILL | 2165.68 | 1.87 |  | 2210.15 |
|---------|-----|------------|---------|------|--|---------|

|  |    |                      |  |       |  |  |
|--|----|----------------------|--|-------|--|--|
|  | BF | PUBLIC SERVICE TAX   |  | 2.92  |  |  |
|  | EG | BACKFLOW FEE         |  | 8.78  |  |  |
|  | GA | ENERGY GARAGE OW     |  | 8.75  |  |  |
|  | MR | GARBAGE/RECYCLING OW |  | 11.70 |  |  |
|  | SM | METERED RECLAIMED    |  | 19.90 |  |  |
|  | WA | SEWER                |  | 44.47 |  |  |

TOTAL ACTUAL CHGS

|         |     |            |         |      |  |         |
|---------|-----|------------|---------|------|--|---------|
| 8/10/15 | BIL | CYCLE BILL | 2121.21 | 1.87 |  | 2165.68 |
|---------|-----|------------|---------|------|--|---------|

|  |    |                      |  |       |  |  |
|--|----|----------------------|--|-------|--|--|
|  | BF | PUBLIC SERVICE TAX   |  | 2.92  |  |  |
|  | EG | BACKFLOW FEE         |  | 8.78  |  |  |
|  | GA | ENERGY GARAGE OW     |  | 8.75  |  |  |
|  | MR | GARBAGE/RECYCLING OW |  | 11.70 |  |  |
|  | SM | METERED RECLAIMED    |  | 19.90 |  |  |
|  | WA | SEWER                |  | 44.47 |  |  |

TOTAL ACTUAL CHGS

|         |     |            |         |      |  |         |
|---------|-----|------------|---------|------|--|---------|
| 7/07/15 | BIL | CYCLE BILL | 2076.74 | 1.87 |  | 2121.21 |
|---------|-----|------------|---------|------|--|---------|

|  |    |                      |  |       |  |  |
|--|----|----------------------|--|-------|--|--|
|  | BF | PUBLIC SERVICE TAX   |  | 2.92  |  |  |
|  | EG | BACKFLOW FEE         |  | 8.78  |  |  |
|  | GA | ENERGY GARAGE OW     |  | 8.75  |  |  |
|  | MR | GARBAGE/RECYCLING OW |  | 11.70 |  |  |
|  | SM | METERED RECLAIMED    |  | 19.90 |  |  |
|  | WA | SEWER                |  | 44.47 |  |  |

TOTAL ACTUAL CHGS

|         |     |            |         |      |  |         |
|---------|-----|------------|---------|------|--|---------|
| 6/09/15 | BIL | CYCLE BILL | 2032.27 | 1.87 |  | 2076.74 |
|---------|-----|------------|---------|------|--|---------|

29.00.  
13

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ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 2

CUSTOMER: 148837 ALEXIOU, GEORGE T  
LOCATION: 33023 6068 SPRUCE POINT CIR

\*\*\*\*\*TRANSACTION\*\*\*\*\*  
DATE TYPE DESCRIPTION PREVIOUS BALANCE CURRENT AMOUNT BILLED CONSUMPTION TOTAL BILL AMOUNT

BF PUBLIC SERVICE TAX 1.87  
BG BACKFLOW SERVICE TAX 2.78  
EG ENERGY GARBAGE OW 8.75  
MR GARBAGE/RECYCLING OW 11.70  
SN SEWER 19.90  
WA WATER 44.47

TOTAL ACTUAL CHGS

\*\*\*\*\*  
5/12/15 BIL CYCLE BIL 1987.80  
PUBLIC SERVICE TAX 2.87  
BACKFLOW SERVICE TAX 2.78  
ENERGY GARBAGE OW 8.75  
GARBAGE/RECYCLING OW 11.70  
SEWER 19.90  
WATER 44.47

2032.27

BF PUBLIC SERVICE TAX 1.87  
BG BACKFLOW SERVICE TAX 2.78  
EG ENERGY GARBAGE OW 8.75  
MR GARBAGE/RECYCLING OW 11.70  
SN SEWER 19.90  
WA WATER 44.47

TOTAL ACTUAL CHGS

\*\*\*\*\*  
4/07/15 BIL CYCLE BIL 1943.33  
PUBLIC SERVICE TAX 2.87  
BACKFLOW SERVICE TAX 2.78  
ENERGY GARBAGE OW 8.75  
GARBAGE/RECYCLING OW 11.70  
SEWER 19.90  
WATER 44.47

1987.80

BF PUBLIC SERVICE TAX 1.87  
BG BACKFLOW SERVICE TAX 2.78  
EG ENERGY GARBAGE OW 8.75  
MR GARBAGE/RECYCLING OW 11.70  
SN SEWER 19.90  
WA WATER 44.47

TOTAL ACTUAL CHGS

\*\*\*\*\*  
3/10/15 BIL CYCLE BIL 1900.08  
PUBLIC SERVICE TAX 1.87  
BACKFLOW SERVICE TAX 2.78  
ENERGY GARBAGE OW 8.75  
GARBAGE/RECYCLING OW 11.70  
SEWER 19.90  
WATER 43.25

1943.33

BF PUBLIC SERVICE TAX 1.87  
BG BACKFLOW SERVICE TAX 2.78  
EG ENERGY GARBAGE OW 8.75  
MR GARBAGE/RECYCLING OW 11.70  
SN SEWER 19.90  
WA WATER 43.25

TOTAL ACTUAL CHGS

\*\*\*\*\*  
2/10/15 BIL CYCLE BIL 1856.83  
PUBLIC SERVICE TAX 1.87  
BACKFLOW SERVICE TAX 2.78  
ENERGY GARBAGE OW 8.75  
GARBAGE/RECYCLING OW 11.70  
SEWER 19.90  
WATER 43.25

1900.08

BF PUBLIC SERVICE TAX 1.87  
BG BACKFLOW SERVICE TAX 2.78  
EG ENERGY GARBAGE OW 8.75  
MR GARBAGE/RECYCLING OW 11.70  
SN SEWER 19.90  
WA WATER 43.25

TOTAL ACTUAL CHGS



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City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS

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CUSTOMER: 148837 ALEXIOU, GEORGE T  
LOCATION: 33023 6068 SPRUCE POINT CIR

\*\*\*\*\*TRANSACTION\*\*\*\*\*  
DATE TYPE DESCRIPTION PREVIOUS BALANCE CURRENT AMOUNT BILLED CONSUMPTION TOTAL BILL AMOUNT

1/13/15 BIL CYCLE BILL SERVICE TAX 1813.58 1.87 1.87  
BE BACK FLOW FEE CHARGE 1.78  
EG ENERGY GARBAGE OW 8.55  
MR GARBAGE/RECYCLING OW 11.70  
SM SEWER 19.90  
WA WATER 43.25

TOTAL ACTUAL CHGS 1813.58

\*\*\*\*\*  
12/09/14 BIL CYCLE BILL SERVICE TAX 1770.33 1.87 1.87  
BE BACK FLOW FEE CHARGE 1.78  
EG ENERGY GARBAGE OW 8.55  
MR GARBAGE/RECYCLING OW 11.70  
SM SEWER 19.90  
WA WATER 43.25

TOTAL ACTUAL CHGS 1770.33

\*\*\*\*\*  
11/04/14 BIL CYCLE BILL SERVICE TAX 1727.08 1.87 1.87  
BE BACK FLOW FEE CHARGE 1.78  
EG ENERGY GARBAGE OW 8.55  
MR GARBAGE/RECYCLING OW 11.70  
SM SEWER 19.90  
WA WATER 43.25

TOTAL ACTUAL CHGS 1727.08

\*\*\*\*\*  
10/07/14 BIL CYCLE BILL SERVICE TAX 1683.83 1.87 1.87  
BE BACK FLOW FEE CHARGE 1.78  
EG ENERGY GARBAGE OW 8.55  
MR GARBAGE/RECYCLING OW 11.70  
SM SEWER 19.90  
WA WATER 43.25

TOTAL ACTUAL CHGS 1683.83

\*\*\*\*\*  
9/09/14 BIL CYCLE BILL SERVICE TAX 1640.58 1.87 1.87  
BE BACK FLOW FEE CHARGE 1.78  
EG ENERGY GARBAGE OW 8.55  
MR GARBAGE/RECYCLING OW 11.70  
SM SEWER 19.90  
WA WATER 43.25

TOTAL ACTUAL CHGS 1640.58

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ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 5

CUSTOMER: 148837 ALEXIOU, GEORGE T  
LOCATION: 33023 6068 SPRUCE POINT CIR

| DATE | TYPE | TRANSACTION DESCRIPTION | PREVIOUS BALANCE | CURRENT AMOUNT | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|------|------|-------------------------|------------------|----------------|--------------------|-------------------|
|------|------|-------------------------|------------------|----------------|--------------------|-------------------|

|         |     |            |         |      |  |         |
|---------|-----|------------|---------|------|--|---------|
| 3/11/14 | BIL | CYCLE BILL | 1381.26 | 1.87 |  | 1424.33 |
|---------|-----|------------|---------|------|--|---------|

BE BACK FLOW FEE CHARGE  
EG ENERGY GARBAGE OW  
GFA GARBAGE/RECYCLING OW  
LRF LANDFILL OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

|         |     |            |         |      |  |         |
|---------|-----|------------|---------|------|--|---------|
| 2/12/14 | BIL | CYCLE BILL | 1338.19 | 1.87 |  | 1381.26 |
|---------|-----|------------|---------|------|--|---------|

BE BACK FLOW FEE CHARGE  
EG ENERGY GARBAGE OW  
GFA GARBAGE/RECYCLING OW  
LRF LANDFILL OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

|         |     |            |         |       |  |         |
|---------|-----|------------|---------|-------|--|---------|
| 2/12/14 | ADJ | PENALTY    |         | 10.95 |  |         |
| 1/08/14 | BIL | CYCLE BILL | 1284.17 | 1.87  |  | 1327.24 |

BE BACK FLOW FEE CHARGE  
EG ENERGY GARBAGE OW  
GFA GARBAGE/RECYCLING OW  
LRF LANDFILL OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

|          |     |            |         |      |  |         |
|----------|-----|------------|---------|------|--|---------|
| 12/11/13 | BIL | CYCLE BILL | 1241.10 | 1.87 |  | 1284.17 |
|----------|-----|------------|---------|------|--|---------|

BE BACK FLOW FEE CHARGE  
EG ENERGY GARBAGE OW  
GFA GARBAGE/RECYCLING OW  
LRF LANDFILL OWNER  
MR METERED RECLAIMED  
SW SEWER  
WA WATER

TOTAL ACTUAL CHGS

|          |     |            |         |      |  |         |
|----------|-----|------------|---------|------|--|---------|
| 11/13/13 | BIL | CYCLE BILL | 1198.03 | 1.87 |  | 1241.10 |
|----------|-----|------------|---------|------|--|---------|

BE BACK FLOW FEE CHARGE

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ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 6

CUSTOMER: 148337 ALEXIOU, GEORGE T  
LOCATION: 33023 6068 SPRUCE POINT CIR

| DATE | TYPE | TRANSACTION DESCRIPTION | PREVIOUS BALANCE | CURRENT AMOUNT | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|------|------|-------------------------|------------------|----------------|--------------------|-------------------|
|------|------|-------------------------|------------------|----------------|--------------------|-------------------|

|                   |          |                      |  |       |  |  |
|-------------------|----------|----------------------|--|-------|--|--|
| EG                | ENERGY   | GARBAGE/RECYCLING OW |  | 6.78  |  |  |
| GF                | LANDFILL | OWNER                |  | 1.73  |  |  |
| MR                | METERED  | RECLAIMED            |  | 1.75  |  |  |
| SW                | SEWER    |                      |  | 1.70  |  |  |
| WA                | WATER    |                      |  | 1.90  |  |  |
| TOTAL ACTUAL CHGS |          |                      |  | 43.07 |  |  |

|          |     |            |         |      |  |         |
|----------|-----|------------|---------|------|--|---------|
| 10/31/13 | ADJ | PENALTY    |         | 9.66 |  |         |
| *****    |     |            |         |      |  |         |
| 10/11/13 | BIL | CYCLE BILL | 1145.30 |      |  | 1188.37 |

|                   |           |                      |  |       |  |  |
|-------------------|-----------|----------------------|--|-------|--|--|
| BF                | BACK FLOW | FEE CHARGE           |  | 1.87  |  |  |
| EG                | ENERGY    | GARBAGE/RECYCLING OW |  | 1.78  |  |  |
| GF                | LANDFILL  | OWNER                |  | 6.64  |  |  |
| MR                | METERED   | RECLAIMED            |  | 1.75  |  |  |
| SW                | SEWER     |                      |  | 1.70  |  |  |
| WA                | WATER     |                      |  | 1.90  |  |  |
| TOTAL ACTUAL CHGS |           |                      |  | 43.07 |  |  |

|          |     |            |         |      |  |         |
|----------|-----|------------|---------|------|--|---------|
| 10/03/13 | ADJ | PENALTY    |         | 9.23 |  |         |
| *****    |     |            |         |      |  |         |
| 9/13/13  | BIL | CYCLE BILL | 1093.00 |      |  | 1136.07 |

|                   |           |                      |  |       |  |  |
|-------------------|-----------|----------------------|--|-------|--|--|
| BF                | BACK FLOW | FEE CHARGE           |  | 1.87  |  |  |
| EG                | ENERGY    | GARBAGE/RECYCLING OW |  | 1.70  |  |  |
| GF                | LANDFILL  | OWNER                |  | 6.64  |  |  |
| MR                | METERED   | RECLAIMED            |  | 1.73  |  |  |
| SW                | SEWER     |                      |  | 1.70  |  |  |
| WA                | WATER     |                      |  | 1.90  |  |  |
| TOTAL ACTUAL CHGS |           |                      |  | 43.07 |  |  |

|         |     |            |         |      |  |         |
|---------|-----|------------|---------|------|--|---------|
| 9/06/13 | ADJ | PENALTY    |         | 8.80 |  |         |
| *****   |     |            |         |      |  |         |
| 8/14/13 | BIL | CYCLE BILL | 1041.13 |      |  | 1084.20 |

|                   |           |                      |  |       |  |  |
|-------------------|-----------|----------------------|--|-------|--|--|
| BF                | BACK FLOW | FEE CHARGE           |  | 1.87  |  |  |
| EG                | ENERGY    | GARBAGE/RECYCLING OW |  | 1.70  |  |  |
| GF                | LANDFILL  | OWNER                |  | 6.64  |  |  |
| MR                | METERED   | RECLAIMED            |  | 1.73  |  |  |
| SW                | SEWER     |                      |  | 1.70  |  |  |
| WA                | WATER     |                      |  | 1.90  |  |  |
| TOTAL ACTUAL CHGS |           |                      |  | 43.07 |  |  |

|         |     |            |        |      |  |         |
|---------|-----|------------|--------|------|--|---------|
| 8/01/13 | ADJ | PENALTY    |        | 8.37 |  |         |
| *****   |     |            |        |      |  |         |
| 7/12/13 | BIL | CYCLE BILL | 989.69 |      |  | 1032.76 |

|                   |           |                      |  |       |  |  |
|-------------------|-----------|----------------------|--|-------|--|--|
| BF                | BACK FLOW | FEE CHARGE           |  | 1.87  |  |  |
| EG                | ENERGY    | GARBAGE/RECYCLING OW |  | 1.70  |  |  |
| TOTAL ACTUAL CHGS |           |                      |  | 43.07 |  |  |

PREPARED: 11/04/15  
PROGRAM: UT476L  
City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS

PAGE: 7

CUSTOMER: 148837 ALEXIOU, GEORGE T  
LOCATION: 33023 6068 SPRUCE POINT CIR

| *****TRANSACTION***** |      |                      |  | PREVIOUS |        | CURRENT |        | BILLED |        | TOTAL BIL. |        |
|-----------------------|------|----------------------|--|----------|--------|---------|--------|--------|--------|------------|--------|
| DATE                  | TYPE | DESCRIPTION          |  | DATE     | AMOUNT | DATE    | AMOUNT | DATE   | AMOUNT | DATE       | AMOUNT |
| -----                 |      |                      |  |          |        |         |        |        |        |            |        |
| 7/06/13               | ADJ  | PENALTY              |  |          |        |         |        |        |        |            |        |
| 6/12/13               | BIL  | CYCLE BILL           |  |          | 938.68 |         | 7.94   |        |        |            | 981.75 |
|                       | BF   | PUBLIC SERVICE TAX   |  |          |        |         | 1.87   |        |        |            |        |
|                       | BF   | BACK FLOW FEE CHARGE |  |          |        |         | 1.70   |        |        |            |        |
|                       | GA   | ENERGY GARBAGE OW    |  |          |        |         | 6.64   |        |        |            |        |
|                       | GA   | GARBAGE/RECYCLING OW |  |          |        |         | 18.73  |        |        |            |        |
|                       | MR   | LANDFILL OWNER       |  |          |        |         | 18.75  |        |        |            |        |
|                       | MR   | METERED RECLAIMED    |  |          |        |         | 19.70  |        |        |            |        |
|                       | SN   | SEWER                |  |          |        |         | 43.07  |        |        |            |        |
|                       | WA   | WATER                |  |          |        |         | 43.07  |        |        |            |        |
|                       |      | TOTAL ACTUAL CHGS    |  |          |        |         |        |        |        |            |        |
| 6/06/13               | ADJ  | PENALTY              |  |          |        |         | 7.50   |        |        |            |        |
| 5/15/13               | BIL  | CYCLE BILL           |  |          | 888.11 |         | 1.87   |        |        |            | 931.18 |
|                       | BF   | PUBLIC SERVICE TAX   |  |          |        |         | 1.70   |        |        |            |        |
|                       | BF   | BACK FLOW FEE CHARGE |  |          |        |         | 6.64   |        |        |            |        |
|                       | GA   | ENERGY GARBAGE OW    |  |          |        |         | 18.73  |        |        |            |        |
|                       | GA   | GARBAGE/RECYCLING OW |  |          |        |         | 18.75  |        |        |            |        |
|                       | MR   | LANDFILL OWNER       |  |          |        |         | 19.70  |        |        |            |        |
|                       | MR   | METERED RECLAIMED    |  |          |        |         | 43.07  |        |        |            |        |
|                       | SN   | SEWER                |  |          |        |         | 43.07  |        |        |            |        |
|                       | WA   | WATER                |  |          |        |         |        |        |        |            |        |
|                       |      | TOTAL ACTUAL CHGS    |  |          |        |         |        |        |        |            |        |
| 5/02/13               | ADJ  | PENALTY              |  |          |        |         | 7.07   |        |        |            |        |
| 4/09/13               | BIL  | CYCLE BILL           |  |          | 837.97 |         | 1.87   |        |        |            | 881.04 |
|                       | BF   | PUBLIC SERVICE TAX   |  |          |        |         | 1.70   |        |        |            |        |
|                       | BF   | BACK FLOW FEE CHARGE |  |          |        |         | 6.64   |        |        |            |        |
|                       | GA   | ENERGY GARBAGE OW    |  |          |        |         | 18.73  |        |        |            |        |
|                       | GA   | GARBAGE/RECYCLING OW |  |          |        |         | 18.75  |        |        |            |        |
|                       | MR   | LANDFILL OWNER       |  |          |        |         | 19.70  |        |        |            |        |
|                       | MR   | METERED RECLAIMED    |  |          |        |         | 43.07  |        |        |            |        |
|                       | SN   | SEWER                |  |          |        |         | 43.07  |        |        |            |        |
|                       | WA   | WATER                |  |          |        |         |        |        |        |            |        |
|                       |      | TOTAL ACTUAL CHGS    |  |          |        |         |        |        |        |            |        |
| 4/04/13               | ADJ  | PENALTY              |  |          |        |         | 6.64   |        |        |            |        |
| 3/12/13               | BIL  | CYCLE BILL           |  |          | 788.26 |         | 1.87   |        |        |            | 831.33 |
|                       | BF   | PUBLIC SERVICE TAX   |  |          |        |         | 1.70   |        |        |            |        |
|                       | BF   | BACK FLOW FEE CHARGE |  |          |        |         | 6.64   |        |        |            |        |
|                       | GA   | ENERGY GARBAGE OW    |  |          |        |         | 18.73  |        |        |            |        |
|                       | GA   | GARBAGE/RECYCLING OW |  |          |        |         | 18.75  |        |        |            |        |

CUSTOMER: 148837 ALEXIOU, GEORGE T  
LOCATION: 33023 6068 SPROUCE POINT CIR

| DATE | TRANSACTION | DESCRIPTION | PREVIOUS BALANCE | CURRENT AMOUNT | BILLED CONSUMPTION | TOTAL BILL AMOUNT |
|------|-------------|-------------|------------------|----------------|--------------------|-------------------|
|------|-------------|-------------|------------------|----------------|--------------------|-------------------|

|    |         |                |  |       |  |  |
|----|---------|----------------|--|-------|--|--|
| LF | METERED | LANDFILL OWNER |  | 1:73  |  |  |
| SM | SEWER   |                |  | 11:70 |  |  |
| WA | WATER   |                |  | 43:07 |  |  |

TOTAL ACTUAL CHGS

3/07/13 ADJ PENALTY 6.21  
2/13/13 BIL CYCLE BILL 738.98  
BE BACK FLOW FEE CHARGE 1:87  
EG GARBAGE/RECYCLING OW 6:64  
LF LANDFILL OWNER 11:70  
MR METERED RECLAIMED 19:75  
SM SEWER 11:70  
WA WATER 43:07  
TOTAL ACTUAL CHGS 782.05

|    |                      |       |  |  |  |  |
|----|----------------------|-------|--|--|--|--|
| BE | BACK FLOW FEE CHARGE | 1:87  |  |  |  |  |
| EG | GARBAGE/RECYCLING OW | 6:64  |  |  |  |  |
| LF | LANDFILL OWNER       | 11:70 |  |  |  |  |
| MR | METERED RECLAIMED    | 19:75 |  |  |  |  |
| SM | SEWER                | 11:70 |  |  |  |  |
| WA | WATER                | 43:07 |  |  |  |  |

TOTAL ACTUAL CHGS

1/31/13 ADJ PENALTY 5.78  
1/08/13 BIL CYCLE BILL 690.13  
BE BACK FLOW FEE CHARGE 1:87  
EG GARBAGE/RECYCLING OW 6:64  
LF LANDFILL OWNER 11:70  
MR METERED RECLAIMED 19:75  
SM SEWER 11:70  
WA WATER 43:07  
TOTAL ACTUAL CHGS 733.20

|    |                      |       |  |  |  |  |
|----|----------------------|-------|--|--|--|--|
| BE | BACK FLOW FEE CHARGE | 1:87  |  |  |  |  |
| EG | GARBAGE/RECYCLING OW | 6:64  |  |  |  |  |
| LF | LANDFILL OWNER       | 11:70 |  |  |  |  |
| MR | METERED RECLAIMED    | 19:75 |  |  |  |  |
| SM | SEWER                | 11:70 |  |  |  |  |
| WA | WATER                | 43:07 |  |  |  |  |

TOTAL ACTUAL CHGS

1/05/13 ADJ PENALTY 5.35  
12/12/12 BIL CYCLE BILL 641.71  
BE BACK FLOW FEE CHARGE 1:87  
EG GARBAGE/RECYCLING OW 6:64  
LF LANDFILL OWNER 11:70  
MR METERED RECLAIMED 19:75  
SM SEWER 11:70  
WA WATER 43:07  
TOTAL ACTUAL CHGS 684.78

|    |                      |       |  |  |  |  |
|----|----------------------|-------|--|--|--|--|
| BE | BACK FLOW FEE CHARGE | 1:87  |  |  |  |  |
| EG | GARBAGE/RECYCLING OW | 6:64  |  |  |  |  |
| LF | LANDFILL OWNER       | 11:70 |  |  |  |  |
| MR | METERED RECLAIMED    | 19:75 |  |  |  |  |
| SM | SEWER                | 11:70 |  |  |  |  |
| WA | WATER                | 43:07 |  |  |  |  |

TOTAL ACTUAL CHGS

12/08/12 ADJ PENALTY 4.92  
11/13/12 BIL CYCLE BILL 593.72  
BE BACK FLOW FEE CHARGE 1:87  
EG GARBAGE/RECYCLING OW 6:64  
LF LANDFILL OWNER 11:70  
TOTAL ACTUAL CHGS 636.79

|    |                      |       |  |  |  |  |
|----|----------------------|-------|--|--|--|--|
| BE | BACK FLOW FEE CHARGE | 1:87  |  |  |  |  |
| EG | GARBAGE/RECYCLING OW | 6:64  |  |  |  |  |
| LF | LANDFILL OWNER       | 11:70 |  |  |  |  |

PREPARED: 11/04/15  
PROGRAM: UT4761  
City of Port Orange

ACCOUNT BILLING HISTORY  
DETAILS

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CUSTOMER: 148837 ALEXIOU GEORGE T  
LOCATION: 33023 6068 SPRUCE POINT CIR

| DATE | TRANSACTION<br>TYPE DESCRIPTION | PREVIOUS<br>BALANCE | CURRENT<br>AMOUNT | BILLED<br>CONSUMPTION | TOTAL BILL<br>AMOUNT |
|------|---------------------------------|---------------------|-------------------|-----------------------|----------------------|
|------|---------------------------------|---------------------|-------------------|-----------------------|----------------------|

|                   |                   |  |       |  |  |
|-------------------|-------------------|--|-------|--|--|
| MR                | METERED RECLAIMED |  | 18.75 |  |  |
| SM                | SEWER             |  | 19.90 |  |  |
| WA                | WATER             |  | 43.07 |  |  |
| TOTAL ACTUAL CHGS |                   |  |       |  |  |

|          |     |            |        |  |  |
|----------|-----|------------|--------|--|--|
| 10/22/12 | BIL | CYCLE BILL | 550.65 |  |  |
|----------|-----|------------|--------|--|--|

|                   |                        |  |       |  |  |
|-------------------|------------------------|--|-------|--|--|
| BE                | ENERGY FLOW FEE CHARGE |  | 11.78 |  |  |
| GA                | GARBAGE/RECYCLING OW   |  | 6.64  |  |  |
| LF                | LANDFILL OWNER         |  | 18.75 |  |  |
| MR                | METERED RECLAIMED      |  | 19.90 |  |  |
| SM                | SEWER                  |  | 43.07 |  |  |
| WA                | WATER                  |  | 16.77 |  |  |
| TOTAL ACTUAL CHGS |                        |  |       |  |  |

|          |     |            |        |  |  |
|----------|-----|------------|--------|--|--|
| 10/04/12 | ADJ | PENALTY    |        |  |  |
| 9/12/12  | BIL | CYCLE BILL | 487.18 |  |  |

|                   |                        |  |       |  |  |
|-------------------|------------------------|--|-------|--|--|
| BE                | ENERGY FLOW FEE CHARGE |  | 11.78 |  |  |
| GA                | GARBAGE/RECYCLING OW   |  | 6.65  |  |  |
| LF                | LANDFILL OWNER         |  | 18.75 |  |  |
| MR                | METERED RECLAIMED      |  | 19.90 |  |  |
| SM                | SEWER                  |  | 43.07 |  |  |
| WA                | WATER                  |  | 16.62 |  |  |
| TOTAL ACTUAL CHGS |                        |  |       |  |  |

|         |     |            |        |  |  |
|---------|-----|------------|--------|--|--|
| 9/06/12 | ADJ | PENALTY    |        |  |  |
| 8/14/12 | BIL | CYCLE BILL | 424.48 |  |  |

|                   |                        |  |       |  |  |
|-------------------|------------------------|--|-------|--|--|
| BE                | ENERGY FLOW FEE CHARGE |  | 11.78 |  |  |
| GA                | GARBAGE/RECYCLING OW   |  | 6.65  |  |  |
| LF                | LANDFILL OWNER         |  | 18.75 |  |  |
| MR                | METERED RECLAIMED      |  | 19.90 |  |  |
| SM                | SEWER                  |  | 43.07 |  |  |
| WA                | WATER                  |  | 16.46 |  |  |
| TOTAL ACTUAL CHGS |                        |  |       |  |  |

|         |     |            |        |  |  |
|---------|-----|------------|--------|--|--|
| 8/02/12 | ADJ | PENALTY    |        |  |  |
| 7/10/12 | BIL | CYCLE BILL | 362.54 |  |  |

|                   |                        |  |       |  |  |
|-------------------|------------------------|--|-------|--|--|
| BE                | ENERGY FLOW FEE CHARGE |  | 11.78 |  |  |
| GA                | GARBAGE/RECYCLING OW   |  | 6.65  |  |  |
| TOTAL ACTUAL CHGS |                        |  |       |  |  |

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City of Port Orange

ACCOUNT BILLING HISTORY  
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CUSTOMER: 148837 ALEXIOU, GEORGE T  
LOCATION: 33023 6068 SPRUCE POINT CIR

| DATE    | TRANSACTION<br>TYPE DESCRIPTION | PREVIOUS<br>BALANCE | CURRENT<br>AMOUNT | BILLED<br>CONSUMPTION | TOTAL BILL<br>AMOUNT |
|---------|---------------------------------|---------------------|-------------------|-----------------------|----------------------|
| 7/05/12 | ADJ PENALTY                     |                     | 16.28             |                       |                      |
| 6/12/12 | BIL CYCLE BILL                  | 301.37              | 1.87              |                       | 344.44               |
|         | BE BACK FLOW FEE CHARGE         |                     | 1.70              |                       |                      |
|         | GA GARBAGE/RECYCLING OW         |                     | 6.65              |                       |                      |
|         | LF LANDFILL OWNER               |                     | 18.75             |                       |                      |
|         | MR METERED RECLAIMED            |                     | 11.70             |                       |                      |
|         | SW WATER                        |                     | 9.90              |                       |                      |
|         | TOTAL ACTUAL CHGS               |                     | 43.07             |                       |                      |
| 5/31/12 | ADJ PENALTY                     |                     | 16.07             |                       |                      |
| 5/08/12 | BIL CYCLE BILL                  | 241.00              | 1.87              |                       | 284.07               |
|         | BE BACK FLOW FEE CHARGE         |                     | 1.70              |                       |                      |
|         | GA GARBAGE/RECYCLING OW         |                     | 6.65              |                       |                      |
|         | LF LANDFILL OWNER               |                     | 18.75             |                       |                      |
|         | MR METERED RECLAIMED            |                     | 11.70             |                       |                      |
|         | SW WATER                        |                     | 9.90              |                       |                      |
|         | TOTAL ACTUAL CHGS               |                     | 43.07             |                       |                      |
| 5/03/12 | ADJ PENALTY                     |                     | 15.59             |                       |                      |
| 4/10/12 | BIL CYCLE BILL                  | 181.65              | 1.87              |                       | 224.72               |
|         | BE BACK FLOW FEE CHARGE         |                     | 1.70              |                       |                      |
|         | GA GARBAGE/RECYCLING OW         |                     | 6.65              |                       |                      |
|         | LF LANDFILL OWNER               |                     | 18.75             |                       |                      |
|         | MR METERED RECLAIMED            |                     | 11.70             |                       |                      |
|         | SW WATER                        |                     | 9.90              |                       |                      |
|         | TOTAL ACTUAL CHGS               |                     | 43.07             |                       |                      |
| 4/05/12 | ADJ PENALTY                     |                     | 14.74             |                       |                      |
| 3/13/12 | BIL CYCLE BILL                  | 123.40              | 1.87              |                       | 166.72               |
|         | BE BACK FLOW FEE CHARGE         |                     | 1.70              |                       |                      |
|         | GA GARBAGE/RECYCLING OW         |                     | 6.65              |                       |                      |
|         | LF LANDFILL OWNER               |                     | 18.75             |                       |                      |
|         | MR METERED RECLAIMED            |                     | 11.70             |                       |                      |
|         | SW WATER                        |                     | 9.90              |                       |                      |
|         | TOTAL ACTUAL CHGS               |                     | 43.07             |                       |                      |



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ACCOUNT BILLING HISTORY  
DETAILS

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CUSTOMER: 148337 ALEXIOU, GEORGE T  
LOCATION: 33623 6068 SPRUCE POINT CIR

| DATE     | TRANSACTION<br>TYPE DESCRIPTION | PREVIOUS<br>BALANCE | CURRENT<br>AMOUNT | BILLED<br>CONSUMPTION | TOTAL BILL<br>AMOUNT |
|----------|---------------------------------|---------------------|-------------------|-----------------------|----------------------|
| 3/08/12  | ADJ PENALTY                     |                     | 11.22             |                       |                      |
| 2/14/12  | BIL CYCLE BILL                  | 68.86               | 1.87              |                       | 112.18               |
|          | BF BACK FLOW FEE CHARGE         |                     | 1.27              |                       |                      |
|          | BF ENERGY GARBAGE TAX           |                     | 1.27              |                       |                      |
|          | GA GARBAGE/RECYCLING OW         |                     | 7.75              |                       |                      |
|          | LF LANDFILL OWNER               |                     | 18.70             |                       |                      |
|          | MR METERED RECLAIMED            |                     | 19.32             |                       |                      |
|          | SW WATER                        |                     | 43.32             |                       |                      |
|          | TOTAL ACTUAL CHGS               |                     |                   |                       |                      |
| 2/02/12  | ADJ PENALTY                     |                     | 6.26              |                       |                      |
| 1/10/12  | BIL CYCLE BILL                  | 19.28               | 1.70              |                       | 62.60                |
|          | BF BACK FLOW FEE CHARGE         |                     | 1.27              |                       |                      |
|          | BF ENERGY GARBAGE TAX           |                     | 7.75              |                       |                      |
|          | GA GARBAGE/RECYCLING OW         |                     | 18.70             |                       |                      |
|          | LF LANDFILL OWNER               |                     | 19.32             |                       |                      |
|          | MR METERED RECLAIMED            |                     | 43.32             |                       |                      |
|          | SW WATER                        |                     |                   |                       |                      |
|          | TOTAL ACTUAL CHGS               |                     |                   |                       |                      |
| 1/07/12  | ADJ PENALTY                     |                     | 1.75              |                       |                      |
| 12/13/11 | BIL CYCLE BILL                  | .00                 | 1.70              |                       | 17.53                |
|          | BF BACK FLOW FEE CHARGE         |                     | 1.27              |                       |                      |
|          | BF ENERGY GARBAGE TAX           |                     | 4.18              |                       |                      |
|          | GA GARBAGE/RECYCLING OW         |                     | 18.75             |                       |                      |
|          | LF LANDFILL OWNER               |                     | 19.32             |                       |                      |
|          | MR METERED RECLAIMED            |                     |                   |                       |                      |
|          | TOTAL ACTUAL CHGS               |                     |                   |                       |                      |

TOTALS BY CATEGORY

TOTAL PAYMENTS . . . . . : .00  
BF Adjustments . . . . . : .00

CUSTOMER: 148837 ALEXIOU GEORGE T  
LOCATION: 33023 6068 SPRUCE POINT CIR

TOTALS BY CATEGORY

|                             |         |
|-----------------------------|---------|
| RG Adjustments              | 0.00    |
| GA Adjustments              | 0.00    |
| MR Adjustments              | 0.00    |
| SW Adjustments              | 0.00    |
| WA Adjustments              | 0.00    |
| LP Adjustments              | 0.00    |
| Other Adjustments           | 0.00    |
| TOTAL ADJUSTMENTS           | 243.16  |
| Tax Charges                 | 86.90   |
| RG Charges                  | 344.44  |
| GA Charges                  | 344.15  |
| MR Charges                  | 411.25  |
| SW Charges                  | 453.40  |
| WA Charges                  | 455.40  |
| LP Charges                  | 438.64  |
| TOTAL CHARGES               | 2011.46 |
| TOTAL TRANSFER BALANCE FROM | .00     |
| TOTAL TRANSFER BALANCE TO   | .00     |

CONSUMPTION PARAMETERS FOR METERED RECLAIMED

|                             |     |
|-----------------------------|-----|
| CONSUMPTION REPORT FLAG     | N   |
| CONSUMPTION ESTIMATE        | .00 |
| DEMAND CONSUMPTION ESTIMATE | .00 |
| AVERAGE CONSUMPTION         | .00 |
| AVERAGE DEMAND CONSUMPTION  | .00 |
| TOTAL CONSUMPTION           | .00 |
| TOTAL DEMAND CONSUMPTION    | .00 |
| TOTAL READING DAYS          | 57  |

| Insert beg bal | 1198.03  |        |             |          |          |                                  |
|----------------|----------|--------|-------------|----------|----------|----------------------------------|
| Date           | Balance  | Charge | Late Charge | Interest | total    | Current Bal    Adjustment needed |
| 11/14/2013     | 1,198.03 | 43.07  |             |          | 1,241.10 |                                  |
|                | 1,241.10 |        | 10.00       | 12.51    | 1,263.61 |                                  |
| 12/12/2013     | 1,263.61 | 43.07  |             |          | 1,306.68 |                                  |
|                | 1,306.68 |        | 10.00       | 13.17    | 1,329.85 |                                  |
| 1/9/2014       | 1,329.85 | 43.07  |             |          | 1,372.92 |                                  |
|                | 1,372.92 |        | 10.00       | 13.83    | 1,396.75 |                                  |
| 2/13/2014      | 1,396.75 | 43.07  |             |          | 1,439.82 |                                  |
|                | 1,439.82 |        | 10.00       | 14.50    | 1,464.32 |                                  |
| 3/13/2014      | 1,464.32 | 43.07  |             |          | 1,507.39 |                                  |
|                | 1,507.39 |        | 10.00       | 15.17    | 1,532.56 |                                  |
| 4/9/2014       | 1,532.56 | 43.25  |             |          | 1,575.81 |                                  |
|                | 1,575.81 |        | 10.00       | 15.86    | 1,601.67 |                                  |
| 5/15/2014      | 1,601.67 | 43.25  |             |          | 1,644.92 |                                  |
|                | 1,644.92 |        | 10.00       | 16.55    | 1,671.47 |                                  |
| 6/12/2014      | 1,671.47 | 43.25  |             |          | 1,714.72 |                                  |
|                | 1,714.72 |        | 10.00       | 17.25    | 1,741.97 |                                  |
| 7/10/2014      | 1,741.97 | 43.25  |             |          | 1,785.22 |                                  |
|                | 1,785.22 |        | 10.00       | 17.95    | 1,813.17 |                                  |
| 8/7/2014       | 1,813.17 | 43.25  |             |          | 1,856.42 |                                  |
|                | 1,856.42 |        | 10.00       | 18.66    | 1,885.08 |                                  |
| 9/11/2014      | 1,885.08 | 43.25  |             |          | 1,928.33 |                                  |
|                | 1,928.33 |        | 10.00       | 19.38    | 1,957.71 |                                  |
| 10/9/2014      | 1,957.71 | 43.25  |             |          | 2,000.96 |                                  |
|                | 2,000.96 |        | 10.00       | 20.11    | 2,031.07 |                                  |
| 11/6/2014      | 2,031.07 | 43.25  |             |          | 2,074.32 |                                  |
|                | 2,074.32 |        | 10.00       | 20.84    | 2,105.16 |                                  |
| 12/11/2014     | 2,105.16 | 43.25  |             |          | 2,148.41 |                                  |
|                | 2,148.41 |        | 10.00       | 21.58    | 2,179.99 |                                  |
| 1/15/2015      | 2,179.99 | 43.25  |             |          | 2,223.24 |                                  |
|                | 2,223.24 |        | 10.00       | 22.33    | 2,255.57 |                                  |
| 2/12/2015      | 2,255.57 | 43.25  |             |          | 2,298.82 |                                  |
|                | 2,298.82 |        | 10.00       | 23.09    | 2,331.91 |                                  |

[illegible]

[illegible]

# MISCELLANEOUS CHARGES

DATE: 11/4/15

ACCOUNT #: 148837-33023

NAME: George T Alexiou

ADDRESS: 6068 Spruce Point Cir

COMMENTS: Corrected fees per Ordinance 13-41/2-240

REPRESENTATIVE AW

## DEBIT ACCOUNT

| CODE:  | AMOUNT: |
|--------|---------|
| LP     | 685.51  |
|        |         |
|        |         |
|        |         |
|        |         |
| TOTAL: | 685.51  |

UT400E03

City of Port Orange  
Miscellaneous Charge Entry

11/04/15  
09:49:10

Customer ID: 148837 Name: ALEXIOU, GEORGE T  
Location ID: 33023 Addr: 6068 SPRUCE POINT CIR  
Cycle/Route: 02 59  
Initiation date : 11/22/11  
Termination date: 1/05/13 Customer status: A Customer/Location status: S  
Type options, press Enter.

2=Change 4=Delete 5=Display

| Opt | Code | Description          | Charge Amount | Reference | Date     |
|-----|------|----------------------|---------------|-----------|----------|
| _   | LP   | Z LATE, PENALTY, INT | 685.51        | 110415    | 11/04/15 |

F3=Exit F12=Cancel F6=Add F20=Cst/loc functions

UT470101

City of Port Orange  
Account History - Combined Inquiry11/04/15  
09:49:39

Customer ID: 148837 Name: ALEXIOU, GEORGE T  
 Location ID: 33023 Addr: 6068 SPRUCE POINT CIR  
 Cycle/route . . . . : 02 59 Amount due . . . . . : 2,254.62  
 Initiation date . . : 11/22/11 Pending . . . . . : 685.51  
 Termination date . : 1/05/13 Customer/location status : : S

Type options, press Enter.

5=Display

| Opt | Trn<br>Type | Trn/Due<br>Date | Description<br>Bill Comment | Trn/Prv<br>Amount | Reference<br>Date/Num | Running<br>Balance |
|-----|-------------|-----------------|-----------------------------|-------------------|-----------------------|--------------------|
| -   | BL BILL     | 10/07/15        | CYCLE BILL                  | 44.47             | 10/08/15              | 2,254.62           |
| -   | BL BILL     | 9/08/15         | CYCLE BILL                  | 44.47             | 9/09/15               | 2,210.15           |
| -   | BL BILL     | 8/10/15         | CYCLE BILL                  | 44.47             | 8/11/15               | 2,165.68           |
| -   | BL BILL     | 7/07/15         | CYCLE BILL                  | 44.47             | 7/09/15               | 2,121.21           |
| -   | BL BILL     | 6/09/15         | CYCLE BILL                  | 44.47             | 6/11/15               | 2,076.74           |
| -   | BL BILL     | 5/12/15         | CYCLE BILL                  | 44.47             | 5/14/15               | 2,032.27           |
| -   | BL BILL     | 4/07/15         | CYCLE BILL                  | 44.47             | 4/09/15               | 1,987.80           |
| -   | BL BILL     | 3/10/15         | CYCLE BILL                  | 43.25             | 3/12/15               | 1,943.33           |

More...

F3=Exit

F5=Adjustments

F7=Pending

F8=Charges

F9=Print history

F10=Change view

F11=Payments

F12=Cancel

F24=More keys



Alexiou, George T  
6068 Spruce Point Cir

02/13/2009 01:52 PM  
Instrument# 2009-027281 # 1  
Book: 6322  
Page: 4981  
Diane M. Matousek  
Volusia County, Clerk of Court

Prepared By:  
City of Port Orange  
1000 City Center Circle  
Port Orange, FL 32129

### CLAIM OF LIEN

STATE OF FLORIDA  
COUNTY OF VOLUSIA

Before me the undersigned authority personally appeared John A. Shelley, who being dully sworn, says that he is the Finance Director of the City of Port Orange, a Florida municipality, the Lienor herein, whose address is 1000 City Center Circle, Port Orange, Florida 32129. Lienor furnished labor, services of materials consisting of utility services as provided for in chapter 74, Code of Ordinances, City of Port Orange, Florida and Section 159.17, Florida Statutes, to real property affected or served by the utility systems of the City of Port Orange, Volusia County, Florida.

Parcel I.D.No. 6330-15-00-0670

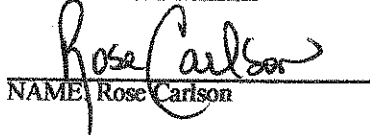
Lot 67 Summer Trees South Ph II, according to the map or plat thereof as recorded in Plat Book 48, Page 79-81, of the public records of Volusia County, Florida.

Believed to be owned by George T & Anna Alexiou, 6068 Spruce Point Cir, Port Orange, FL 32128 of a total value of (\$ 255.23 ) two hundred fifty five dollars and twenty three cents of which there remains unpaid (\$ 255.23 ) two hundred fifty five dollars and twenty three cents and furnished the same on or until February 9, 2009.

This Claim of Lien is filed in accordance with the provisions of Chapter 74, Code of Ordinances, City of Port Orange, Florida and Section 159.17, Florida Statutes. You are further notified that the undersigned will prosecute and foreclose a lien against any real property for any amount owing and unpaid to the undersigned for more than 30 days for such labor, services or material, together with interest, cost and reasonable attorney's fees.

WITNESSES:

  
NAME: Iwona Kalisiak

  
NAME: Rose Carlson

STATE OF FLORIDA  
COUNTY OF VOLUSIA

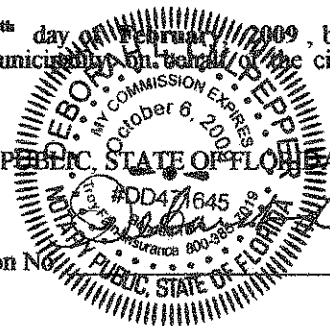
CITY OF PORT ORANGE

BY:   
John A. Shelley, Finance Director

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2009, by John A. Shelley, as Finance Director of the City of Port Orange, a Florida municipality, on behalf of the city. He is personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA  
At large

Commission No.



Adrienne Anello

407-448-2458

adrienne.anello@gmail.com

6068 Spruce Point Circle

6330-15-00-6670

CITY OF PORT ORANGE H/  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FL 32129

11/03/2015

13:20:04

Merchant ID:

000000000499492

Terminal ID:

04372403

601103041021936

CREDIT CARD

DISCVR SALE

CARD #

XXXXXXXXXXXX8421

INVOICE

0001

Batch #:

000564

Approval Code:

00342R

Entry Method:

Manual

Mode:

Online

Avs Code: NYZ

SALE AMOUNT

\$25.00

CUSTOMER COPY

| Date       | Tax    | Back Flow | Over 20K | Energy<br>Garbage | Garbage | Landfill | Reclaimed | Sewer   | Water   | Service<br>Charge | Credits   | Adj<br>Penalty | Lein<br>Admin | Lein Fee | Total     | Total w/o<br>Penalty |
|------------|--------|-----------|----------|-------------------|---------|----------|-----------|---------|---------|-------------------|-----------|----------------|---------------|----------|-----------|----------------------|
| 12/9/2008  | \$3.71 | \$1.70    |          |                   | \$22.05 |          | \$27.20   | \$11.70 | \$9.90  | \$35.00           |           |                |               |          | \$111.26  | \$111.26             |
| 1/13/2009  | \$4.79 | \$1.70    |          |                   | \$22.05 |          | \$31.80   | \$21.40 | \$16.10 |                   |           | \$11.13        |               |          | \$108.97  | \$97.84              |
| 2/10/2009  | \$3.48 | \$1.70    |          |                   | \$22.05 |          | \$24.90   | \$11.70 | \$9.90  | \$70.00           |           | \$22.02        |               |          | \$165.75  | \$143.73             |
| 3/20/2009  | \$4.56 | \$1.70    | \$6.40   |                   | \$12.25 |          | \$29.25   | \$11.70 | \$9.90  |                   | \$101.82  | \$34.62        | \$35.00       | \$27.00  | \$274.20  | \$177.58             |
| 4/15/2009  | \$3.19 | \$1.70    | \$4.16   |                   | \$11.89 |          | \$17.85   | \$11.70 | \$9.90  |                   |           |                |               |          | \$60.39   | \$60.39              |
| 5/12/2009  | \$2.78 | \$1.70    | \$2.88   |                   | \$11.15 |          | \$15.05   | \$11.70 | \$9.90  |                   |           | \$6.04         |               |          | \$61.20   | \$55.16              |
| 6/9/2009   | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  | \$35.00           |           | \$12.16        |               |          | \$92.23   | \$80.07              |
| 7/14/2009  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   | -\$35.00  | \$17.88        |               |          | \$27.95   | \$10.07              |
| 8/11/2009  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$24.18        |               |          | \$69.25   | \$45.07              |
| 9/8/2009   | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$31.10        |               |          | \$76.17   | \$45.07              |
| 10/13/2009 | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$38.72        |               |          | \$83.79   | \$45.07              |
| 11/10/2009 | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$47.10        |               |          | \$92.17   | \$45.07              |
| 12/8/2009  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$56.32        |               |          | \$101.39  | \$45.07              |
| 1/12/2010  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$66.45        |               |          | \$111.52  | \$45.07              |
| 2/9/2010   | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$77.61        |               |          | \$122.68  | \$45.07              |
| 3/9/2010   | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$89.87        |               |          | \$134.94  | \$45.07              |
| 4/13/2010  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   | -\$209.22 | \$82.45        |               |          | -\$81.70  | -\$164.15            |
| 5/11/2010  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$95.20        |               |          | \$140.27  | \$45.07              |
| 6/8/2010   | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$109.23       |               |          | \$154.30  | \$45.07              |
| 7/13/2010  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$124.66       |               |          | \$169.73  | \$45.07              |
| 8/10/2010  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$141.63       |               |          | \$186.70  | \$45.07              |
| 9/14/2010  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$160.30       |               |          | \$205.37  | \$45.07              |
| 10/12/2010 | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$140.94       |               |          | \$186.01  | \$45.07              |
| 11/9/2010  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$159.54       |               |          | \$204.61  | \$45.07              |
| 12/14/2010 | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$180.00       |               |          | \$225.07  | \$45.07              |
| 1/11/2011  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$202.51       |               |          | \$247.58  | \$45.07              |
| 2/8/2011   | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$227.27       |               |          | \$272.34  | \$45.07              |
| 3/8/2011   | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$76.30        |               |          | \$121.37  | \$45.07              |
| 4/12/2011  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   | -\$846.83 | \$52.60        |               |          | -\$749.16 | -\$801.76            |
| 5/10/2011  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$37.86        |               |          | \$82.93   | \$45.07              |
| 6/14/2011  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$40.31        |               |          | \$85.38   | \$45.07              |
| 7/13/2011  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$40.06        |               |          | \$85.13   | \$45.07              |
| 8/9/2011   | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$41.11        |               |          | \$86.18   | \$45.07              |
| 9/13/2011  | \$1.87 | \$1.70    |          |                   | \$11.15 |          | \$8.75    | \$11.70 | \$9.90  |                   |           | \$42.04        |               |          | \$87.11   | \$45.07              |
| 10/11/2011 | \$1.87 | \$1.70    |          | \$0.27            | \$7.38  | \$1.75   | \$8.75    | \$11.70 | \$9.90  |                   |           | \$43.10        |               |          | \$86.42   | \$43.32              |
| 11/8/2011  | \$1.87 | \$1.70    |          | \$0.27            | \$7.38  | \$1.75   | \$8.75    | \$11.70 | \$9.90  |                   |           | \$43.98        |               |          | \$87.30   | \$43.32              |
| 12/13/2011 | \$0.88 | \$1.70    |          | \$0.27            | \$4.18  | \$1.75   | \$8.75    | \$11.70 | \$9.90  |                   |           |                |               |          | \$39.13   | \$39.13              |
| 1/10/2012  | \$1.87 | \$1.70    |          | \$0.27            | \$7.38  | \$1.75   | \$8.75    | \$11.70 | \$9.90  |                   |           | \$1.75         |               |          | \$45.07   | \$43.32              |
| 2/14/2012  | \$1.87 | \$1.70    |          | \$0.27            | \$7.38  | \$1.75   | \$8.75    | \$11.70 | \$9.90  |                   |           | \$6.26         |               |          | \$49.58   | \$43.32              |
| 3/13/2012  | \$1.87 | \$1.70    |          | \$0.27            | \$7.38  | \$1.75   | \$8.75    | \$11.70 | \$9.90  |                   |           | \$11.22        |               |          | \$54.54   | \$43.32              |
| 4/10/2012  | \$1.87 | \$1.70    |          | \$0.75            | \$6.65  | \$1.75   | \$8.75    | \$11.70 | \$9.90  |                   |           | \$14.93        |               |          | \$58.00   | \$43.07              |
| 5/8/2012   | \$1.87 | \$1.70    |          | \$0.75            | \$6.65  | \$1.75   | \$8.75    | \$11.70 | \$9.90  |                   |           | \$16.28        |               |          | \$59.35   | \$43.07              |

|                    |          |          |         |         |          |         |          |          |          |          |            |         |         |            |            |
|--------------------|----------|----------|---------|---------|----------|---------|----------|----------|----------|----------|------------|---------|---------|------------|------------|
| 6/12/2012          | \$1.87   | \$1.70   |         | \$0.75  | \$6.65   | \$1.75  | \$8.75   | \$11.70  | \$9.90   |          | \$17.30    |         | \$60.37 | \$43.07    |            |
| 7/10/112           | \$1.87   | \$1.70   |         | \$0.75  | \$6.65   | \$1.75  | \$8.75   | \$11.70  | \$9.90   |          | \$18.10    |         | \$61.17 | \$43.07    |            |
| 8/14/2012          | \$1.87   | \$1.70   |         | \$0.75  | \$6.65   | \$1.75  | \$8.75   | \$11.70  | \$9.90   |          | \$18.87    |         | \$61.94 | \$43.07    |            |
| 9/12/2012          | \$1.87   | \$1.70   |         | \$0.75  | \$6.65   | \$1.75  | \$8.75   | \$11.70  | \$9.90   |          | \$19.63    |         | \$62.70 | \$43.07    |            |
| 10/22/2012         | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$20.40    |         | \$63.47 | \$43.07    |            |
| 11/13/2012         | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          |            |         | \$43.07 | \$43.07    |            |
| 12/12/2012         | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$4.92     |         | \$47.99 | \$43.07    |            |
| 1/8/2013           | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$5.35     |         | \$48.42 | \$43.07    |            |
| 2/13/2013          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$5.78     |         | \$48.85 | \$43.07    |            |
| 3/12/2013          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$6.21     |         | \$49.28 | \$43.07    |            |
| 4/9/2013           | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$6.64     |         | \$49.71 | \$43.07    |            |
| 5/15/2013          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$7.07     |         | \$50.14 | \$43.07    |            |
| 6/12/2013          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$7.50     |         | \$50.57 | \$43.07    |            |
| 7/12/2013          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$7.94     |         | \$51.01 | \$43.07    |            |
| 8/14/2013          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$8.37     |         | \$51.44 | \$43.07    |            |
| 9/13/2013          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$8.80     |         | \$51.87 | \$43.07    |            |
| 10/11/2013         | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$9.23     |         | \$52.30 | \$43.07    |            |
| 11/13/2013         | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$32.17    |         | \$75.24 | \$43.07    |            |
| 12/11/2013         | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$23.17    |         | \$66.24 | \$43.07    |            |
| 1/8/2014           | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$23.83    |         | \$66.90 | \$43.07    |            |
| 2/12/2014          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$35.45    |         | \$78.52 | \$43.07    |            |
| 3/11/2014          | \$1.87   | \$1.70   |         | \$0.78  | \$6.64   | \$1.73  | \$8.75   | \$11.70  | \$9.90   |          | \$25.17    |         | \$68.24 | \$43.07    |            |
| 4/9/2014           | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$25.86    |         | \$69.11 | \$43.25    |            |
| 5/13/2014          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$26.55    |         | \$69.80 | \$43.25    |            |
| 6/10/2014          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$27.25    |         | \$70.50 | \$43.25    |            |
| 7/8/2014           | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$27.95    |         | \$71.20 | \$43.25    |            |
| 8/5/2014           | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$28.66    |         | \$71.91 | \$43.25    |            |
| 9/9/2014           | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$29.38    |         | \$72.63 | \$43.25    |            |
| 10/7/2014          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$30.11    |         | \$73.36 | \$43.25    |            |
| 11/4/2014          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$30.84    |         | \$74.09 | \$43.25    |            |
| 12/9/2014          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$31.58    |         | \$74.83 | \$43.25    |            |
| 1/13/2015          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$32.33    |         | \$75.58 | \$43.25    |            |
| 2/10/2015          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$33.09    |         | \$76.34 | \$43.25    |            |
| 3/10/2015          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$33.85    |         | \$77.10 | \$43.25    |            |
| 4/7/2015           | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$34.63    |         | \$77.88 | \$43.25    |            |
| 5/12/2015          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$35.43    |         | \$78.68 | \$43.25    |            |
| 6/9/2015           | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$36.22    |         | \$79.47 | \$43.25    |            |
| 7/7/2015           | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$37.03    |         | \$80.28 | \$43.25    |            |
| 8/10/2015          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$37.85    |         | \$81.10 | \$43.25    |            |
| 9/8/2015           | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          | \$38.67    |         | \$81.92 | \$43.25    |            |
| 10/7/2015          | \$1.87   | \$1.70   |         | \$0.78  | \$8.55   |         | \$8.75   | \$11.70  | \$9.90   |          |            |         | \$43.25 | \$43.25    |            |
| Total              | \$165.51 | \$141.10 | \$13.44 | \$34.98 | \$776.59 | \$52.14 | \$819.80 | \$980.80 | \$827.90 | \$140.00 | \$3,515.91 | \$35.00 | \$27.00 | \$6,540.94 | \$2,963.03 |
| Total Vacant       | \$141.13 | \$129.20 | \$0.00  | \$34.98 | \$664.00 | \$52.14 | \$665.00 | \$889.20 | \$752.40 | \$0.00   | \$3,429.94 | \$0.00  | \$0.00  | \$5,666.94 | \$2,237.00 |
| Total Water        |          |          |         |         |          |         |          |          |          |          |            |         |         | \$5,789.82 | \$2,211.91 |
| Total Water Vacant |          |          |         |         |          |         |          |          |          |          |            |         |         | \$4,915.82 | \$1,485.88 |

REGULAR CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
NOVEMBER 3, 2015

THE REGULAR CITY COUNCIL MEETING of the City of Port Orange was called to order by Vice Mayor Drew Bastian at 6:30 p.m.

Pledge of Allegiance

Invocation provided by Pastor Scott Kirschner of Christ the King Community Church.

|            |               |                                                                                                           |
|------------|---------------|-----------------------------------------------------------------------------------------------------------|
| Roll Call: | Present:      | Councilman Bob Ford<br>Councilman Donald Burnette<br>Councilman Scott Stiltner<br>Vice Mayor Drew Bastian |
|            | Absent:       | Mayor Allen Green                                                                                         |
|            | Also Present: | Jake Johansson, City Manager<br>Margaret T. Roberts, City Attorney<br>Robin Fenwick, City Clerk           |

Rules of Procedure as approved by City Council on December 2, 2014, specifically page 3, portions of letter (e) and #9 (a-e) were read by Robin Fenwick, City Clerk.

**B. AGENDA APPROVAL**

Motion to approve the agenda as presented was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by voice vote.

**C. SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS**

**5. Recognition Awards**

Gerald Monahan, Police Chief, introduced Thomas Grimaldi, incoming Police Chief. Chief Monahan and Lt. Aaron McIlrath presented recognition awards to citizens and employees.

**6. Report from Kemper Sports Management regarding Cypress Head Golf Course**

Bob Duquette, General Manager, provided an update to Council regarding the golf course which held their grand opening on Friday, October 30, 2015. He thanked Council for their support at the course and the renovations.

Council thanked KemperSports and are hoping to see improved finances. They are happy with the condition and look of the course.

D. PUBLIC HEARING

7. Pinnacle, Phase II Subdivision Plat and Plans, located east of the Pinnacle, Phase 1 Subdivision - Case No. 15-52000001

Motion to approve was made by  
Councilman Burnette, and Seconded by  
Councilman Ford.

Tim Burman, Planner, provided details of the request. Staff recommends approval.

Motion carried unanimously by roll call  
vote after no public comments.

8. Second Reading - Ordinance No. 2015-37 - Amendment to Chapter 42 of the Code of Ordinances to provide procedures to secure and demolish unsafe structures in the City

Vice Mayor Bastian read Ordinance No. 2015-37.

ORDINANCE NO. 2015-37

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; AMENDING THE CODE OF ORDINANCES, CHAPTER 42, ARTICLE V, TO ESTABLISH A NEW DIVISION 3 RELATING TO THE ABATEMENT OF UNSAFE STRUCTURES, PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion to adopt Ordinance No. 2015-37  
was made by Councilman Burnette, and  
Seconded by Councilman Stiltner.  
Motion carried unanimously by roll call  
vote after no public comments.

E. BOARD APPOINTMENTS, INTERVIEWS, REPORTS

9. Environmental Advisory Board Update

The Environmental Advisory Board report will be provided by the Chairman on November 10, 2015.

10. Library Advisory Board Appointment

Harrise Niemczak introduced herself and provided Council with background information.

Motion to appoint Harrise Niemczak to the Library Advisory Board was made by Councilman Burnette, and Seconded by Councilman Ford. Motion carried unanimously by roll call vote.

F. CITIZEN PARTICIPATION (Non-Agenda – 15 minutes)

Kelly Mulina, citizen, addressed Council regarding a lien on her property after knee surgery. She has been told that Lamplighter has access to the water meter, not the City of Port Orange although the City shut it off and charged her. Vice Mayor Bastian asked Mr. Johansson to check into the communication issue.

Mike Gardner, citizen, declined to comment.

Ted Nofall, citizen, addressed Council regarding City problems over the past year and a half. He told Council it is their job to watch what is happening in the City and he doesn't believe they are doing their job. He asked for copies of the analysis done regarding changes being done in the City.

Jim Cameron, Daytona Regional Chamber of Commerce, invited all to Volusia Days on January 13-14, 2016. Councilman Ford asked the City Manager to plan to send a few people to both days. He asked that the legislature not forget the Halifax River. Councilman Burnette asked Mr. Cameron or the City Manager to contact Nancy Keefer to invite her to a Council meeting in the near future.

G. COUNCIL COMMENTS

11. Comments/Concerns from Council Members

Councilman Burnette asked for an update with scheduling a meeting with the County on Dunlawton traffic timing. Mr. Johansson said it's in the works. Councilman Burnette asked when the water loss report will be provided. Andy Neff, Public Utilities Director, advised that the input/output report will be provided on November 17, 2015.

Councilman Ford wants to see more traffic planning in the City. He said neighboring cities have instituted quiet zones at the railroad crossings. Mr. Johansson said Staff is looking into it.

Councilman Stiltner thanked Wayne Clark, Community Development Director, for his service to the City of Port Orange. Vice Mayor Bastian agreed. Mr. Clark thanked Council and Staff for their support through the years.

Vice Mayor Bastian received compliments on the new sidewalk on Spruce Creek Road to Central Park Blvd. There are some signs that need to be looked at though for visibility issues.

#### H. CONSENT AGENDA

12. Approval of Minutes
  - a. October 14, 2015 - Special City Council Meeting
  - b. October 20, 2015 - Regular City Council Meeting
  - c. October 27, 2015 - City Council Workshop
13. City cost participation request from Gatlin Development Company for Palmetto Pointe Marketplace for water system extension and improvements
14. FY2016 Spending Authorization to the Amended and Restated Agreement for Services with Danus Utilities, Inc.
15. Bid Awards and Contract Items
  - a. Change Order No 1 to the Standard Contract for Services with HD Supply Waterworks, LP, d/b/a HD Supply Waterworks, dated July 13, 2015
  - b. Change Order No 2 to the Standard Contract for Services with Upham, Inc., dated March 18, 2015.
  - c. Third Amendment to the Contract for Professional Engineering Services with Kimley-Horn and Associates, Inc. for Site Specific Speed Study Yorktowne Blvd. from Dunlawton Ave. to Boggs Ford Rd.

Motion to approve Consent Agenda was made by Councilman Burnette, and Seconded by Councilman Stiltner. Motion carried unanimously by roll call vote.

#### I. REGULAR AGENDA

16. First Reading - Ordinance No. 2015-38 - Police Pension Benefits

Vice Mayor Bastian read Ordinance No. 2015-38.

#### ORDINANCE NO. 2015-38

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 54, ARTICLE V, CODE OF ORDINANCES, ENTITLED AMENDING THE CITY OF PORT ORANGE POLICE PENSION FUND; AMENDING SECTION 54-130 TO IMPOSE ANNUAL MAXIMUM ON BENEFITS PAYABLE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



Motion to adopt Ordinance No. 2015-38  
was made by Councilman Burnette, and  
Councilman Ford.

Margaret Roberts, City Attorney, advised that this ordinance is a clean-up ordinance to reflect what was approved in the contract.

Motion carried unanimously by roll call  
vote after no public comments.

J. COMMENTS

17. City Attorney Comments

There was nothing further.

18. City Manager Comments

Mr. Johansson advised Council that the Local Rules state there will be no workshops in November and December but he has items to discuss. He asked if Council would like to hold one on November 17, 2015. Council agreed. Mr. Johansson advised that the November 10, 2015 agenda will include Volusia Growth Management Commission's future. He asked Council to review the resolution when it comes out in the agenda packet. He will have representatives present to brief Council.

K. COUNCIL COMMITTEE REPORTS

19. City Council Committee Reports

a. River to Sea TPO – Councilman Ford reported on the recent meetings and the funding they have available.

b. General Employees' Pension Plan – Councilman Stiltner reported that the third quarter was not as good as hoped. There is a positive return on the year of 2.16%.

c. YMCA – Councilman Stiltner reported that the snowbirds are coming back and signing up. The third and final phase in the renovations is in the works.

ADJOURNMENT: 7:47 p.m.

---

Mayor Allen Green

Attest:

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Robin Fenwick, CMC  
City Clerk



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: Yes

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**SUBJECT:** Biketoberfest Report

**DEPARTMENT:** Police Services

**GOAL:** N/A

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Presentation of the Biketoberfest 2015 After Action Report

---

**SUMMARY:** The Port Orange Police Department will present a report that will detail the number of traffic violations, sound violations, activity and complaints that were investigated during Biketoberfest.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

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**ATTACHMENTS:**

|    |                   |                                     |
|----|-------------------|-------------------------------------|
| 1. | Biketoberfest AAR | Biketoberfest After Action 2015.pdf |
|----|-------------------|-------------------------------------|

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Grabowski, Debbie  
Monahan, Gerald  
Johansson, M. Jake

Created/Initiated - 10/29/2015  
Approved - 10/29/2015  
Final Approval - 11/04/2015

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**PORT ORANGE POLICE DEPARTMENT**



**MEMORANDUM**

**TO:** Gerald M. Monahan Jr., Chief of Police  
**FROM:** Sergeant Steve Braddock   
**DATE:** October 23, 2015  
**CC:** File  
**FILE:** SMB1015.M003  
**SUBJECT:** Biketoberfest 2015 After Action Report

---

Biketoberfest 2015 officially started on Thursday 10/15/15, and ran through Sunday 10/18/15. The weather was clear, with no rain storms experienced. The Volusia County area experienced a range of temperatures from the low to mid eighties during the day, with overnight lows in the sixties and low seventies.

On September 28, 2015 one Florida Department of Transportation (FDOT) Temporary Road Closure Permits, regarding the lane closures and alterations on US-1 for The Last Resort, was completed, with said Permit being approved and issued by FDOT on September 30, 2015. The permit, design, and alterations were within Index 613 of the Manual on Uniform Traffic Control Devices.

Again on September 28, 2015 one Florida Department of Transportation (FDOT) Temporary Road Closure Permit, regarding the alteration of the roadway in front of the First Turn Steak House, was completed, with said Permit being approved and issued by FDOT on September 30, 2015. The permit, design, and alterations were within Index 613 of the Manual on Uniform Traffic Control Devices.

Cones, barricades, and light towers were delivered to The Last Resort and First Turn Steak House on the morning of the event. They were put into use daily at the Last Resort Bar from Thursday 10/15/15 through Saturday 10/17/15 from 12:00PM to 8:00PM, and nightly at the First Turn Steak House from Thursday 10/15/15 through Saturday 10/17/15 from 6:00PM to 9:00PM.

The Traffic Unit's work schedule was adjusted to allow for increased enforcement of traffic violations during the peak times of the event. The Traffic Sergeant and three Motor Officers were scheduled to work from 11:00-AM to 9:30-PM on the Thursday, Friday and Saturday of the event.



## **PORT ORANGE POLICE DEPARTMENT**



### **Places of interest within the City of Port Orange**

#### **Last Resort Bar:**

- No citizen noise complaints were lodged against the business.
- Traffic details were set from Thursday 10/15/15 through Saturday 10/17/15.
- The traffic details were scheduled from 12:00PM to 8:00PM daily. The motor unit covered the detail by rotating throughout the first two shifts of the event. This action had a negative impact on traffic enforcement activities/ statistics on behalf of the traffic unit.
- No violations or safety issues were discovered.
- No criminal activity observed during the course of the event.
- No noted camping violations or COV's were observed.
- I spoke with the owner of the business, Al Bulling, on several occasions days prior to the event to discuss his normal events. The only event that was planned was the Creamed Corn Wrestling. On the day of the event Al Bulling canceled the Creamed Corn Wrestling event due to lack of interest and participants.

#### **First Turn:**

- No citizen noise complaints were lodged against the business.
- Officers worked traffic details from Thursday 10/15/15 through Saturday 10/17/15 from 6:00PM to 9:00PM.
- No violations or safety issues were discovered.
- No criminal activity observed during the course of the event.
- No noted camping or COV violations observed.

#### **Whiskey River Saloon:**

- Closed

#### **Hidden Treasure Restaurant:**

- No citizen noise complaints were lodged against the business.
- No parking violations or safety issues were discovered.
- No criminal activity observed during the course of the event.

#### **Roadside Tavern:**

- Closed

#### **The Boat:**

- No citizen noise complaints were made against the business.
- No violations or safety issues were discovered during the event.
- No criminal activity observed during the course of the event.
- No noted camping violations observed.





## **PORT ORANGE POLICE DEPARTMENT**



### **Squeeze In Pub:**

-Closed

### **Notable arrests during the event**

No arrests were made by the Motor Unit during the event.

### **Notable – serious – crashes during the event**

There were no serious bodily injury or fatal traffic crashes within the City of Port Orange during this event. There were a total of twenty (20) crashes across the City, with only four (4) of them having reported only minor injuries. The crashes were dispersed across different areas throughout the City and were not indicative of any specific problem areas.

There was an increase in the number of traffic crashes during this year's event as compared to last year's amount of sixteen (16) crashes.

### **Citation Summary for the 4-day event.**

Traffic citations issued by the Port Orange Police Department during the event from Thursday 10/15/15 thru Sunday 10/17/15:

- Traffic citations issued by the Motor Unit - 38
- Traffic citations issued by Patrol Officers - 42
- Total Citations Issued - 80

\* Note: During this event it was difficult to work traffic enforcement activities along the S. Ridgewood Avenue corridor, due in part because 75% of the officers in the Traffic Unit were in cars which made it more difficult to effectively move through heavy traffic. Assigned motorcycles were not available for this event as three (3) were recently decommissioned for auction and one (1) was damaged during a motor vehicle crash, just prior to the Biketoberfest event. This left the Traffic Unit with one (1) motorcycle in service. With the arrival of the new Victory police motorcycles scheduled in early November, the Traffic Unit will be back to normal operations for future events.

During various times throughout the event, I ventured to areas outside of the Ridgewood Ave corridor to assess the overall traffic flow within the City. Dunlawton Ave and Taylor Rd west of I-95 continues to have a very high concentration of vehicle traffic, which includes numerous amounts of motorcycles. This higher concentration of motorcycle traffic on Dunlawton Ave is likely due to people traveling to and from the Cabbage Patch Bar on Tamoka Farms Rd in Samsula. Motorcycle traffic is consistently seen traveling east and west across the Dunlawton Ave Causeway, presumably headed



## **PORT ORANGE POLICE DEPARTMENT**



to the various hotels and destinations in Daytona Beach, Daytona Beach Shores, and Ponce Inlet.

Inasmuch as the Last Resort Bar is still a destination for many motorcyclists attending Biketoberfest, we did see the same level of motorcyclists stopping at the Last Resort as in previous years

The highest speed cited on S. Ridgewood Avenue by the Traffic Unit was 78MPH.

There were no known citizen calls/complaints received in regards to loud motorcycle noise.

This year's event was staffed with one motor supervisor and three motor officers who worked Thursday 10/15/15 to Saturday 10/17/15 during peak times. There were no additional officers specifically assigned to assist the Traffic Unit.

### **Overtime/ Special Detail hours used:**

The Port Orange Police Department Traffic Unit worked a total of 42.0 hours of overtime during the event, which was 14.7 hours less than the approved 56.7 hours. This was due in part to Officer Slease not able to work due to an on duty injury he sustained prior to this year's event.

Special traffic details were established at The Last Resort Bar and the First Turn Steak House with officers scheduled to work a total of 33 special detail hours. Seventeen of those hours were worked as special details but 16 hours were staffed by on duty officers because of lack of availability of volunteers for those assignments. The altered traffic patterns and safety concerns dictate that those assignment are covered. The normal detail billing rate to the business applies nonetheless.

A handwritten signature in blue ink, appearing to read "S. Braddock", written over a horizontal line.

Sergeant Steve Braddock



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: Yes

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**SUBJECT:** Crime Report

**DEPARTMENT:** Police Services

**GOAL:** N/A

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Presentation of the Port Orange Police Department's Crime Report.

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**SUMMARY:** The police department will present a report which details criminal activity in the last quarter.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

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**ATTACHMENTS:**

|    |              |                                 |
|----|--------------|---------------------------------|
| 1. | Crime Report | Crime Report September 2015.pdf |
|----|--------------|---------------------------------|

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Grabowski, Debbie  
Monahan, Gerald  
Johansson, M. Jake

Created/Initiated - 10/23/2015  
Approved - 10/23/2015  
Final Approval - 11/04/2015

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# PORT ORANGE POLICE DEPARTMENT

## QUARTERLY UCR YEARLY COMPARISON

| UCR  | DESCRIPTION                                           | Jul-14     | Aug-14     | Sep-14     | Total 2014 | Jul-15    | Aug-15     | Sep-15     | Total 2015 | Difference |
|------|-------------------------------------------------------|------------|------------|------------|------------|-----------|------------|------------|------------|------------|
| 0110 | HOMICIDE                                              | 0          | 0          | 0          | 0          | 0         | 0          | 1          | 1          | 1          |
| 0200 | RAPE                                                  | 0          | 0          | 0          | 0          | 0         | 0          | 0          | 0          | 0          |
| 0300 | ROBBERY                                               | 0          | 0          | 0          | 0          | 0         | 2          | 1          | 3          | 3          |
| 0410 | AGGRAVATED ASSAULT                                    | 2          | 0          | 3          | 5          | 3         | 3          | 2          | 8          | 3          |
| 0411 | STALKING: AGGRAVATED STALKING                         | 0          | 1          | 0          | 1          | 0         | 0          | 0          | 0          | -1         |
| 0510 | BURGLARY - FORCIBLE ENTRY                             | 9          | 9          | 2          | 20         | 4         | 0          | 10         | 14         | -6         |
| 0520 | BURGLARY-NONFORCED ENTRY                              | 3          | 13         | 9          | 25         | 1         | 7          | 10         | 18         | -7         |
| 0610 | LARCENY: POCKET PICKING                               | 0          | 0          | 0          | 0          | 1         | 0          | 0          | 1          | 1          |
| 0620 | LARCENY: PURSE SNATCHING                              | 0          | 0          | 0          | 0          | 0         | 0          | 0          | 0          | 0          |
| 0630 | LARCENY: SHOPLIFTING                                  | 11         | 17         | 18         | 46         | 24        | 23         | 26         | 73         | 27         |
| 0640 | BURGLARY TO AUTO                                      | 11         | 27         | 15         | 53         | 12        | 30         | 33         | 75         | 22         |
| 0650 | LARCENY: AUTO PARTS & ACCESSORIES                     | 0          | 1          | 0          | 1          | 0         | 0          | 2          | 2          | 1          |
| 0660 | LARCENY: FROM BUILDINGS                               | 9          | 9          | 5          | 23         | 8         | 8          | 1          | 17         | -6         |
| 0670 | LARCENY: FROM COIN-OPERATED MACHINES                  | 0          | 0          | 2          | 2          | 0         | 0          | 2          | 2          | 0          |
| 0680 | LARCENY: BICYCLE                                      | 2          | 2          | 2          | 6          | 4         | 2          | 4          | 10         | 4          |
| 0690 | LARCENY: ALL OTHER LARCENY                            | 27         | 16         | 17         | 60         | 22        | 25         | 19         | 66         | 6          |
| 0710 | MOTOR VEHICLE THEFT: AUTOMOBILE                       | 1          | 1          | 4          | 6          | 2         | 4          | 2          | 8          | 2          |
| 0720 | MOTOR VEHICLE THEFT: TRUCK/BUS                        | 1          | 0          | 1          | 2          | 0         | 0          | 1          | 1          | -1         |
| 0740 | MOTOR VEHICLE THEFT: MOTORCYCLE                       | 1          | 1          | 0          | 2          | 2         | 0          | 1          | 3          | 1          |
| 0790 | MOTOR VEHICLE THEFT: ALL OTHER MOTOR VEHICLES         | 0          | 0          | 0          | 0          | 0         | 0          | 0          | 0          | 0          |
| 0810 | SIMPLE ASSAULT: SIMPLE PHYSICAL ASSAULT               | 32         | 31         | 23         | 86         | 16        | 17         | 13         | 46         | -40        |
| 0811 | STALKING: SIMPLE STALKING                             | 0          | 0          | 0          | 0          | 0         | 0          | 0          | 0          | 0          |
| 0812 | SIMPLE ASSAULT: THREAT/INTIMIDATION                   | 0          | 0          | 0          | 0          | 0         | 0          | 0          | 0          | 0          |
| 0830 | SIMPLE ASSAULT: SIMPLE PHYSICAL ASSAULT SEXUAL MOTIVE | 0          | 0          | 0          | 0          | 0         | 0          | 0          | 0          | 0          |
| 0890 | SIMPLE ASSAULT: ALL OTHER SIMPLE ASSAULT              | 0          | 0          | 0          | 0          | 0         | 0          | 0          | 0          | 0          |
|      | <b>TOTAL</b>                                          | <b>109</b> | <b>128</b> | <b>101</b> | <b>338</b> | <b>99</b> | <b>121</b> | <b>128</b> | <b>348</b> | <b>10</b>  |





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: Yes

---

**SUBJECT:** Request To fill Accountant I/Payroll early

**DEPARTMENT:** Finance

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:** Move approval of filling the Accountant I position as soon as possible.

---

**SUMMARY:**

The adopted FY 16 budget included the addition of an Accountant I position to the Finance Department staff as of January 1, 2016. Concurrent with the authorized position was the planned transfer of payroll processing from Human Resources to Finance.

As a result of internal staff transfers, the Accountant II/Budget Analyst position became vacant and will be filled on November 13, 2015 by an internal candidate currently responsible for payroll processing. Consequently, Finance will assume payroll processing as of November 16<sup>th</sup> instead of waiting for a new hire in January 2016.

Permission is respectfully requested to fill the Accountant I/Payroll position as soon as possible to alleviate the increased workload associated with the early transfer of payroll and allow for proper training of both the Accountant II/Budget Analyst and the new Accountant I/Payroll. Sufficient funding exists within the Finance department's budget for this early hire as a result of staff vacancies.

|         |                 |
|---------|-----------------|
| Project | Funding Account |
| No.:    | No.:            |

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**ATTACHMENTS:**

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Fenwick, Robin  
Riehm, Tracey  
Johansson, M. Jake

Created/Initiated - 10/29/2015  
Approved - 10/31/2015  
Final Approval - 11/04/2015

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# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: Yes

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**SUBJECT:** Resolution No. 15-81 - FIND Grant Acceptance for Riverwalk Park 1B

**DEPARTMENT:** City Manager

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:** Move to approve Resolution No. 15-81 to accept the FIND grant to construct elements of Riverwalk Park 1B.

---

**SUMMARY:** The city applied for and was awarded a Florida Inland Navigation District (FIND) Waterways Assistance grant to construct elements of Riverwalk Park Phase 1B. The \$250,000.00 matching grant will assist with the construction of a portion of the concrete boardwalk and all of the kayak/canoe launch roadway and parking area. In addition, this matching grant will stabilize the shoreline area of the event green section of the Riverwalk Park.

The city commits to a \$250,000.00 cash match or less but not to exceed \$250,000.00 of the total project costs.

Project No.: AIO004 Funding Account No.: Funding Account No.: 320-1000-519-63-97

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**ATTACHMENTS:**

|    |                                              |                                                       |
|----|----------------------------------------------|-------------------------------------------------------|
| 1. | Reso. No. 15-81                              | Reso. No. 15-81.pdf                                   |
| 2. | Riverwalk Park Phase 1B FIND Grant Agreement | Riverwalk Park Phase 1B FIND Grant Agreement 2015.pdf |

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Donahue, Kent  
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Created/Initiated - 10/20/2015  
Approved - 11/03/2015  
Approved - 11/04/2015  
Approved - 11/04/2015  
Final Approval - 11/04/2015

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RESOLUTION NO. 15-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AUTHORIZING THE ACCEPTANCE OF A FLORIDA INLAND NAVIGATION DISTRICT GRANT FOR RIVERWALK PARK PHASE 1B TO CONSTRUCT A PORTION OF THE CONCRETE BOARDWALK, TO CONSTRUCT THE KAYAK/CANOE LAUNCH ROADWAY AND PARKING AREA AND TO STABILIZE THE SHORELINE; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AGREEMENTS OR CONTRACTS; PROVIDING FOR MATCHING FUND CONTRIBUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city applied for a Florida Inland Navigation District (FIND) Waterways Assistance for Riverwalk Park Phase 1B to construct a portion of the concrete boardwalk, construct the kayak/canoe launch roadway and parking area, and stabilize the shoreline of the northern section in the Town Center Riverwalk District to provide recreational opportunities; and

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

Section 1. The City Council of Port Orange hereby accepts the Florida Inland Navigation District Waterways Assistance for Riverwalk Park Phase 1B in the amount of \$250,000.00 to construct a portion of the concrete boardwalk, to construct the kayak/canoe launch roadway and parking area, and to stabilize the shoreline.

Section 2. The Mayor and the City Clerk shall be authorized to execute any and all documents, agreements or contracts necessary to implement this Resolution.

(RESO. NO. 15-81)

Section 3. The City is committed to a \$250,000.00 cash contribution or less but not to exceed \$250,000.00 of the total project costs.

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

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2015

Reviewed and Approved: \_\_\_\_\_  
City Attorney

**FLORIDA INLAND NAVIGATION DISTRICT  
PROJECT AGREEMENT**

PROJECT NO. VO-PO-15-107

This PROJECT AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Florida Inland Navigation District (hereinafter the "DISTRICT"), and the City of Port Orange, (hereinafter the "PROJECT SPONSOR").

In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. **PROJECT** - Subject to the provisions of this Agreement and Rule 66B-2 of the Florida Administrative Code (a current copy of which is attached as Exhibit "B"), the DISTRICT has approved assistance funding to the PROJECT SPONSOR in furtherance of an approved project ("PROJECT") consisting of the Riverwalk Park North B Phase II. Said PROJECT is more specifically described in the PROJECT SPONSOR'S Waterways Assistance Application, which is on file at DISTRICT headquarters.

Any modifications to the PROJECT'S scope of work shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

2. **TERM** - The PROJECT SPONSOR shall not commence work on the PROJECT prior to the execution of this Agreement unless specifically authorized by the DISTRICT Board and **shall complete the PROJECT and submit all required payment reimbursement information on or before September 30, 2017 ("PROJECT PERIOD")**, unless the PROJECT PERIOD has been extended with the prior written approval of the DISTRICT. Any request for an extension of the PROJECT PERIOD shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than 60 days prior to the original expiration date of the PROJECT PERIOD. This request will then be considered by the DISTRICT Board, whose decision shall be final. In no event other than a declared state of emergency that affects the project completion shall the PROJECT be extended beyond September 30, 2018. The PROJECT SPONSOR acknowledges this is the only provision to carry over the DISTRICT assistance funding under this Agreement beyond September 30, 2017, and that any extension of funding beyond this date shall be at the sole discretion of the DISTRICT.

3. **ASSISTANCE AMOUNT** - The DISTRICT shall contribute ("ASSISTANCE AMOUNT") no more than fifty percent (50%) ("MATCHING PERCENTAGE") of the PROJECT SPONSOR'S eligible out-of-pocket costs for completion of this PROJECT ("PROJECT AMOUNT"). Payment of funds by the DISTRICT to the PROJECT SPONSOR (the "ASSISTANCE AMOUNT") will be on a reimbursement basis only, and only for those authorized out of pocket costs as shown in Exhibit A ("PROJECT COSTS") and meeting the requirements of Paragraph 5 below and shall not, in any event, exceed \$250,000.00.

Any modifications to the PROJECT'S Cost Estimate (Exhibit A) shall require written advance notice and justification from the PROJECT SPONSOR and the prior written approval of the DISTRICT.

4. **MATCHING FUNDS** - The PROJECT SPONSOR warrants and represents that it has the PROJECT SPONSOR Match Amount (the PROJECT AMOUNT less the ASSISTANCE AMOUNT) available for the completion of the PROJECT and shall, prior to the execution of this Agreement, have provided the DISTRICT with suitable evidence of the availability of such funds using DISTRICT Form #95-01 (Exhibit C) and, upon request, providing the DISTRICT with access to applicable books and records, financial statements, and bank statements.

5. **PROJECT COSTS** - To be eligible for reimbursement under the Project Agreement, PROJECT COSTS must be necessary and reasonable for the effective and efficient accomplishment of the PROJECT and must be directly allocable thereto. PROJECT COSTS are generally described in Exhibit B. PROJECT COSTS must be incurred and work performed within the PROJECT PERIOD, with the exception of pre-agreement costs, if any, consistent with Paragraph 6 below, which are also eligible for reimbursement by the DISTRICT.

6. **PRE-AGREEMENT COSTS** - The DISTRICT and the PROJECT SPONSOR fully understand and agree that there shall be no reimbursement of funds by the DISTRICT for any obligation or expenditure made prior to the execution of this Project Agreement unless previously delineated in Exhibit A, consistent with Exhibit B, and previously approved by the DISTRICT Board during the grant review process.

7. **REIMBURSEMENT PROCEDURES** - PROJECT COSTS shall be reported to the DISTRICT and summarized on the Payment Reimbursement Request Form (Form #90-14) attached as Exhibit D. Supporting documentation including bills and canceled payment vouchers for expenditures shall be provided to the DISTRICT by the PROJECT SPONSOR or LIAISON

AGENT with any payment request. All records in support of the PROJECT COSTS included in payment requests shall be subject to review and approval by the DISTRICT or by an auditor selected by the DISTRICT. Audit expenses shall be borne by the PROJECT SPONSOR.

Project funds may be released in installments, at the discretion of the DISTRICT, upon submittal of a payment request by the PROJECT SPONSOR or LIAISON AGENT. The DISTRICT shall retain ten percent (10%) of each installment payment until the completion of the PROJECT.

The following costs, if authorized in the attached Exhibit B, shall be reimbursed only upon completion of the PROJECT to the reasonable satisfaction of the DISTRICT and in accordance with Exhibit B: personnel, equipment, project management, administration, inspection, and design, permitting, planning, engineering, and/or surveying costs. Assuming the PROJECT SPONSOR has otherwise fully complied with the requirements of the Agreement, reimbursement for all PROJECTS approved as Phase I projects will be made only upon commencement of construction of the PROJECT for which the Phase I planning, designing, engineering and/or permitting were directed, which may or may not involve further District funding. Procedures set forth below with respect to reimbursement by the District are subject to this requirement of commencement of construction.

The DISTRICT shall have the right to withhold any payment hereunder, either in whole or part, for non-compliance with the terms of this Agreement.

8. **FINAL REIMBURSEMENT** - The PROJECT SPONSOR, upon completion of the PROJECT, shall submit to the DISTRICT a request for final reimbursement of the ASSISTANCE AMOUNT less any prior installment payments. The payment amounts previously retained by the DISTRICT shall be paid upon (1) receipt of the Final Audit report of expenses incurred on the PROJECT by the DISTRICT, (2) full completion of the PROJECT to the reasonable satisfaction of the DISTRICT, (3) submission of Project Completion Certification Form No. 90-13 (Exhibit E), (4) submission of a photograph of the PROJECT showing the sign required by Paragraph 18 and (5) a Final Project Report as described in Exhibit G. As part of the documentation accompanying the request for final reimbursement, PROJECT SPONSOR shall provide proof of payment of all contractors, material suppliers, engineers, architects and surveyors with whom Project Sponsor has directly contracted (each a "DIRECT PROVIDER") to provide services or materials for the PROJECT. The final reimbursement amount shall be adjusted as necessary such that neither the total ASSISTANCE AMOUNT nor the MATCHING PERCENTAGE is exceeded. Unless otherwise determined by the DISTRICT, the final reimbursement check shall be presented by a

DISTRICT representative to the PROJECT SPONSOR during a public commission meeting or public dedication ceremony for the PROJECT facility.

9. **RECORDS RETENTION** - The PROJECT SPONSOR shall retain all records supporting the PROJECT COSTS for three (3) years after the end of the fiscal year in which the Final Payment is released by the DISTRICT, except that such records shall be retained by the PROJECT SPONSOR until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the three-year retention period.

10. **DEFAULT AND REMEDIES** – In the event of a breach of any of the terms of this Agreement by the PROJECT SPONSOR, the DISTRICT shall provide written notice to the PROJECT SPONSOR, which shall have sixty (60) days in which to cure the breach. If the PROJECT SPONSOR fails to cure the breach within the cure period, the DISTRICT shall have the right, but not the obligation, to demand that the PROJECT SPONSOR immediately refund the ASSISTANCE AMOUNT to the extent paid, . PROJECT SPONSOR shall refund the full amount of the ASSISTANCE AMOUNT to DISTRICT, whereupon this Agreement, and all further rights thereunder, shall be terminated. If the DISTRICT does not demand reimbursement as aforesaid, the DISTRICT may exercise any and all other remedies available at law or in equity. With respect to the PROJECT SPONSOR's obligations under Sections 15, 17 and 20, PROJECT SPONSOR acknowledges that breach by PROJECT SPONSOR of one or more of its obligations under said sections might cause the DISTRICT to suffer irreparable harm, namely harm for which damages would be an inadequate remedy. PROJECT SPONSOR further acknowledges that the DISTRICT might suffer irreparable harm due to delay if as a condition to obtaining an injunction, restraining order, or other equitable remedy with respect to such a breach the DISTRICT were required to demonstrate that it would suffer irreparable harm. The parties therefore intend that if the PROJECT SPONSOR breaches one or more of its obligations under Sections 15, 17 or 20, the DISTRICT, in addition to such other remedies which may be available, shall have the right to seek specific performance and injunctive relief. and for purposes of determining whether to grant an equitable remedy any court will assume that the breach would cause the DISTRICT irreparable harm.. The provisions of this section shall survive completion of the PROJECT.

11. **DISTRICT PROJECT MANAGER** - The Executive Director, or his designee, is hereby designated as the DISTRICT's Project Manager for the purpose of this Project Agreement and shall be responsible for monitoring performance of its terms and conditions and for approving all reimbursement requests prior to payment.



12. **SPONSOR'S LIAISON AGENT** - The PROJECT SPONSOR shall appoint a LIAISON AGENT, whose name and title shall be submitted to the DISTRICT upon execution of the Project Agreement, to act on behalf of the PROJECT SPONSOR relative to the provisions of the Project Agreement.

13. **STATUS REPORTS** - The PROJECT SPONSOR or LIAISON AGENT shall submit to the DISTRICT project status reports during the PROJECT term. These Quarterly Reports are to be on Form #95-02 (Exhibit F). Project design drawings, engineering drawings, and a copy of the Project bid award construction item cost list will be submitted as available. Photographs shall be submitted when appropriate to reflect the work accomplished. NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this Agreement.

14. **LAWS** - The PROJECT SPONSOR agrees to obtain and to abide by all federal, state and local permits and proprietary authorizations, and all applicable laws and regulations in the development of the PROJECT. The PROJECT SPONSOR agrees that all PROJECT facilities shall be designed and constructed in compliance with applicable state and federal statutory requirements for accessibility by handicapped persons as well as all other federal, state and local laws, rules and requirements.

15. **NON-DISCRIMINATION** - The PROJECT SPONSOR agrees that when completed, the PROJECT shall be readily accessible, on a non-exclusive basis, to the general public without regard to age, sex, race, physical handicap, or other condition, and without regard to residency of the user in another political subdivision.

16. **PARKING FACILITIES** - Adequate parking shall be made available by the PROJECT SPONSOR to accommodate vehicles for the number of persons for which the PROJECT is being developed.

17. **SITE DEDICATION** - The PROJECT SPONSOR also agrees that the PROJECT site shall be dedicated for the public use for a minimum period of twenty-five (25) years from the completion of the PROJECT, such dedication to be in the form of a deed, lease, management agreement or other legally binding document. Any change in such dedication shall require the prior approval of the DISTRICT. The PROJECT SPONSOR shall record evidence of such dedication within the Public Records of the County in which the PROJECT is located.

18. **ACKNOWLEDGMENT** - For construction projects, the PROJECT SPONSOR shall erect a permanent sign, approved by the DISTRICT, in a prominent location such as the

project entrance of the completed project, which shall indicate that the DISTRICT contributed funds for the PROJECT. The wording of the sign required by this paragraph shall be approved by the DISTRICT's staff before construction and installation of said sign. This sign shall contain the DISTRICT logo (Exhibit H) unless otherwise stipulated by the DISTRICT. In the event that the PROJECT SPONSOR erects a temporary construction sign, it shall also indicate the DISTRICT's participation. For all other type projects, the PROJECT SPONSOR shall acknowledge the DISTRICT where feasible, in concurrence with the DISTRICT staff's recommendations.

19. **PROJECT MAINTENANCE** - When and as applicable, the PROJECT SPONSOR agrees to operate, maintain, and manage the PROJECT for the life of the PROJECT improvements and will pay all expenses required for such purposes. The PROJECT improvements shall be maintained in accordance with the standards of maintenance for other local facilities owned and operated by project sponsor, and in accordance with applicable health standards. PROJECT facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The PROJECT SPONSOR warrants and represents that it has full legal authority and financial ability to operate and maintain said PROJECT facilities and improvements.

20. **FEES** – Any fees charged for this PROJECT shall be reasonable and the same for the general public of all member counties. The PROJECT SPONSOR must demonstrate that a minimum of fifty percent (50%) of the PROJECT fees will be utilized for project maintenance and improvements throughout the anticipated 25-year life of a development project or the design life of other project types, as applicable.

21. **SOVEREIGN IMMUNITY** - Each party hereto agrees that it shall be solely responsible for the wrongful acts of its employees, contractors and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity under Section 768.28, Florida Statutes. The PROJECT SPONSOR acknowledges that the DISTRICT, its employees, commissioners and agents are solely providing funding assistance for the PROJECT and are not involved in the design, construction, operation or maintenance of the PROJECT.

22. **INSPECTIONS** - The DISTRICT reserves the right, upon reasonable request, to inspect said PROJECT and any and all records related thereto at any time.

23. **RIGHTS AND DUTIES** - The rights and duties arising under this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, and shall, unless the context clearly requires otherwise, survive completion of the

PROJECT. The PROJECT SPONSOR may not assign this Agreement nor any interest hereunder without the express prior written consent of the DISTRICT.

24. **WAIVERS** - Waiver of a breach of any provision of this Agreement shall not be deemed a waiver of any other breach of the same or different provision.

25. **NOTICE** - Any notice required to be given pursuant to the terms and provisions of this Agreement shall be in writing, postage paid, and shall be sent by certified mail, return receipt requested, to the DISTRICT or PROJECT SPONSOR at the addresses below. The notice shall be effective on the date indicated on the return receipt.

To the DISTRICT at:

Florida Inland Navigation District  
1314 Marcinski Road  
Jupiter, Florida 33477-9498

To the PROJECT SPONSOR at:

City of Port Orange  
Attention: Grants Manager, City Manager's Office  
1000 City Center Circle  
Port Orange, FL 32129

26. **NO JOINT VENTURE** - The DISTRICT's role with respect to the PROJECT is that of a funding assistance authority only and the DISTRICT is not, and shall not be considered to be, an agent, partner, or joint venturer with the PROJECT SPONSOR.

27. **GOVERNING LAW** - The validity, interpretation and performance of this Agreement shall be controlled and construed according to the laws of the State of Florida.

28. **TRANSFERENCE** - It is the intent of the DISTRICT to issue this funding assistance to the PROJECT SPONSOR who has made application for this assistance. In the event the PROJECT SPONSOR transfers ownership or management of the PROJECT to a party or parties not now a part of this document, other than another governmental entity that agrees to assume, in writing, PROJECT SPONSOR'S obligation hereunder, the DISTRICT retains the right to full reimbursement from the PROJECT SPONSOR to the full extent of the funding assistance provided by the DISTRICT, including but not limited to any costs and reasonable attorney's fees (regardless of whether litigation ensues) incurred by the DISTRICT in collecting said reimbursement.

29. **ENTIRE UNDERSTANDING** - This Agreement, including any exhibits made a part hereof, embodies the entire Agreement and understanding of the parties and supersedes all prior oral and written communications between them. The terms hereof may be modified only by a written amendment signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day, month and year aforesaid.

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

FLORIDA INLAND NAVIGATION DISTRICT

By: \_\_\_\_\_  
Executive Director

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

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

PROJECT SPONSOR

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

## Exhibit A

### FLORIDA INLAND NAVIGATION DISTRICT ASSISTANCE PROGRAM 2015

#### PROJECT COST ESTIMATE

(See Rule Section 66B-2.005 & 2.008 for eligibility and funding ratios)

**PROJECT TITLE:** Riverwalk Park NORTH B Construction Phase II

**APPLICANT:** City of Port Orange

| <b>Project Elements</b><br><i>(Please list the MAJOR project elements and<br/>provide a general cost break out for each one<br/>For Phase I Projects, please list the major<br/>elements and products expected)</i> | <b>Quantity Estimated<br/>Cost</b><br><b>(Number and/or Footage)</b> | <b>Applicant's Cost</b> | <b>FIND Cost</b>    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|-------------------------|---------------------|
| Shoreline Stabilization                                                                                                                                                                                             | 370 lin.ft.                                                          | <b>\$144,725.00</b>     | <b>\$144,725.00</b> |
| Boardwalk (concrete )                                                                                                                                                                                               | 2,575 lin.ft. 12 ft. wide                                            | <b>\$67,175.00</b>      | <b>\$67,175.00</b>  |
| Roadway & Parking for Launch                                                                                                                                                                                        | 25,400 lin.ft                                                        | <b>\$38,100.00</b>      | <b>\$38,100.00</b>  |

**\*\* TOTALS =**                      \$ \_\_\_\_\_                      \$ **\$250,000**                      \$ **\$250,000**

**2015  
CHAPTER 66B-2  
WATERWAYS ASSISTANCE PROGRAM**

|            |                                                               |
|------------|---------------------------------------------------------------|
| 66B-2.001  | Purpose                                                       |
| 66B-2.002  | Forms                                                         |
| 66B-2.003  | Definitions                                                   |
| 66B-2.004  | Policy                                                        |
| 66B-2.005  | Funds Allocation                                              |
| 66B-2.006  | Application Process                                           |
| 66B-2.0061 | Emergency Applications                                        |
| 66B-2.008  | Project Eligibility                                           |
| 66B-2.009  | Project Administration                                        |
| 66B-2.011  | Reimbursement                                                 |
| 66B-2.012  | Accountability                                                |
| 66B-2.013  | Acknowledgement                                               |
| 66B-2.014  | Small-Scale Spoil Island Restoration and Enhancement Projects |
| 66B-2.015  | Small-Scale Derelict Vessel Removal Projects                  |
| 66B-2.016  | Waterways Cleanup Events                                      |

**66B-2.001 Purpose.**

Recognizing the importance and benefits of inland navigation channels and waterways, as well as noting problems associated with the construction, continued maintenance and use of these waterways, the Florida Legislature created Section 374.976, F.S. This law authorizes and empowers each inland navigation district to undertake programs intended to alleviate the problems associated with its waterways. The purpose of this rule is to set forth the District's policy and procedures for the implementation of an assistance program under Section 374.976, F.S., for local governments, member counties and navigation related districts within the District. This program will be known hereafter as the Florida Inland Navigation District's Waterways Assistance Program.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.001.*

**66B-2.002 Forms.**

All forms for the administration of this program are available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.002.*

**66B-2.003 Definitions.**

The basic terms utilized in this rule are defined as follows:

- (1) "APPLICANT" means an eligible governmental agency submitting an application through this program.
- (2) "APPLICATION" means a project proposal with the required documentation.
- (3) "AUTHORIZED SUBMISSION PERIOD" means the established period for submitting applications to the District.
- (4) "BEACH RENOURISHMENT" means the placement of sand on a beach for the nourishment, renourishment or restoration of a beach.
- (5) "BOARD" means the Board of Commissioners of the Florida Inland Navigation District.
- (6) "DISTRICT" means the Florida Inland Navigation District (FIND).
- (7) "ELIGIBLE GOVERNMENTAL AGENCY" means member counties, local governments and navigation related districts within the taxing boundaries of the District.
- (8) "ENVIRONMENTAL PERMITS" means those permits, proprietary authorizations, exemptions, or general permits for construction below mean high water line of a navigable waterway required and issued by or on behalf of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the South Florida or the St. Johns River Water Management Districts or their successors.

## Exhibit B

(9) "EXECUTIVE DIRECTOR" means the Executive Director of the Florida Inland Navigation District.

(10) "LIAISON AGENT" means the contact person officially designated to act on behalf of the applicant or the project sponsor.

(11) "LOCAL GOVERNMENTS" means municipalities, cities, or consolidated county governments, which are located within the member counties.

(12) "MARITIME MANAGEMENT PLAN" means a written plan containing a systematic arrangement of elements specifically formulated to identify, evaluate and promote the benefits of eligible waterway accessibility and enjoyment, with consideration and respect to the physical, environmental and economic parameters of the planning area.

(13) "MATCHING FUNDS" means those funds provided by the local sponsor to the project.

(14) "MEMBER COUNTY" means a county located within the taxing boundaries of the District which includes Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward and Miami-Dade Counties.

(15) "NAVIGATION RELATED DISTRICTS" means port authorities, inlet districts or any other agency having legally authorized navigation related duties in waterways of the District.

(16) "PRE-AGREEMENT COSTS" means project costs approved by the District Board which have occurred prior to the execution of the project agreement.

(17) "PROGRAM" means the Florida Inland Navigation District Waterways Assistance Program.

(18) "PROGRAM FUNDS" means financial assistance awarded by the Board to a project for release to the project sponsor pursuant to the terms of the project agreement.

(19) "PROJECT" means a planned undertaking consisting of eligible program facilities, improvements or expenses for the use and benefit of the general public.

(20) "PROJECT AGREEMENT" means an executed contract between the District and a project sponsor setting forth mutual obligations regarding an approved project.

(21) "PROJECT MAINTENANCE" means any usual action, activity, expense, replacement, adjustment or repair taken to retain a project or grant item in a serviceable, operational or normal condition, or the routine efforts and expenses necessary to restore it to serviceable or normal condition, including the routine recurring work required to keep the project or grant item in such condition that it may be continuously used at its original or designed capacity and efficiency for its intended purpose.

(22) "PROJECT MANAGER" means the District employee who is responsible for monitoring the performance of the Project and compliance with the project agreement.

(23) "PROJECT PERIOD" means the approved time during which costs may be incurred and charged to the funded project.

(24) "PROJECT SPONSOR" means an eligible governmental agency receiving program funds pursuant to an approved application.

(25) "PUBLIC BUILDING" means a building or facility on government owned property that is owned or operated by a governmental entity, or operated by a third party operator. The building or facility must provide waterway related information, public meeting space, or educational services and be open to members of the public on a continual basis without discrimination.

(26) "PUBLIC MARINA" means a harbor complex used primarily for recreational boat mooring or storage, the services of which are open to the general public on a first come, first served basis without any qualifying requirements such as club membership, stock ownership, or differential in price.

(27) "PUBLICLY OWNED COMMERCIAL OR INDUSTRIAL WATERWAY ACCESS" means any publicly owned area specifically designed to be used for staging, launching, or off-loading by commercial or industrial waterway users on a first come, first served, short-term basis, to gain entry to or from the District's waterways to serve the infrastructure needs of the District's waterway users.

(28) "TRIM HEARING" means a public hearing required by Chapter 200, F.S., concerning the tax and budget of the District.

(29) "WATERWAYS" means the Atlantic Intracoastal Waterway, the Okeechobee Waterway, the Barge Canal in Brevard County west of the Port Canaveral Locks, those portions of the Dania Cut-Off Canal and the Hillsboro Canal east of the water control structures, all navigable natural rivers, bays, creeks or lagoons intersected by said waterways and all navigable natural creeks, rivers, bays or lagoons entering or extending from said waterways.

(30) "WATERWAY RELATED ENVIRONMENTAL EDUCATION" means an interdisciplinary holistic process by which the learner: develops an awareness of the natural and manmade environments of waterways; develops knowledge about how the environment of the waterways works; acquires knowledge about the technological, social, cultural, political, and economic relationships occurring in waterway related environmental issues; and, becomes motivated to apply action strategies to maintain

## Exhibit B

balance between quality of life and quality of the environment of waterways.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 2-6-97, Formerly 16T-2.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11.*

### **66B-2.004 Policy.**

The following constitutes the policy of the District regarding the administration of the program:

(1) **Financial Assistance Eligibility:** Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, maritime management plans, and boating safety projects directly related to the waterways.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, local and regional anchorage management, beach renourishment, public recreation, inlet management, environmental education, and boating safety projects directly related to the waterways.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management plan for that county. Navigation related districts may also be provided with assistance for waterway related access projects, environmental mitigation projects associated with waterway improvement related activities, and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(d) Eligible projects shall include the acquisition and development of public boat ramps and launching facilities, including those in man-made, navigable waterways contiguous to "waterways" as defined in Rule 66B-2.003, F.A.C.

(2) **Notification:** The District will notify by direct mail, email and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period.

(3) **Project Approval:** Approval of projects by the District shall be in accordance with these rules.

(4) **Project Accessibility:** Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(5) **Waterway Impacts:** All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in Section 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6) **Project Maintenance:** The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

(7) **Education Facilities and Programs:** Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is



## Exhibit B

the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8) **Public Information Availability:** Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9) **Third-Party Project Operators:** Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10) **Non-compliance:** The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11) **Fees:** Any public project eligible for District program funds that charges a fee or will charge a fee must create and maintain an enterprise fund for the public project that shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life. Accounting records of the previous five years of the public project's enterprise fund will be submitted as part of any subsequent assistance program application to the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15.*

### **66B-2.005 Funds Allocation.**

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (A) through (F) Waterways Assistance Program Application and Evaluation Worksheet (effective date 1/2014), hereby incorporated by reference and available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03568> and available from the District office or by download from the District's webpage at: [www.aicw.org](http://www.aicw.org).

(1) **Funding Assistance Availability:** In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) percent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, or in counties that are recovering from a state of emergency declared under Chapter 252, F.S.

(2) **Project Funding Ratio:** All financial assistance and support to eligible governmental agencies shall require, at a minimum, equal matching funds from the project sponsor, with the exception of public navigation projects that meet the provisions of subsection 66B-2.005(6), F.A.C., land acquisition projects in accordance with subsection 66B-2.005(7) and Rule 66B-2.008, F.A.C., small-scale spoil island restoration and enhancement projects that meet the provisions of Rule 66B-2.014, derelict vessel projects consistent with Rule 66B-2.0015, F.A.C., and Waterway Cleanup Projects approved under Rule 66B-2.0016, F.A.C. Applicant's in-house costs are limited pursuant to paragraph 66B-2.008(1)(c), F.A.C. All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project.

(3) **Pre-agreement Expenses:** The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur

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within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants and land acquisition projects when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All approved multi-year projects are limited to a maximum of two (2) additional funding requests.

(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty percent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management: Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to Section 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment: All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with Chapter 161, F.S.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more public accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels. Navigation projects or project elements that have one facility open to the public will qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: All land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

(8) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem

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tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in subsection 66B-2.005(1), F.A.C., from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13, 1-27-14.*

### **66B-2.006 Application Process.**

(1) Application Period: With the exception of eligible Disaster Relief Projects, eligible Small-Scale Spoil Island Restoration and Enhancement Projects eligible Small-Scale Derelict Vessel Applications and Waterway Cleanup Events, all applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and the Waterway Assistance Program Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) (effective date 1/2014) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, the Small-Scale Derelict Vessel program, and eligible Waterway Cleanup Events, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and the Waterway Assistance Program Project Application and Evaluation Worksheet No. 91-25 and 91-25 (A) through (F) and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date 4-15-07).

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Form No. 90-21, Resolution for Assistance Under the Florida Inland Navigation District Waterways Assistance Program (effective date 10-14-92), hereby incorporated by reference and available from the District office.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00), hereby incorporated by reference and available from the District office.

(5) Maps and Geographic Information: All applicants shall be required to submit, at minimum, the following geographic information: A County location map, a project location map, a project boundary map, and a clear and detailed site development map for land development projects.

(6) Application Review: Applicants shall obtain the local FIND Commissioner's initials on Form No. 90-26 prior to submitting the application to the District office. It is the applicant's responsibility to make timely arrangements for the local FIND Commissioner's review. In the absence of extenuating circumstances outside of the applicant's control as determined by the Board of Commissioners, an application shall not be considered complete if it does not include the local FIND commissioner's initials on Form No. 90-26. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 7-30-02), and for compliance with the eligibility requirements of this rule. When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding. In order to have a complete application, the applicant shall not only submit the forms required under Rule 66B-2.006, F.A.C., and any other information requirements identified in the Application Checklist (FIND Form Number 90-26), but such forms and other submitted information must be completely filled out, executed as applicable, and also establish compliance with Chapter 66B-2, F.A.C.

(7) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel as documented by the District's long range dredged material management

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plan, will directly benefit the maintenance or improvement of District property, right-of-way or navigation interests, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to Chapter 163, F.S., or Section 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements.

(8) **Application Presentations:** Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request.

(9) **Application Evaluation and Rating Score:** Following the presentations, the Board will review the applications and evaluate them using the Waterways Assistance Program Application and Evaluation Worksheets No. 91-25 (A) through (F) for Waterways Assistance Program applications. The total points awarded to each application by the Commissioners will be averaged to determine an application's final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application. Only Applicants that are eligible under Rule 66B-2.0061, F.A.C., "Disaster Relief Applications", shall complete FIND Form No. 91-25F Emergency Re-Construction (effective date 4-24-06, 1/2014).

(10) **Funding Determination:** The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project and the projects will be ranked by overall average score to facilitate final funding decisions by the Board. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, 7-30-02, 3-20-03, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 3-7-11, 1-27-14.*

### **66B-2.0061 Disaster Relief Applications.**

Disaster Relief applications may be submitted to the District and considered by the Board at any time during the year to provide assistance to an eligible applicant for the removal of navigation obstructions and repair or replacement of waterway facilities damaged by a declared natural disaster. The District shall consider these applications in accordance with these rules.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 6-24-93, Amended 2-6-97, Formerly 16T-2.0061, Amended 4-24-06.*

### **66B-2.008 Project Eligibility.**

(1) **Eligible Projects:** Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;

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10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
16. Environmental restoration, enhancement or mitigation projects; and
17. Other waterway related projects. Waterway projects that do not meet specific criteria in subsection 66B-2.005(5) or (6) or subparagraphs 66B-2.008(1)(a)1.-16., F.A.C., but are located on eligible waterways shall be considered for funding under the priority listing of "other waterway related project" and eligible for 25% funding.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;
4. Parking areas for non-waterway users;
5. Utilities for non-waterway related facilities;
6. Lighting for non-waterway related facilities;
7. Project maintenance and maintenance equipment;
8. Picnic shelters and furniture;
9. Vehicles to transport vessels; and
10. Operational items such as fuel, oil, etc.
11. Office space that is not incidental and necessary to the operation of the main eligible public building; and
12. Conceptual project planning, including: public surveys, opinion polls, public meetings, organizational conferences; and
13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project;
- d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting vessels are eligible for a maximum of \$60,000 in initial District funding. Marine law enforcement and other vessels are eligible for a maximum of \$30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental

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entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document. Property shall also be deemed dedicated for public use if:

(a) The property has been designated for the use for which the project is intended (even though there may have been no formal dedication) in a plat or map recorded prior to 1940, or

(b) The project sponsor demonstrates that it has had exclusive control over the property for the public use for which the project is intended for a period of at least 30 years prior to submission of the application, or

(c) There is no ongoing litigation challenging the designated use of the property as shown on the plat or map, nor has there been any judicial determination contrary to the use by the public for the use shown on the plat or map.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits, laws, proprietary authorizations and regulations in the development and operation of the project. Applicants for construction projects that include elements that require state or federal environmental permits or proprietary authorizations will demonstrate that all required environmental permitting and authorizations will be completed by the District's final TRIM hearing. This demonstration will be by submission of the required environmental permit(s) and authorizations, or by submission of a letter from the agency(s) stating that a permit or authorization is not required. Should the environmental permitting element of an application that has construction elements requiring state or federal environmental permits or authorizations not be completed by the District's final TRIM hearing, the construction portion of the project will not be considered for funding. Whereby funding decisions are completed at the final TRIM hearing, the District will not deviate from the funding schedule to accommodate any application deficiency.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten percent (10%) of their slips or mooring areas available for transient vessels. Public marina dockage rates shall be within market comparison of the dockage rates of other area marinas. The public marina will be required to establish and maintain an accounting of the funds for the facility and shall plan for and retain at all times sufficient funds for the on-going maintenance of the facility during its project life.

(5) The District may assist eligible local governments with efforts to prepare and implement a comprehensive maritime management plan. The plan shall be utilized by the eligible government to promote and maximize the public benefit and enjoyment of eligible waterways, while identifying and prioritizing the waterway access needs of the community. The plan should not duplicate any existing or ongoing efforts for the same waterway or water shed, nor shall the District participate in any effort that does not address the basic maritime needs of the community.

(a) Existing plans may be updated at reasonable intervals or amended to include waterway areas previously not included in the original effort. Public, government, environmental, industry and other pertinent interest groups shall be solicited and included for input in the planning process.

(b) The plan shall be utilized as a tool to provide a minimum 5-year planning analysis and forecast for the maritime needs of the community, and shall include, at minimum, the following:

1. Public boat ramp and ramp parking inventory and analysis.
2. Public mooring and docking facility analysis, including day docks and transient slips.
3. Commercial and working waterfront identification and needs analysis.
4. The identification, location, condition and analysis of existing and potential navigation channels.
5. An inventory and assessment of accessible public shorelines.
6. Public Waterway transportation needs.
7. Environmental conditions that affect boat facility siting, a current resource inventory survey, and restoration opportunities.
8. Economic conditions affecting the boating community and boating facilities.
9. Acknowledgment and coordination with existing data and information, including an emphasis on the Intracoastal Waterway.

(c) Projects requested for assistance program funding shall be consistent with the applicant's maritime management plan. The applicant should utilize the plan to assist in prioritizing waterway improvement projects.

(6) All eligible environmental restoration, enhancement or mitigation projects as well as the environmental restoration, enhancement or mitigation components of other types of projects shall be required to pursue and assign any available mitigation

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credits to the District for that share of the project funded through the District's Assistance Program. All eligible environmental restoration, enhancement or mitigation projects shall provide public access where possible.

(7) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15.*

### **66B-2.009 Project Administration.**

The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement. The project agreement shall be executed and returned by the project sponsor within six (6) months of the approval of the project funding and prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. Any request for a one-year extension of funding shall require submittal by the PROJECT SPONSOR of a request for extension to the DISTRICT no later than July of fiscal year two of the approved project. This request will then be considered by the DISTRICT Board, whose decision shall be final. In review of these requests, the Board will take into consideration the current status and progress of the project and the ability of the applicant to complete the project within one additional year.

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category, result in a reallocation of more than 35% of the approved funding of the project among project elements, nor allow for a greater than 35% change in the project scale or scope of work. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project. The report shall be submitted on Form 95-02, "Assistance Program Project Quarterly Status Report", dated 7-30-02, hereby incorporated by reference and available at the District office. A Final Project Report shall be submitted at the completion of the project and shall at minimum include: project summary, photo of completed project, final cost, project benefits to the waterway and location address.

(5) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with Rule 66B-2.011, F.A.C. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), hereby incorporated by reference and

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available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment which will include all retained funds from previous requests.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.009, Amended 3-21-01, 7-30-02, 3-7-11, 1-27-14.*

### **66B-2.011 Reimbursement.**

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 7-30-02) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of:

(a) The percentage total of project funding that the Board has agreed to fund, or

(b) The maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(6) Recovery of Additional Project Funding: If the project sponsor receives additional funding for the project costs from another source that was not identified in the original application and that changes the agreement cost-share percentage, the project sponsor shall proportionately reimburse the District's program funds equal to the cost-share percentage in the approved project agreement. The project sponsor shall promptly notify the District of any project payments it receives from a source other than the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99, 7-30-02, 3-7-11.*

### **66B-2.012 Accountability.**

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with subsection 66B-2.009(4), F.A.C.

(3) Completion Certification: All required final completion certification documents and materials as outlined in subsection 66B-2.009(8), F.A.C., of this rule shall be submitted to the District prior to final reimbursement of program funds.



## Exhibit B

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.012, Amended 7-30-02.*

### **66B-2.013 Acknowledgement.**

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.013, Amended 2-22-10.*

### **66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.**

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – A Request for Proposals procedure will be used to request proposals for consideration. Proposals shall follow the format described in FIND Document #03-02, Call for Proposals – Small-Scale Spoil Island Restoration and Enhancement Program (effective date 7-30-02), hereby incorporated by reference and available from the District office. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Matching Funds: Small-scale spoil island restoration and enhancement may qualify for up to ninety percent (90%) program funds. The applicant's ten percent (10%) matching funds may include in-kind contribution pursuant to paragraph 66B-2.014(4)(b), F.A.C.

(3) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding:

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District. The applicant shall include a map clearly delineating the location of all proposed work included in the application.

(4) Funds Allocation: Funds shall be allocated pursuant to Rule 66B-2.005, F.A.C., subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(5) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver Form No. 02-01 (New 7-30-02) as approved by the District and hereby incorporated by reference and available from the District office.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 7-30-02, Amended 4-24-06, 3-7-11.*

## Exhibit B

### **66B-2.015 Small-Scale Derelict Vessel Removal Projects.**

Proposals shall be accepted for financial assistance for the removal of derelict vessels within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure – Applications shall be submitted on a completed FIND Form No. 05-01 (Small-Scale Derelict Vessel Removal Program) (effective date 4-24-06), and FIND Form No. 01-06 (Small-Scale Derelict Vessel Removal Program – Project Cost Estimate), (effective date 4-24-06), hereby incorporated by reference and available from the District office. Applications may be submitted to the District and considered by the Board at any time during the year.

(2) The District shall only fund applicants that have identified derelict vessels to be removed and have a current bid for removal for such vessels, or have completed the removal of such vessels within the 6 months preceding the application, subject to eligibility under these program rules.

(3) The program must be sponsored by an eligible government agency or not-for-profit organization.

(4) District funding shall be limited to \$30,000.00 per county, per year, provided on a reimbursement basis only. The limitation on pre-agreement expenses may be waived by the Board in accordance with subsection 66B-2.005(3), F.A.C.

(5) The eligible applicant must provide the remaining matching funds for project completion. In no case shall the District's cost-share contribution exceed 75% of the total project costs. In-house project management or administration costs are not eligible costs or matching costs.

(6) The derelict vessel must be located in the District's Waterways, as defined in Rule 66B-2.003, F.A.C. The applicant shall include a map clearly delineating the location of all vessels included in the application.

(7) The District shall be recognized when possible in all written, audio or video advertising and promotions as a participating sponsor of the program.

(8) The funding provided by the District shall only be allocated for removal of derelict vessels. The District is providing program reimbursement funds only and shall be held harmless with regards to the activities initiated by the applicant.

(9) The applicant shall be responsible for all maintenance, management, disposal and operating expenses associated with the program.

(10) Funds derived from the sale of any derelict vessels or vessel parts removed through this grant program must be reinvested into the applicant's derelict vessel removal program.

(11) The District Board shall make all final decisions concerning the provision of funding for this program.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 4-24-06, Amended 4-15-07, 3-25-08, 3-7-11, 1-27-14.*

### **66B-2.016 Waterways Cleanup Events.**

Proposals shall be accepted for financial assistance for the organized removal of refuse within the District's waterways. The applicable provisions of this rule apply to these applications with the following additions or exceptions:

(1) Application Procedure: Prior to the event, a request for funding shall be submitted to the District by means of a cover letter detailing the occurrence of the cleanup, contact information, a map of the cleanup locations and the general parameters of the event. In addition, the Applicant will submit a detailed budget clearly delineating the expenditure of all District funds, as well as the overall general budget of the event. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Availability: The District shall fund a maximum of one clean-up program per waterway, per year within a county, with exception to the provisions of subsections (8) through (10), below.

(3) Applicant Eligibility: The clean-up program must be sponsored by a government agency or a registered not-for-profit corporation.

(4) Funding: District funding shall be limited to \$5,000 per waterway, per county, except for the provisions of subsections (8) through (10), below.

(5) The District shall be recognized in all written, on-line, audio or video advertising and promotions as a participating sponsor of the clean-up program.

(6) Funding Eligibility: The funding provided by the District shall only be allocated to reimburse the applicant for out of pocket expenditures related to specific cleanup program expenses such as trash bags, trash collection, haul and landfill fees, gloves, advertising, T-shirts, and related expenses. The funding provided by the District shall not be allocated for parties, meetings, food or beverages.

(7) The District Board shall make all final decisions concerning the provision of funding for a clean-up program.

## Exhibit B

In addition to the requirements stated above, a cleanup program implementing all of the following additional incentives will qualify for up to additional \$5,000 in clean up funds.

(8) The clean-up program budget must provide equal or greater matching funds for all Navigation District funding.

(9) The applicant shall tally and report the composition and location of the waterway-related debris, with the goal to show definitive progress in the amount of refuse collected, a reduction in the overall debris in the waterway, or an increase in the number of additional waterway areas included in the clean up.

(10) For each additional \$1,000 in Navigation District funding, the applicant shall coordinate a minimum of one waterway collection point or clean up area, or an applicant can conduct an additional waterway cleanup program for the waterway areas.

*Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 3-7-11.*

**EXHIBIT C**

**FLORIDA INLAND NAVIGATION DISTRICT**

**ASSISTANCE PROGRAM**

**Matching Funds Certification**

Sponsor: \_\_\_\_\_

Project Title: \_\_\_\_\_ Project #: \_\_\_\_\_

I hereby certify that the above referenced project Sponsor, as of October 01, 2015, has the required matching funds for the accomplishment of the referenced project in accordance with the Waterways Assistance Program Project Agreement between the Florida Inland Navigation District and the Sponsor, dated \_\_\_\_\_.\*

Project Liaison Name: \_\_\_\_\_

Project Liaison Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

**EXHIBIT D**

**FLORIDA INLAND NAVIGATION DISTRICT  
ASSISTANCE PROGRAM  
PAYMENT REIMBURSEMENT REQUEST FORM**

PROJECT NAME: \_\_\_\_\_ PROJECT #: \_\_\_\_\_

PROJECT SPONSOR: \_\_\_\_\_ BILLING #: \_\_\_\_\_

|                                    |   |       |
|------------------------------------|---|-------|
| Amount of Assistance               |   | _____ |
| All Funds Previously Requested     | ✂ | _____ |
| Balance Available                  | = | _____ |
| <br>                               |   |       |
| Funds Requested                    |   | _____ |
| Less Retainage (-10% unless final) | ✂ | _____ |
| Check Amount                       | = | _____ |
| <br>                               |   |       |
| Balance Available                  |   | _____ |
| Less Check Amount                  | ✂ | _____ |
| Balance Remaining                  | = | _____ |

**SCHEDULE OF EXPENDITURES**

| Expense Description<br>(Should correspond to<br>Cost Estimate Sheet<br>Categories in Exhibit "A") | Vendor Name and Date | Check No.<br>and Date | Total<br>Cost | Applicant<br>Cost | FIND<br>Cost |
|---------------------------------------------------------------------------------------------------|----------------------|-----------------------|---------------|-------------------|--------------|
|---------------------------------------------------------------------------------------------------|----------------------|-----------------------|---------------|-------------------|--------------|

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**EXHIBIT D (CONTINUED)**

**SCHEDULE OF EXPENDITURES**

| <b>Expense Description<br/>(Should correspond to<br/>Cost Estimate Sheet<br/>Categories in Exhibit "A")</b> | <b>Vendor Name</b> | <b>Check No.<br/>and Date</b> | <b>Total<br/>Cost</b> | <b>Applicant<br/>Cost</b> | <b>FIND<br/>Cost</b> |
|-------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------|-----------------------|---------------------------|----------------------|
|-------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------|-----------------------|---------------------------|----------------------|

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\_\_\_\_\_  
Certification for Reimbursement: I certify that the above expenses were necessary and reasonable for the accomplishment of the approved project and that these expenses are in accordance with Exhibit "A" of the Project Agreement. \*

\_\_\_\_\_  
Project Liaison

\_\_\_\_\_  
Date

\*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

**EXHIBIT E**

**FLORIDA INLAND NAVIGATION DISTRICT**

**ASSISTANCE PROGRAM**

**Project Completion Certification**

[http://www.aicw.org/closeout\\_wap.jsp](http://www.aicw.org/closeout_wap.jsp)

Sponsor: \_\_\_\_\_

Project Title: \_\_\_\_\_ Project #: \_\_\_\_\_

I hereby certify that the above referenced project was completed in accordance with the Assistance Program Project Agreement between the Florida Inland Navigation District and \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_, and that all funds were expended in accordance with Exhibit "A" and Paragraph 1 of the Project Agreement. \*

Project Liaison Name: \_\_\_\_\_

Project Liaison Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*S. 837.06 Florida Statutes, False official statements. - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 F.S.

**EXHIBIT F**

**ASSISTANCE PROGRAM PROJECT  
QUARTERLY STATUS REPORT**

[http://www.aicw.org/wapapp\\_pdf.jhtml?method=view&wapapp\\_pdf.id=1](http://www.aicw.org/wapapp_pdf.jhtml?method=view&wapapp_pdf.id=1)

**PROJECT NO.** \_\_\_\_\_

**PROJECT TITLE:** \_\_\_\_\_

**PROJECT SPONSOR:** \_\_\_\_\_

**REPORT PERIOD**

Oct 1-DEC 15\_\_\_\_; Dec 15-Mar 1\_\_\_\_; Mar 1-June 15\_\_\_\_; June 15-Sep 1\_\_\_\_  
**Report Due:**       **(Dec 30)**               **(March 15)**               **(June 30)**               **(Sep 15)**

**WORK ACCOMPLISHED:**

**PROBLEMS ENCOUNTERED:**

**PERCENTAGE COMPLETION:**

**OTHER NOTABLE ITEMS:**



## EXHIBIT G

### ASSISTANCE PROJECT SCHEDULE

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**OCTOBER 2015 -** Project Agreement Executed, Project Initiates.

**DECEMBER 30, 2015 -** First Quarterly Report Due.

[http://www.aicw.org/wapapp\\_pdf.jhtml?method=view&wapapp\\_pdf.id=1](http://www.aicw.org/wapapp_pdf.jhtml?method=view&wapapp_pdf.id=1)

**MARCH 15, 2016 -** Second Quarterly Report Due.

**JUNE 30, 2016 -** Third Quarterly Report Due.

**SEPTEMBER 15, 2016 -** Fourth Quarterly Report Due.

**DECEMBER 30, 20156 -** Fifth Quarterly Report Due.

**MARCH 15, 2017 -** Sixth Quarterly Report Due.

**JUNE 30, 2017 -** Seventh Quarterly Report Due.

***NOTE: If the project will not be completed and all close out paperwork submitted by September 1<sup>st</sup>, a request for a 1-year extension of the completion date of the project should be submitted with the June 2017 quarterly report.***

**SEPTEMBER 01, 2017 -** Closeout paperwork due. [http://aicw.org/closeout\\_wap.jsp](http://aicw.org/closeout_wap.jsp)

Closeout paperwork consists of :

- Project Completion Certificate, FIND Form No. 90-13 (effective date 7-30-02), which certifies that the project was completed in accordance with the project agreement and the final project plans.
- A final reimbursement request accompanied by all required supporting documentation including bills and canceled payment vouchers for expenditures.
- Photograph(s) showing the installation of the sign required by Rule 66B-2.013, F.A.C.
- Photograph(s) of the completed project clearly showing the program improvements. (jpg or tif format)
- A Final Project Report (1-2 pages) that shall at minimum include: project name and address, project summary, final cost, and project benefits to the waterway.

**SEPTEMBER 30, 2017 -** District finishes processing closeout paperwork, performs project inspection and submits final reimbursement check with check presentation to sponsor.

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***NOTE: ANY MODIFICATIONS to the PROJECT shall require advance notice and prior written approval of the District. The appropriate timing for modifications to the project cost estimate, Exhibit A, would be after receipt of bids.***

**\*NON-COMPLIANCE by the PROJECT SPONSOR with the reporting schedule in Exhibit G may result in revocation of this agreement pursuant to Paragraph 13 of the project agreement.**

## EXHIBIT H

[http://www.aicw.org/bids.jhtml?method=listByCat\\_id&bids.cat\\_id=4](http://www.aicw.org/bids.jhtml?method=listByCat_id&bids.cat_id=4)





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: Yes

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**SUBJECT:** Legislative Services Agreement with Pittman Law Group

**DEPARTMENT:** City Manager

**GOAL:** 1 - Infrastructure Preservation

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Move to approve the 2016 contract and Addendum No. 1 with Pittman Law Group for legislative services.

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**SUMMARY:** The Pittman Law Group has submitted the attached proposed agreement for renewal of their services to lobby the legislature on behalf of the City for the 2016 legislative session. Issues for which they might lobby include grant funding for flood control projects, land aquisition for preservation, water quality projects, transportation infrastructure and parks and recreation (among others). In addition, Pittman Law Group would work on any other issues the Council has identified in their legislative priorities for the coming year.

In 2015, the Pittman Law Group helped to secure \$750,000 in funding for the White Acres project.

The 2016 contract is valued at \$36,000, which is the same amount the City paid for these services in 2015. Addendum No. 1 includes standard contract clauses for professional services.

Project No.:      Funding Account No.: 001-1000-519.31-13

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**ATTACHMENTS:**

|    |                                    |                                                  |
|----|------------------------------------|--------------------------------------------------|
| 1. | 2016 Legislative Services Contract | 2016 Pittman Law Group Contract.pdf              |
| 2. | Contract and Addendum No. 1        | Pittman Law Group Contract and Addendum No 1.pdf |

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Rosen, Alan  
Riehm, Tracey  
Roberts, Margaret  
Johansson, M. Jake

Created/Initiated - 09/25/2015  
Approved - 09/29/2015  
Approved - 11/04/2015  
Final Approval - 11/04/2015

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PITTMAN LAW GROUP, P.L.  
ATTORNEYS AT LAW

September 24, 2015

Jake Johansson, City Manager  
City of Port Orange  
City Hall Building  
1000 City Center Circle  
Port Orange, Florida 32129

Dear Mr. Manager:

It was a pleasure meeting you and discussing your vision for the City of Port Orange. I have every confidence that the City of Port Orange will continue to thrive under your leadership. Our firm, Pittman Law Group, P.L. (PLG) takes pride in representing your great city. As such, we will always work aggressively and diligently to pursue all of the goals and priorities set by you, your Council, and your communities. We look forward to working on your behalf.

As Senior Partner, I will serve as the attorney with primary responsibility for this matter. As your Capital City presence, it is our responsibility to perform all traditional Legal and Governmental Relations activities in the Legislative and Executive Branch. This includes working with staff in the Legislature and the Governor's Office, and/or any agencies of the Executive Branch; it requires us to keep the City informed on any developments and /or decisions that may have impact. It is our goal to help the City set priorities and to work to accomplish them. As such, we will remain available to the Mayor, the Manager, and the Council, as reasonably requested.

In exchange for this representation, you agree to compensate our firm with an annual retainer of \$36,000. This retainer will be paid over a twelve-month period, in monthly installments totaling \$3,000.00.

REPLY TO:

- ☐ Wilhelmina Square - 1028 East Park Avenue • Tallahassee, Florida 32301 • 850.216.1002 ph • 850.224.7477 fax
- ☐ 2655 North Ocean Drive, Suite 130 • Riviera Beach, Florida 33404 • 561.845.7453 ph • 850.224.7477 fax
- ☐ 1501 Biscayne Boulevard, Suite 107 • Miami, Florida 33132 • 305.631.2115 ph • 850.224.7477 fax

We agree to be responsible for all expenses, prohibiting the occurrence of an extraordinary event, which would then require the City's prior approval. It is understood that this contract is cancelable with thirty days (30) notice; however, it cannot be cancelled during any year where a Legislative Session has been concluded, as the fee is then considered fully earned. This must be the case as Florida Law prohibits contingency fee arrangements.

I want to again thank you for the confidence you have shown in us by retaining our services for another year. I look forward to many successes on your behalf. Please know that we will maintain every confidence you have placed in our team. In closing, if this letter meets our mutual understanding, please return an executed copy at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Pittman", with a stylized flourish at the end.

SEAN PITTMAN

SP

SIGNED:

\_\_\_\_\_  
Jake Johansson, City Manager  
*Contract term: January 1, 2016 -  
December 31, 2016*



PITTMAN LAW GROUP, P.L.  
ATTORNEYS AT LAW

September 24, 2015

Jake Johansson, City Manager  
City of Port Orange  
City Hall Building  
1000 City Center Circle  
Port Orange, Florida 32129

Dear Mr. Manager:

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As Senior Partner, I will serve as the attorney with primary responsibility for this matter. As your Capital City presence, it is our responsibility to perform all traditional Legal and Governmental Relations activities in the Legislative and Executive Branch. This includes working with staff in the Legislature and the Governor's Office, and/or any agencies of the Executive Branch; it requires us to keep the City informed on any developments and /or decisions that may have impact. It is our goal to help the City set priorities and to work to accomplish them. As such, we will remain available to the Mayor, the Manager, and the Council, as reasonably requested.

In exchange for this representation, you agree to compensate our firm with an annual retainer of \$36,000. This retainer will be paid over a twelve-month period, in monthly installments totaling \$3,000.00.

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- ☐ Wilhelmina Square - 1028 East Park Avenue • Tallahassee, Florida 32301 • 850.216.1002 ph • 850.224.7477 fax
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- ☐ 1501 Biscayne Boulevard, Suite 107 • Miami, Florida 33132 • 305.631.2115 ph • 850.224.7477 fax



We agree to be responsible for all expenses, prohibiting the occurrence of an extraordinary event, which would then require the City's prior approval. It is understood that this contract is cancelable with thirty days (30) notice; however, it cannot be cancelled during any year where a Legislative Session has been concluded, as the fee is then considered fully earned. This must be the case as Florida Law prohibits contingency fee arrangements.

I want to again thank you for the confidence you have shown in us by retaining our services for another year. I look forward to many successes on your behalf. Please know that we will maintain every confidence you have placed in our team. In closing, if this letter meets our mutual understanding, please return an executed copy at your earliest convenience.

Sincerely,



SEAN PITTMAN

SP

SIGNED:

See Addendum No. 1

City Manager

*Contract term: January 1, 2016 -  
December 31, 2016*

**ADDENDUM NO. 1**  
**to Pittman Law Group, P.L. Contract dated November 10, 2015**

This Addendum No. 1 is entered into on the day and year set forth hereinafter by and between the **CITY OF PORT ORANGE**, a Florida municipal corporation whose principal address is 1000 City Center Circle, Port Orange, Florida 32129 (the "City") and **PITTMAN LAW GROUP, P.L.**, a Florida limited liability corporation, whose principal address is 1028 East Park Avenue, Tallahassee, Florida 32301 (collectively "the Parties"). The Parties have agreed as follows:

1. This Addendum No. 1 supplements the terms provided in the letter dated September 24, 2015 from Pittman Law Group, P.L. to the City of Port Orange, Florida.

2. Contract Administration. The Assistant City Manager, Alan Rosen, shall perform contract administration of this Contract. For notice provisions, see the paragraph below entitled "Notice."

3. Insurance. Consultant shall maintain insurance during the life of this Contract. Consultant shall provide to the City a certificate of insurance identifying the City of Port Orange as an additional insured. For workers' compensation coverage, the bidder's insurance certificate shall include the insurer's waiver of subrogation in lieu of naming the city as an additional insured for workers' compensation.

Policies other than Workers' Compensation shall be issued by insurers licensed and/or duly authorized under Florida Law to do business in the State of Florida and all insuring companies are required to have a minimum rating of "A" in the "Best Key Rating Guide" published by A.M. Best & Company, Inc. Policies for Workers' Compensation may be issued by companies authorized as a group self-insurer by F.S. 440.572. Consultant shall not commence work under this Agreement until the City has received a certificate or certificates of insurance and endorsement evidencing the required insurance. Consultant shall provide the City written notice of cancellation, nonrenewal or any other changes in coverage no later than ten (10) days prior to the effective date of the change.

The City reserves the right to increase insurance coverage as determined for higher risk contracts and shall reimburse the Consultant for the reasonable additional costs of increased coverage.

| Insurance                                                                                                    | Standards                                                                                                 | Comments                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Workers' Compensation<br><u>Limits:</u><br><br><u>Additional Coverage:</u>                                   | Coverage A - Statutory<br>Coverage B - \$100,000<br><br>All States (Broad Form)<br>Voluntary Compensation | If the contract requires work on or about navigable waters, require Longshoreman's and Harbor Workers' Coverage. If vessels involved, require Jones Act coverage with limits of \$500,000.                                                                |
| Comprehensive General Liability (including Completed Operations and Contractual Liability)<br><u>Limits:</u> | Combined Single Limit Bodily Injury and Property damage<br>\$500,000 occurrence<br>\$1,000,000 Aggregate  | When the Contract work on or under Railroad rights of way or properties, the Consultant shall take out and maintain during the life of the Contract, Railroad protective liability and property damage insurance in amounts as requested by the Railroad. |

|                                                                          |                |                                                                                                                                               |                                                                                                                                                                      |
|--------------------------------------------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Comprehensive Business, Automobile Liability to include all automobiles. | <u>Limits:</u> | Auto Liability Body Injury:<br>\$100,000 each person<br>\$300,000 each occurrence.<br>Property Damage Liability<br>\$100,000 each occurrence. | Or \$500,000 Combined Single Limit for Bodily Injury and Property Damage                                                                                             |
| <u>Additional Coverage:</u>                                              |                | Non-Owned, Hired Car                                                                                                                          |                                                                                                                                                                      |
| Property Insurance — Builders Risk.                                      | <u>Limits:</u> | Buildings — Completed value of contract.                                                                                                      | If the Contract requires handling or installation of Owner's equipment, coverage should be furnished on "All Risk" form, including transit and Owner shall be named. |
| <u>Additional Coverage:</u>                                              |                | "All Risk" coverage on latest ISO form or its equivalent.<br>Permission granted to occupy.<br>Owner named as insured AIMA                     |                                                                                                                                                                      |
| Professional Liability (Errors & Omissions)                              | <u>Limits:</u> | Coverage- \$1,000,000 minimum                                                                                                                 |                                                                                                                                                                      |

4. Examination of Records

(a) The Contractor agrees that the City, or any duly authorized representative, shall, until the expiration of five (5) years after final payment hereunder, have access to and the right to examine and copy any pertinent books, documents, papers and records of the Contractor involving transactions related to this Contract.

(b) The Contractor further agrees to include in any subcontract for more than \$10,000 entered into as a result of this Contract, a provision to the effect that the subcontractor agrees that the City or any duly authorized representative shall, until the expiration of five (5) years after final payment under the subcontract, have access to and the right to examine and copy any pertinent books, documents, papers and records of such contractor involved in transactions related to such subcontract, or this Contract. The term subcontract as used herein shall exclude purchase orders for public utility services at rates established for uniform applicability to the general public.

(c) The period of access provided in subparagraphs (a) and (b) above for records, books, documents and papers which may relate to any arbitration, litigation, or the settlement of claims arising out of the performance of this contract or any subcontract shall continue until any appeals, arbitration, litigation or claims shall have been finally disposed of.

5. 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.

- d. Meet all requirements for retaining public records and transfer to the City, at no cost, all public records in possession of the Contractor upon termination of the Contract 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.

6. Non-discrimination. During the performance of this Contract, Contractor agrees as follows:

(a) Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, disability, marital status, age or national origin, except where such is a bona-fide occupational qualification reasonably necessary to the normal operation of Contractor. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause. Contractor agrees and fully supports and complies with the Americans with Disabilities Act of 1990.

(b) Contractor shall state in all solicitations or advertisements for employees placed by or on behalf of Contractor that Contractor is an equal opportunity employer.

(c) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient compliance with this provision. Contractor shall include the provisions of the foregoing subparagraphs (a), (b), and (c) in every subcontract or purchase order of over \$10,000 so that the provisions will be binding upon each subcontractor or vendor.

7. Disputes. The Finance Director, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to Contractor, shall decide disputes with respect to this Contract in the first instance. The decision shall be final and binding unless, within thirty-(30) days from the date of such decision, Contractor mails or otherwise furnishes to the Finance Director a written appeal addressed to the City Manager. The decision by the City Manager shall be final and binding unless, within ten (10) days from the date of receipt of the decision of the City Manager, appeal is made to the City Council. The decision of the City Council shall be final and binding unless set aside by a court of competent jurisdiction as fraudulent, capricious, arbitrary, or so grossly erroneous as necessary to imply bad faith, or not to be supported by any evidence. Pending a final determination of a properly appealed decision of the Finance Director, Contractor shall proceed diligently with the performance of this Contract in accordance with that decision.

8. Force Majeure. Neither party shall be liable for any delay in performance or failure to perform any obligation hereunder if, and to the extent that, such failure or delay is caused by an event of Force Majeure. Force Majeure shall mean any act, event or condition that is beyond the party's reasonable control, that materially and adversely affects the party's ability to perform its obligations hereunder, and that is not the result of the party's willful neglect, error, omission or failure to exercise reasonable due diligence.

9. Controlling Law. **THIS CONTRACT CONTAINS IMPORTANT MATTERS AFFECTING LEGAL RIGHTS AND IS ACCEPTED AND ENTERED INTO IN FLORIDA AND ANY QUESTION REGARDING ITS VALIDITY, CONSTRUCTION, ENFORCEMENT, OR PERFORMANCE SHALL BE GOVERNED BY FLORIDA LAW. ANY LEGAL PROCEEDING ARISING FROM OR IN ANY WAY REGARDING THE AGREEMENT SHALL HAVE ITS VENUE LOCATED EXCLUSIVELY IN THE CIRCUIT COURT OF**

**VOLUSIA COUNTY, FLORIDA, AND THE PARTIES HEREBY EXPRESSLY CONSENT AND SUBMIT THEMSELVES TO THE PERSONAL JURISDICTION AND VENUE OF THE COURT.**

10. Notice. For purposes of this agreement, notices shall be sent as follows:

City: City of Port Orange  
Attention: City Manager  
1000 City Center Circle  
Port Orange, Florida 32129  
(386) 506-5501

Copy to: City of Port Orange  
Attention: Alan Rosen, Assistant City Manager  
1000 City Center Circle  
Port Orange, Florida 32129  
(386) 506-5501

Contractor: Pittman Law Group, P.L.  
Attention: Sean Pittman, CEO  
1028 East Park Avenue  
Tallahassee, Florida 32301  
(850) 216-1002 – Telephone  
(850) 224-7477 – Facsimile

Any notice or other communication given under the Contract will be in writing and delivered by hand, sent by facsimile (provided acknowledgement of receipt thereof is delivered to the sender), sent by certified, registered mail, or sent by any nationally recognized overnight courier service to the addresses provided herein. The parties may, from time to time and at any time, change their respective addresses and each will have the right to specify as its address any other address by at least 10 days written notice to the other party.

11. Contract Construction. 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 or e-mail of an executed copy of this Agreement shall be deemed valid as if an original signature was delivered. No contract shall be formed between Contractor and the City until the City signs this Agreement

12. Authority to Sign. Each person signing this Agreement warrants that he or she is duly authorized to do so and to bind the respective party to the Agreement.

***[remainder of page intentionally left blank]***

Witnesses:

PITTMAN LAW GROUP, P.L.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Sean Pittman, CEO

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Sean Pittman, as CEO of Pittman Law Group, P.L., a Florida limited liability corporation, and who:

*[Notary: Please select one]*

- ☐ is personally known to me; or  
☐ has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida  
*Printed, typed or stamped name, commission  
and expiration:*

Witnesses:

CITY OF PORT ORANGE

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Allen Green, Mayor

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Allen Green, as 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  
*Printed, typed or stamped name, commission  
and expiration:*

Witnesses:

Attest:

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

By: \_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Robin L. Fenwick, as 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  
*Printed, typed or stamped name, commission and expiration:*





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: Yes

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**SUBJECT:** Change Order No. 2 to the A.G. Pifer Construction Co., Inc. Contract for Riverwalk Park Phase 1A

**DEPARTMENT:** Community Development

**GOAL:** 3 - Economic Development

**OBJECTIVE:** 1 - Continue the implementation of Riverwalk

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**RECOMMENDED MOTION:** Move to approve Change Order No. 2 to A.G. Pifer Construction Co. Inc. in the amount of \$29,194.00 for Phase 1A of Riverwalk Park.

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**SUMMARY:** Attached is Change Order No. 2 in the amount of \$29,194.00 to provide items that weren't originally anticipated in the bid for the first phase of Riverwalk Park. Item 1 is the change in fence color from white to tan as requested by City Council. Item 2 is the repair of 52 pilings on the existing fishing pier. As a cost saving practice it was initially proposed to utilize the existing pilings, however under water inspection by the City's Site Inspector identified 27 of the 62 pilings have been compromised by marine borers and natural deterioration beneath the water level. This has been confirmed by the design consultant Dredging & Marine Consultants, LLC (DMC). The 27 deteriorated pilings are all within the submerged portion of the fishing pier and illustrated on "Exhibit A". Of the 62 pilings, 10 are upland and the remaining 52 are submerged. Several repair recommendations were analyzed and priced, including replacement of the 27 deteriorated pilings, complete replacement of the 52 submerged pilings and jacketing and grouting the 52 submerged pilings. For consistency and to avoid costly repairs later, the consensus of the Engineer of Record, Community Development Engineer, Parks and Recreation Director, Project Manager and Contractor is to replace all 52 submerged pilings as opposed to only replacing the 27 deteriorated ones. Item 3 is a 42 day time extension to provide time for the piling replacement.

This change order (\$29,194.00) represents 2.8% of the original construction cost.

Project No.: AIO004 Funding Account No.: 320-1000-519.63-97

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**ATTACHMENTS:**

|    |                    |                                                                               |
|----|--------------------|-------------------------------------------------------------------------------|
| 1. | Change Order No. 2 | A.G. Pifer Construction, Inc. Change Order No. 2 to Contract Dated 050515.pdf |
|----|--------------------|-------------------------------------------------------------------------------|



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|                    |                             |
|--------------------|-----------------------------|
| Clark, Wayne       | Approved - 10/30/2015       |
| Riehm, Tracey      | Approved - 10/31/2015       |
| Roberts, Margaret  | Approved - 11/04/2015       |
| Johansson, M. Jake | Final Approval - 11/04/2015 |

---

**CHANGE ORDER NO. 2**  
**To Construction Contract dated May 5, 2015**  
**A.G. PIFER CONSTRUCTION, INC., Contractor**

**Project:** Riverwalk Park Phase 1A, Bid # 15-17, Project No. AIO004

The following changes are hereby made to the Contract Documents:

| <b>CHANGE IN CONTRACT PRICE:</b>                                         | <b>CHANGE IN CONTRACT TIMES:</b>                                                                      |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Original Contract Price:<br><br>\$947,387.20                             | Original Contract Times<br>Substantial Completion: 150 days<br>Final Completion 180 days              |
| Net changes from previous Change Order:<br><br>No. 1:<br><br>\$79,932.00 | Changes in contract time from previous Change Orders:<br><br>No. 1:<br><br>0 days                     |
| Contract Price prior to this Change Order:<br><br>\$1,027,319.20         | Contract Completion Date prior to this Change Order:<br><br>Final Completion: December 12, 2015       |
| Net Increase (decrease) of this Change Order No. 2:<br><br>\$29,194.00   | Changes in contract time requested this Change Order No. 2: (Requires Council Approval)<br><br>42days |
| Contract Price with all approved Change Orders:<br><br>\$1,056,513.20    | Contract Times with all approved Change Orders:<br><br>Final Completion: January 23, 2016             |

**CHANGES ORDERED:**

- I. **GENERAL:** This Change Order is necessary to cover changes in the work to be performed under the Construction Contract entered into by and between the parties on May 5, 2015.

II. **REQUIRED CHANGES:**

1. Change in fence color from white to tan as requested by City Council
2. Replacement of 52 pilings on the existing fishing pier
3. Time extension of 42 days for the piling replacement

No goods shall be delivered nor services commenced hereunder until this Change Order has been fully executed by all parties.

III. **JUSTIFICATION:**

To provide items that weren't originally anticipated in the bid for the first phase of Riverwalk Park. Item 1 is the change in fence color from white to tan as requested by City Council. Item 2 is the replacement of 52 pilings on the existing fishing pier. As a cost saving practice it was initially proposed to utilize the existing pilings, however under water inspection by the City's Site Inspector identified 27 of the 62 pilings have been compromised by marine borers and natural deterioration beneath the water level. For consistency and to avoid costly repairs later, the consensus of the technical experts and staff is to replace all 52 submerged pilings as opposed to only replacing the 27 deteriorated ones.

IV. **PAYMENT:**

See Breakdown, RFI #3 and Change Order Form dated 10/29/2015 attached

Payment for this Change Order shall be made in accordance with the terms of the Construction Contract subject to a limit up to but not to exceed \$29,194.00. All payments shall be governed by the Local Government Prompt Payment Act as set forth in Florida Statutes Section 218.70 through 218.79, as amended.

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**Acknowledgments:**

The aforementioned change, and work affected thereby, is subject to all provisions of the original contract not specifically changed by this Change Order;

It is expressly understood and agreed that the approval of the Change Order shall have no effect on the original contract other than matters expressly provided herein;

The prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under competitive bidding; and,

The change in price and/or delivery date described is considered to be fair and reasonable and has been mutually agreed upon in full agreement and final settlement of all claims arising out of this modification including all claims for delays and disruptions resulting from, caused by, or incident to such modifications and change orders.

**RECOMMENDED BY:**  
**COMMUNITY DEVELOPMENT**  
Department Project Manager

**ACCEPTED BY:**  
**A.G. PIFER CONSTRUCTION CO. INC.**  
Contractor

By: \_\_\_\_\_  
Printed Name: Margaret Momberger  
Title: Construction & Engineering Manager

By: \_\_\_\_\_  
Printed Name: A. Gregg Pifer  
Title: President

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**RECOMMENDED BY:**  
**N/A**  
City's Representative

**RECOMMENDED BY:**  
Dredging & Marine Consultants, L.L.C.  
Engineer of Record

By: n/a \_\_\_\_\_  
Printed Name: n/a \_\_\_\_\_  
Title: n/a \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: Niles Cyzycki  
Title: Project Manager

Date Signed: n/a \_\_\_\_\_

Date Signed: \_\_\_\_\_

APPROVED BY:  
CITY OF PORT ORANGE  
Department Head

By: \_\_\_\_\_  
Printed Name: Wayne Clark  
Title: Community Development Director

Date Signed: \_\_\_\_\_

City Manager

By: \_\_\_\_\_  
Printed Name: Michael H. Johansson  
Title: City Manager

Date Signed: \_\_\_\_\_

If Council approval is required:

Affirmed:

By: \_\_\_\_\_  
Printed Name: Allen Green  
Title: Mayor

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Change Order No. 2 Breakdown

| ITEM  | DESCRIPTION                 | UNIT                                                   | QTY | UNIT COST | TOTAL        |
|-------|-----------------------------|--------------------------------------------------------|-----|-----------|--------------|
| 1.    | Fence color change (RFI #3) | LF                                                     | 450 | \$ 3.00   | \$ 1,350.00  |
| 2.    | Piling replacement          | see breakdown on Change Order<br>Form dated 10/29/2015 |     |           | \$ 27,844.00 |
| TOTAL |                             |                                                        |     |           | \$ 29,194.00 |

## Request for Information

CAP716RFI

Date Issued: AUG 6,2015

Reply Requested by: AUG 7,2015

To:

City of Port Orange  
1000 City Center Circle  
Port Orange, FL 32119

Request for Information #:

3

Project Numbers:

72-15

Copies To:

From:

A.G. Pifer Construction Co, Inc.  
3629 Old Deland Road  
Daytona Beach, FL 32124

Project:

72-15

Riverwalk Park Phase 1A  
3431 Ridgewood Avenue  
Port Orange, FL 32129

List documents researched when seeking the information requested.

| SPECIFICATIONS: | DRAWINGS: | OTHER: |
|-----------------|-----------|--------|
|                 |           |        |
|                 |           |        |
|                 |           |        |
|                 |           |        |
|                 |           |        |

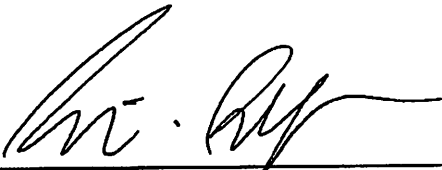
Describe the question or type of information requested.

The Owner (Margaret Momberger) requested the use of tan instead of white for the fence specified.

Recommendation for possible solutions (if applicable) by Sender:

The cost to upgrade the color of the fence will be an additional \$3.00 per foot, which would be an additional \$1,350.00 total to use tan fence instead of white.

Receiver, please provide a reply to this Request for Information below:.

By: 

Date:

8/6/15

Copies to:

The reply is for information only and does not institute any action by the Sender.

**CHANGE ORDER FORM****CAP701****To:**

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

**From:**

A. G. Pifer Construction Co. Inc.  
3629 Old Deland Road  
Daytona Beach, FL 32124

|                             |                |
|-----------------------------|----------------|
| Original Contract Sum:      | \$1,027,319.20 |
| Previous Change Orders:     | \$0.00         |
| Contract Sum:               | \$1,027,319.20 |
| Value of this Change Order: | \$27,844.00    |
| New Contract Sum:           | \$1,055,163.20 |

**Change Order Number:** **Change Order Date:****2****10/29/2015**Architect's Project Number: **14-026-20****Contract for:**Contract Date: **6/12/2015****NEW PARK WITH BUILDING**Our Project Code: **BID # 15-17****Project:**

RIVERWALK PARK PHASE 1A -PO #07032  
3431 RIDGEWOOD AVENUE.  
PORT ORANGE, FL. 32129

**DISTRIBUTE TO:**

|                                               |                                     |                                                          |
|-----------------------------------------------|-------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> Owner     | <input type="checkbox"/> Contractor | <input type="checkbox"/> Other                           |
| <input checked="" type="checkbox"/> Architect | <input type="checkbox"/> Field      | <input checked="" type="checkbox"/> Construction Manager |

**The Contract Completion date will change by:****Forty Two Days****The expected completion date will be: 1/23/2016****The Contract Is Changed as Follows:**

Remove and replace 52 pilings and dispose of. 26 pcs to be 16' and 26 pcs. to be 20' in length. All piling to be marine grade 8" butt with vinyl wrap. Cost \$ 24,620.00  
Provide and install 2" X 12" pressure treated wood pile caps at new piles. Re-use existing stainless steel fasteners. Cost \$3,224.00

**Architect**

SIDNEY COHEN/DMC CONSULTANTS LLCA. G. Pifer Construction Co. Inc.  
SHAILESH PATEL  
4643 SOUTH CLYDE MORRIS BLVD. #302 Daytona Beach, FL 32184

Signature

Date

**Contractor**

G. Pifer Construction Co. Inc.  
3629 Old Deland Road  
Daytona Beach, FL 32184

Signature

Date

**Owner**

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

Signature

Date



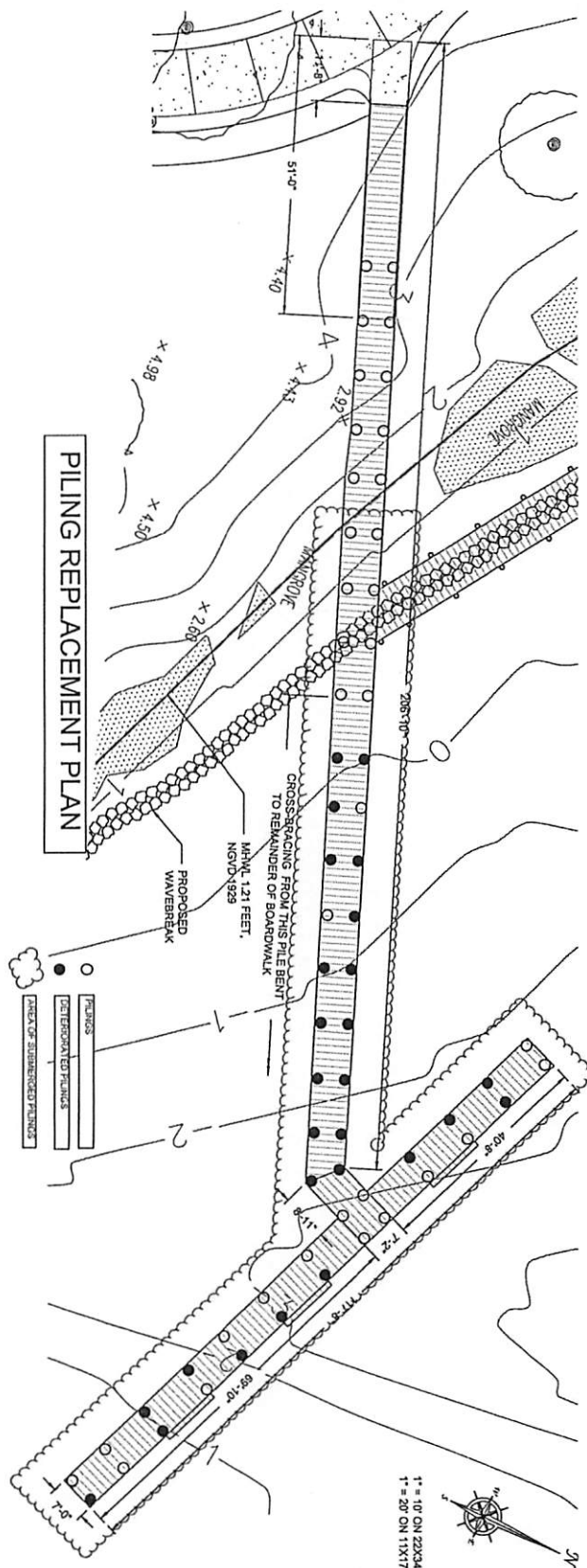


EXHIBIT A



1000 CITY CENTER CR.  
PORT ORANGE,  
FL 32129

**Dredging & Marine Consultants**  
**DMC**  
**ENGINEERS • SCIENTISTS**  
CERT. OF AUTH. NO. 9410

4643 S. Clyde Morris Blvd  
Unit 302  
Port Orange, FL 32129  
Phone: (386) 304-6505  
Fax: (386) 304-6506  
[www.dmcscs.com](http://www.dmcscs.com)

STEPHEN J. NUHL, P.E.  
FLORIDA LICENSE No. 67488

PROJECT NAME:  
RIVERWALK PARK  
PHASE 1A

CLIENT:  
CITY OF PORT ORANGE

|          |                    |
|----------|--------------------|
| DRAWING: | PILING REPAIR PLAN |
|----------|--------------------|

|             |           |
|-------------|-----------|
| DMC JOB NO. | 14 026 20 |
|-------------|-----------|

|           |    |     |     |
|-----------|----|-----|-----|
| 14-020-20 |    |     |     |
| DRAWN     | AR | CAD | C3D |
| SHEET NO. |    |     |     |

|               |                 |
|---------------|-----------------|
| CHECKED SJK   | SCALE AS SHOWN  |
| APPROVED SJKP | DATE 07-29-2015 |



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: No

---

**SUBJECT:** Resolution No. 15-77 - Recommending Elimination or Limiting the Jurisdiction of the Volusia County Growth Management Commission

**DEPARTMENT:** City Manager

**GOAL:** 3 - Economic Development

**OBJECTIVE:** N/A

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**RECOMMENDED MOTION:** Move to approve Resolution No. 15-77 recommending Elimination or Limiting the Jurisdiction of the Volusia County Growth Management Commission

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**SUMMARY:** The Volusia Growth Management Commission (VGMC) was created by Volusia County in 1986 to have the power and the duty to determine the consistency of the cities' and the county's comprehensive plans and any amendments thereto. The Commission's main purpose is to provide a forum through which the cities and the county can resolve differences regarding comprehensive plans.

However, in recent years the VGMC has not limited its role to resolving disputes among local governmental entities, but has become a forum that is used by opponents to growth and development to delay and frustrate the legislative growth policies adopted by local governmental entities.

Volusia County is the only County in Florida with this extra layer of bureaucracy, which has become costly to taxpayers and puts our area at a disadvantage in regards to potential development. Even without the VGMC, opponents of development are still able to voice their opinions against changes to the City's comprehensive plan or amendments thereto.

In order to eliminate or reduce an unneeded step in this process, staff is proposing (along with other Volusia County cities) the adoption of the attached resolution. The resolution requests that the Volusia County Charter Commission recommend an amendment to the Volusia County Charter either eliminating the VGMC or alternatively limiting the jurisdiction of the VGMC to only conduct reviews and hearings of proposed comprehensive plan amendments of local governmental entities when an objection to a proposed comprehensive plan amendment is filed by another local governmental entity.

|         |                 |
|---------|-----------------|
| Project | Funding Account |
| No.:    | No.:            |

---

**ATTACHMENTS:**

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|    |                     |                         |
|----|---------------------|-------------------------|
| 1. | Reso. No. 15-77     | Reso. No. 15-77.pdf     |
| 2. | White Paper on VGMC | White Paper on VGMC.pdf |
| 3. | Background on VGMC  | Background on VGMC.pdf  |
| 4. | VGMC Presentation   | VGMC presentation.pdf   |

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|                    |                                |
|--------------------|--------------------------------|
| Fenwick, Robin     | Created/Initiated - 10/28/2015 |
| Rosen, Alan        | Approved - 10/30/2015          |
| Burman, Tim        | Approved - 11/03/2015          |
| Clark, Wayne       | Approved - 11/03/2015          |
| Roberts, Margaret  | Approved - 11/04/2015          |
| Johansson, M. Jake | Final Approval - 11/04/2015    |

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**RESOLUTION NO. 15-77**

**A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REQUESTING THE VOLUSIA CHARTER REVIEW COMMISSION TO RECOMMEND AN AMENDMENT TO THE VOLUSIA COUNTY CHARTER EITHER ELIMINATING THE VOLUSIA GROWTH MANAGEMENT COMMISSION OR ALTERNATIVELY LIMITING THE JURISDICTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION TO ONLY CONDUCT REVIEWS AND HEARINGS OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS OF LOCAL GOVERNMENTAL ENTITIES WHEN AN OBJECTION TO A PROPOSED COMPREHENSIVE PLAN AMENDMENT IS FILED BY ANOTHER LOCAL GOVERNMENTAL ENTITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the State Legislature adopted the Growth Management Act (Act), which requires local governmental entities to adopt comprehensive plans to establish policies for the future growth within their jurisdiction.

**WHEREAS**, furthermore it is the intent of the Act for counties and municipalities to cooperate and coordinate planning with each other, regional agencies and the State and specifically states:

It is the intent of this act to encourage and ensure cooperation between and among municipalities and counties and to encourage and ensure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

**WHEREAS**, in addition to the Act, in 1986 the Volusia County Charter (Charter) was amended to create the Volusia Growth Management Commission (VGMC) and the Charter amendment contained the following language:

There is hereby created the Volusia Growth Management Commission (hereafter commission). The commission shall have the power and the duty to determine the consistency of the municipalities' and county's comprehensive plans and any amendments thereto with each other.

**WHEREAS**, these two provisions clearly indicate that the main purpose of the VGMC is to provide a forum through which local governmental entities can resolve differences regarding comprehensive plans.

**WHEREAS**, if the role of the VGMC was limited to resolving disputes between local governmental entities regarding comprehensive plans, the VGMC would provide a valuable, cost saving service by avoiding the administrative hearing process provided in State law to resolve such disputes.

**WHEREAS**, however, the VGMC has not limited its role to resolving disputes among local governmental entities, but has become a forum that is used by opponents to growth and development to delay and frustrate the legislative growth policies adopted by local governmental entities.

**WHEREAS**, the VGMC has interpreted its role to intervene in growth management policy decisions even if all local governmental entities are in agreement as to consistency.

**WHEREAS**, the vast majority of the VGMC hearings have not been the result of disputes between local governmental entities, but objections filed by other parties.

**WHEREAS**, the VGMC is a costly process funded by the taxpayers of Volusia County. The VGMC reviews every proposed comprehensive plan amendment in Volusia County and hearings are easily requested. Such a process has been used to delay and frustrate growth. The VGMC is not required by State law and Volusia County is the only

county in the State with such an added layer of review. This puts Volusia County at a disadvantage when competing with other jurisdictions for new businesses that do not have such an added layer of bureaucracy.

**WHEREAS**, each local governmental entity has the sovereign authority to adopt its own growth management policies thereby establishing how that community will grow. The VGMC was never intended to be a second forum to review and hear objections to growth management policies adopted by local governmental entities. Such a review would violate the sovereignty of the local government to establish its own growth management policies. The VGMC should only be involved when a local government entity believes that a proposed comprehensive plan amendment of another local governmental entity would have adverse impacts beyond the adopting agencies jurisdiction and negatively impact adjacent local government entities. If a local governmental entity proposed a comprehensive plan amendment and no local governmental entity raises an objection, there is no need for the VGMC to review the proposed amendment and conduct a hearing.

**WHEREAS**, the County Charter should be amended to either eliminate the VGMC or limit the VGMC involvement to only when an objection to a comprehensive plan amendment is timely filed by another local governmental entity.

**WHEREAS**, eliminating the VGMC or limiting the role of the VGMC to its primary purpose will not adversely affect the public's right to participate in the adoption of the growth policies of the local governmental entities and to pursue the administrative review provided under State law.

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

**Section 1.** The City Council of the City of Port Orange hereby requests the Volusia Charter Review Commission to recommend an amendment to the Volusia County Charter either eliminating the VGMC or alternatively limiting the jurisdiction of the VGMC to only conduct reviews and hearings of proposed comprehensive plan amendments of local governmental entities when an objection to a proposed comprehensive plan amendment is filed by another local governmental entity.

**Section 2.** The City Manager is hereby directed to forward this Resolution to the Volusia Charter Review Commission.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

**Section 4.** This Resolution shall take effect upon adoption.

\_\_\_\_\_  
MAYOR ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin L. Fenwick, CMC, City Clerk

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Reviewed and Approved: \_\_\_\_\_  
Margaret T. Roberts, City Attorney

**Coordination of Comprehensive Plans in Volusia County-  
Volusia County Growth Management Commission**

**Introduction:** The following summarizes the regulatory framework for coordination of comprehensive plans in Volusia County and identifies concerns and recommended changes. The goal of the proposed changes is two-fold:

1. Ensure a coordinated and integrated planning process that does create additional procedural requirements for amendments to comprehensive plans of municipalities and Volusia County.
2. Ensure that cities and Volusia County are competitive in attracting and developing economic opportunities.

**Background:** All cities and counties within the State of Florida are required to adopt and implement a comprehensive plan. The State's growth management regulations have been revised many times since the original adoption of the Local Government Comprehensive Planning and Land Development Regulation Act in 1985, but there has always been a requirement to maintain intergovernmental coordination with adjacent municipalities, counties, and regional authorities (water management districts, Florida Department of Transportation, regional planning council, etc.).

In 1986 the Volusia County Council adopted ordinance 86-136 and created the Volusia Growth Management Commission (VGMC). The VGMC was created to ensure that cities and the county worked together in the development and implementation of the individual local comprehensive plans. The VGMC requirements place an additional level of review regarding the determination as to whether a plan amendment is consistent with the comprehensive plans of adjoining cities and Volusia County.

**Issues:** The requirement for the VGMC certification can delay amendments or the final implementation of amendments to the comprehensive plan. The delays can be traced to two primary issues. The first pertains to scope of the VGMC responsibility and the second addresses who has standing to challenge or appeal an amendment in front of the VGMC. The following summarize the basic concerns with the operation of the VGMC.

1. When should the VGMC be involved? The VGMC was created to address disagreements between local governments when processing amendments to their respective comprehensive plan. The VGMC has interceded in some applications for amendment even when none of the adjacent local governments have raised any objections. The VGMC should not require a hearing or other compliance actions if none of the adjacent local governments have raised a concern with regard to consistency.
2. What is their role? The VGMC offers conditional certification of comprehensive plans if the sponsoring local government agrees to require a planned development zoning and the planned development zoning has to be reviewed and approved by the VGMC in order to gain full certification. This process for "conditional certification" appears to be outside the role assigned to the VGMC and creates additional delay in the development process.
3. Who are the persons with standing? The VGMC was created for intergovernmental coordination and cooperation. The primary purpose of the VGMC was to provide a way to resolve disputes between local governments at the local level. All other disputes or challenges are addressed in the procedures approved in the Community Planning Act for



persons or organizations that meet the definition of "affected party"(see Attachment 1). Residents, special interest groups and any other organizations that are not local governments should be directed to the appropriate appeal process and to have the VGMC to focus solely on intergovernmental coordination and cooperation.

**Recommendations:** The need for intergovernmental coordination in comprehensive planning is vital to its success. That is why every local government is required to have an Intergovernmental Coordination Element (ICE) that contains specific goals, objectives and policies identifying how the implementation and amendments of the comprehensive plan will be accomplished. The currently adopted regulations and procedures for the VGMC are out of date and create an additional level of review that can be detrimental to the economic vitality of Volusia County. Revisions to the Charter are needed to establish a process that assures coordination and consistency between local governments, while providing for the ability to respond to changing real estate markets. The following summarizes basic changes that need to be addressed in the Volusia County Charter:

1. Re-emphasize that intergovernmental coordination and consistency are paramount to the planning process and that individual local governments are responsible for timely provision of proposed amendments to all adjoining local governments and Volusia County.
2. Clarify that if a local government is objecting to or otherwise challenging another local government's amendment to their comprehensive plan, then the challenging government shall follow the procedures contained in Florida Statutes.
3. If either the amending local government or the challenging local government seeks additional assistance in resolution of the conflict, then allow the Volusia County Council or their designee to provide arbitration or mediation.
4. The sole purpose of any interlocal coordination or consistency program is to assure that a local government's proposed amendment to their comprehensive plan is determined to "in compliance" as defined by Florida Statutes (see Attachment 1).
5. The only parties allowed to intervene or otherwise be granted standing are representatives or consultants hired by the amending local government, appealing local government or VGMC.

These recommendations are intended to provide for a coordinated approach of ensuring consistency between comprehensive plans, while limiting the scope and focus of the review process.

## **Attachment 1.**

### **Excerpts the Volusia County Charter and Florida Statutes**

#### **Volusia County**

#### **Article II. Powers And Duties Of The County**

##### **Section 202.3.Volusia Growth Management Commission.**

There is hereby created the Volusia Growth Management Commission (hereafter commission). The commission shall have the power and the duty to determine the consistency of the municipalities' and the county's comprehensive plans and any amendments thereto with each other. The commission may perform such other directly related duties as the commission from time to time deems necessary.

The determination by the commission shall be binding on the submitting government. No plan, element of a plan, or amendment of a plan adopted after the date this article becomes law shall be valid or effective unless and until such plan, element of a plan, or amendment has been reviewed by the commission and has been certified as consistent. The review of any such determination of the commission shall be by certiorari.

#### **Florida Statutes 163.3177 Required and optional elements of comprehensive plan; studies and surveys.—**

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent. Where data is relevant to several elements, consistent data shall be used, including population estimates and projections unless alternative data can be justified for a plan amendment through new supporting data and analysis. Each map depicting future conditions must reflect the principles, guidelines, and standards within all elements and each such map must be contained within the comprehensive plan.

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with the appropriate water management district's regional water supply plans approved pursuant to s. 373.709; and with adopted rules pertaining to designated areas of critical state concern shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of adjacent municipalities, the county,

adjacent counties, or the region, as the case may require and as such adopted plans or plans in preparation may exist.

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards, regional water supply authorities, and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, with the state comprehensive plan and with the applicable regional water supply plan approved pursuant to s. 373.709, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element must provide procedures for identifying and implementing joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall provide for a dispute resolution process, as established pursuant to s. 186.509, for bringing intergovernmental disputes to closure in a timely manner.

c. The intergovernmental coordination element shall provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element shall also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

3. Within 1 year after adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements. The agreement must:

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent

municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities shall include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties shall include all municipalities within the county, adjacent counties, and adjacent municipalities.

b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

**163.3184 Process for adoption of comprehensive plan or plan amendment.—**

**(1) DEFINITIONS.—As used in this section, the term:**

(a) “Affected person” includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) “In compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, with the appropriate strategic regional policy plan, and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) “Reviewing agencies” means:

1. The state land planning agency;
2. The appropriate regional planning council;
3. The appropriate water management district;
4. The Department of Environmental Protection;
5. The Department of State;
6. The Department of Transportation;
7. In the case of plan amendments relating to public schools, the Department of Education;

8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;
9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and
10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.



## VGMC

### 1. STATE LEGAL AUTHORITY OF LOCAL COMPREHENSIVE PLAN

1985 Local Government Comprehensive Planning and Land Development Regulation Act Chapter 163 Part II, Florida Statutes – referred to as Growth Management Act, establishes that there is a need for comprehensive land planning and assigns to local government

- a. Planning – local (County) government responsibility Chap 163 Florida Statutes.

Growth Management Act goal is to:

Strengthen “powers of local governments in the establishment and implementation of comprehensive planning programs to guide and control future development”

Section 163.3194(1)(a), Florida Statutes, establishes the legal status of comprehensive plans. Section 163.3194(1)(a), Florida Statutes, states that

...After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

- b. Comprehensive plan includes among other elements

Future Land Use Element (FLUM) – includes Future Land Use Maps

- c. Intergovernmental Coordination

A County’s plan should establish mechanisms (not must) for and facilitate coordination with comprehensive plans of adjacent

1. Counties
2. Municipalities within County & adjacent Counties
3. County School District

- d. General Requirements of a Comprehensive Plan:

Rule 9J-5, Florida Administrative Code, details the specific intergovernmental coordination mechanisms that must now be included in the element. Some of these include:

- Coordination of planning activities mandated by the various elements of the comprehensive plan with other local governments, school boards, other units of local government providing services but not having regulatory authority over the use of land, the region, and the state.
- Resolution of conflicts with other local governments through the regional planning council’s informal mediation process.
- Establishment of procedures to identify and implement joint planning areas for the purposes of annexation, municipal incorporation and joint infrastructure service areas.
- Coordinated management of certain bays, estuaries and harbors that fall under the jurisdiction of more than one local government.
- Recognition of campus master plans.
- Establishment of joint processes for collaborative planning and decision-making with the school board on population projections and the siting of public school facilities.
- Establishment of joint processes for the siting of facilities with county-wide significance, including locally unwanted land uses, such as solid waste disposal facilities.

## 2. VOLUSIA COUNTY HOME RULE CHARTER – ARTICLE II, CHAPTER 90 AND SECTION 202.3 VOLUSIA GROWTH MANAGEMENT COMMISSION

Volusia Growth Management Commission created by referendum adopted November 4, 1986

The Commission operates through the Volusia County Council adoption of certification rules as codified in Article II, Chapter 90, Volusia Growth Management Commission Consistency Certification Rules and Organization

“the commission shall have the power and duty to determine consistency of the municipalities and the County’s comprehensive plans and any amendments thereto with each other.”

“THE COMMISSION MAY PERFORM SUCH OTHER DIRECTLY RELATED DUTIES AS THE COMMISSION FROM TIME TO TIME DEEMS NECESSARY”

## 3. THE PROBLEMS:

The VGMC by Charter defines its own role beyond consistency.

1. The County’s Home Rule Charter under Section 202.3 provides for the commission to “perform such other directly related duties from time to time [it] deems necessary” This provision allows the commission to deviate into other areas, such as zoning, from its primary mission of consistency. See the required submittals required by the commission from the City of Oak Hill 04/13/2015.

### Memo to VGMC from VHB, Planning Consultants to the VGMC, dated 04/13/2015

#### III. Conclusion and Recommendation(s)

Volusia County Code Section 90-37(e) states that “The Commission may deny certification where any applicant has failed to establish, by a preponderance of the evidence, its entitlement under this ordinance to the certificate.” Based upon the preceding information, the VGMC Planning Staff concludes that the proposed amendment may result in significant adverse impacts to the region’s central utility system, transportation system, and natural resources. We further conclude that the proposed amendment could adversely impact adjacent jurisdictions based on the Criteria of Consistency established in Volusia County Code; therefore, staff recommends the VGMC deny the application as submitted.

Should the Volusia Growth Management Commission determine there is a merit for approving VGMC Case No. 15-009, we recommend the following conditions be placed upon the certification of this amendment, such that the application and the comprehensive plan amendments contained therein can be certified consistent. Those condition(s) are as follows:

1. To address the lack of data and analysis available at this time, all development within the Activity Center shall occur as a Planned Development (PD) agreement to be submitted to the VGMC and must receive a certification of consistency before any development additional opportunity to review development of the subject site for specific impacts at the time of rezoning.
2. To address the possible environmental impacts on the water quality of the Indian River Lagoon and the encroachment of wildlife habitat of the National Seashore, a Mitigation Plan must be submitted as part of the PD agreement.
3. Any proposed development shall demonstrate how connection to the nearest central utility line locations will be accomplished.
4. All proposed development uses shall be located towards the center of the subject site, and all building setbacks shall be a minimum of thirty-five (35) feet. Only conservation and agricultural uses shall be allowed towards the edge of the property.
5. Any proposed changes or amendments to be made or adopted to the City’s Comprehensive Plan in response to a compliance agreement pursuant to Florida Statute Section 163.3184(6) or a directive from the Administrative Commission pursuant to Florida Statute Section 163.3184(8) (collectively referred to as “Remedial Amendment”) must be submitted to the Volusia Growth Management Commission as additional information to the original application pursuant to Volusia County Code Section 90-37(a) and the VGMC may “determine in its sole discretion that the additional information changes the facts and circumstances of the prior certification.” If such a determination is made, the VGMC shall hold a noticed public hearing on the Remedial Amendment. If the determination is made that the Remedial Amendment is consistent with the prior certification, no public hearing is required and a letter confirming consistency of the Remedial Amendment shall be issued to the City.
6. Failure to comply with any of the conditions of certification shall result in an automatic revocation of this certification, thereby rendering the amendment to the City’s Comprehensive Plan, which is the subject of this certification, invalid and ineffective.



2. **Intervention Sec 90-38:** While the intent of the enabling legislation and the Charter (Sec. 90-31 and 90-37) is for the VGMC to address issues of consistency between adjacent political subdivisions, the door is open by Charter language (Sec. 90-38) for "persons" to claim to be an aggrieved party and "petition for leave to intervene".

Persons other than the original parties to a pending complete application under this article who are or may be substantially affected and aggrieved by the outcome of the proceeding may petition the commission for leave to intervene. Petitions for leave to intervene must be filed in writing at least five days before the date of the public hearing, and should, at a minimum, contain the following:

- (1) The name and address of the intervenor, and an explanation of how its substantial interests may be substantially affected by the commission's determination;
- (2) If the intervenor intends to object to certification of consistency, a statement of all disputed issues of material fact, including specific objections to the pending application;
- (3) A demand for relief to which the intervenor deems itself entitled; and
- (4) Other information which the intervenor contends is material and relevant.

3. The Charter under Section 202.3 Volusia Growth Management Commission requires that the voting members of the commission be appointed, with each municipality having one member and five members from the unincorporated areas of the county. It further defines that the governing body of each respective jurisdiction make the appointment and that member's votes will be weighted based on percentage of county population.

Consequently, small municipalities elected council can easily be denied a certificate of consistency, including minor amendments by an appointed body, the majority of which are not adjacent political subdivisions.

| VGMC ROLL CALL VOTE  |                     |          |        |
|----------------------|---------------------|----------|--------|
|                      | MEMBER              | CITY POP | %      |
| DAYTONA BEACH        | RICHARD WALTON      | 62,622   | 12.43% |
| DAYTONA BEACH SHORES | VACANT              | 4,264    | 0.85%  |
| DEBARY               | SID VIHLEN          | 19,802   | 3.93%  |
| DELAND               | VACANT              | 29,467   | 5.85%  |
| DELTONA              | SANDY LOU GALLAGHER | 86,360   | 17.14% |
| EDGEWATER            | ROBERT LOTT         | 20,748   | 4.12%  |
| HOLLY HILL           | LORETTA ARTHUR      | 11,661   | 2.31%  |
| LAKE HELEN           | ROGER SONNENFELD    | 2,616    | 0.52%  |
| NEW SMYRNA BEACH     | ROBERT LOVELACE JR  | 23,834   | 4.73%  |
| OAK HILL             | VACANT              | 1,855    | 0.37%  |
| ORANGE CITY          | ROBERT STORKE       | 11,483   | 2.28%  |
| ORMOND BEACH         | GERALD BRANDON      | 39,455   | 7.83%  |
| PIERSON              | VACANT              | 1,688    | 0.33%  |
| PONCE INLET          | DON ROMANIK         | 3,039    | 0.60%  |
| PORT ORANGE          | DEBBIE CONNORS      | 57,467   | 11.40% |
| SOUTH DAYTONA        | RICHARD KANE        | 12,373   | 2.46%  |
| UNINCORPORATED AREA  |                     | 115,117  | 22.85% |
|                      | SANDRA WALTERS      |          | 4.57%  |
|                      | JAMES WACHTEL       |          | 4.57%  |
|                      | DOUGLAS DELEON      |          | 4.57%  |
|                      | WILLIAM POUZAR      |          | 4.57%  |
|                      | GLYM SLAY           |          | 4.57%  |
|                      | TOTAL               | 503,851  | 100%   |



4. Neither the Volusia County Home Rule Charter or the Volusia Growth Management Commission Consistency Certification Rules and Organization provide for an appeal other than filing a petition for Writ of Certiorari which is a Court action following prescribed state appellate rules to the Circuit Court of the County. The burden of proof is on the political jurisdiction requiring the amendment to its Comprehensive Land Use Plan. The resulting cost is usually burdensome, especially to small municipalities.

Additionally, the time delay, especially if VGMC denies consistency is a detriment to potential economic development projects.

**Sec. 90-40. Appeals.**

(a) Any substantially affected and aggrieved local government or other substantially affected and aggrieved party which has previously timely intervened pursuant to section 90-38 may contest the issuance, denial or revocation of a certificate of consistency by filing a petition for writ of certiorari along with a complete record of the proceeding(s) from which said certificate emanated so certified by the commission's records custodians, in the manner prescribed by the state appellate rules to the circuit court of the county, within 30 days after the date the commission's decision is filed with its secretary. The court shall not conduct a trial de novo. The proceedings before the commission, including the testimony of witnesses, and any exhibits, photographs, maps or other documents filed before them, shall be subject to review by the circuit court. The petition for writ of certiorari shall state how the commission erred and shall include all of the documents, papers, photographs, exhibits and transcripts constituting the record upon which the action appealed from was taken, or properly certified copies thereof in lieu of originals. The petition, along with the record, shall be filed in the circuit court within 30 days after the filing of the decision by the commission to which such petition is addressed. The court may extend the time for filing the record, including the transcript and exhibits, for good cause shown. The person filing the petition for certiorari shall be responsible for filing a true and correct transcript of the complete testimony of the witnesses.

(b) The petition for writ of certiorari shall be furnished to the original applicant, the owner of record of the subject property, to each attorney at law appearing for any person at the hearing before the Volusia Growth Management Commission, and to the Volusia Growth Management Commission. The commission shall suspend the issuance of its permit until the court has ruled upon the petition.

(c) The Volusia Growth Management Commission shall be a necessary and indispensable party to any appeal of its decisions. Any other person including but not limited to an adjacent local government may intervene, pursuant to Florida Rule of Civil Procedure 1.230, as a respondent in the certiorari proceeding authorized by this section.

(Ord. No. 87-24, § 9, 7-23-87; Ord. No. 99-16, § 4, 5-13-99)

5. The VGMC, under authority of the County Charter, and its Rules of Operation can and has given away individual or group standing to identify themselves as an aggrieved party on issues outside of the primary mission of intergovernmental consistency.

Please see the attached letter signed and dated March 20, 2015 by Clay Henderson from Audubon Florida objecting to Oak Hill Comprehensive Plan Amendment Ordinance 2015-07. Subsequent to this letter, a petition for "leave to intervene" was filed with VGMC by Audubon Florida and the Volusia County Audubon Society. The petition named a resident of New Smyrna Beach who is a member of Audubon as the "aggrieved party". The City raised the question as to the Audubon Society's authority to have standing since it is not an adjacent political subdivision and the City's request was only for a text change to allow for manufacturing on a specific 415 acre site.

# **VOLUSIA GROWTH MANAGEMENT COMMISSION**

## **OVERVIEW OF VGMC**

**PRESENTED BY  
PAUL H. CHIPOK, ESQUIRE  
GRAY ROBINSON, P.A.**

**October 28, 2015  
7:00 P.M.**

## **OVERVIEW**

- I. VGMC HISTORY**
- II. VOLUSIA COUNTY COMPREHENSIVE PLANNING AMENDMENT PROCESS**
- III. HEARING PROCESS**
  - A. STANDARD OF REVIEW**
  - B. QUASIJUDICIAL HEARING – WHAT PROCESS IS DUE**
  - C. MAKING A DECISION**
  - D. SUMMARY**
- IV. REVIEW OF SIGNIFICANT ADVERSE IMPACT**

**V. APPLICATION AND BUDGET EXPENSE HISTORY**

**IV. QUESTIONS FROM VGMC**

# **I. HISTORY OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION**

## VOLUSIA GROWTH MANAGEMENT COMMISSION

### HISTORY

- **ADOPTION OF ELMS II IN 1985** *Corp plans became mandatory*
- **VOLUSIA COUNTY CHARTER REVIEW COMMISSION CONCERNED ABOUT AVOIDING COSTLY ANNEXATION LAWSUITS**
- **ON NOVEMBER 4, 1986, VOLUSIA COUNTY VOTERS OVERWHELMINGLY AMENDED THE COUNTY CHARTER TO CREATE THE COMMISSION**
- **ORIGINAL RULES DEVELOPED BY COMMITTEE WITH PARTICIPATION FROM ALL GOVERNMENTS AND THE COMMUNITY**
- **IN 2014 THE CERTIFICATION RULES (AS ADOPTED BY COUNTY ORDINANCE) AND IN 2012 RULES OF PROCEDURE (AS ADOPTED BY VGMC RESOLUTION) WERE REVISED AND UPDATED**

## **VOLUSIA GROWTH MANAGEMENT COMMISSION**

### **GOVERNING LEGISLATION**

- **VOLUSIA COUNTY CHARTER §202.3**
- **VOLUSIA COUNTY CODE CHAPTER 90, ARTICLE II, GROWTH MANAGEMENT COMMISSION CERTIFICATION RULES, UPDATED IN 2014**
- **VOLUSIA GROWTH MANAGEMENT COMMISSION RESOLUTION 1987-6, AS AMENDED, RULES OF PROCEDURE FOR MEETINGS, MEMBERSHIP AND OPERATIONS, UPDATED IN 2012**



## **VOLUSIA GROWTH MANAGEMENT COMMISSION**

### **GOALS AND OBJECTIVES**

#### **GOALS:**

**TO PROVIDE AN EFFECTIVE MEANS FOR COORDINATING THE PLANS OF MUNICIPALITIES AND THE COUNTY, IN ORDER TO PROVIDE A FORUM FOR LOCAL GOVERNMENTS IN VOLUSIA COUNTY TO COORDINATE DECISION MAKING RELATED TO LAND USE, THE ENVIRONMENT AND PUBLIC SERVICES FOR THE CITIZENS OF VOLUSIA COUNTY.**

#### **OBJECTIVE:**

**REVIEW THE COMPREHENSIVE PLANS AND ANY PLAN AMENDMENTS THERETO FOR EACH GOVERNMENTAL ENTITY IN VOLUSIA COUNTY TO INSURE INTERGOVERNMENTAL COORDINATION AND COOPERATION**



- **CREATES A LEVEL PLAYING FIELD**
  - **NO ONE COMPREHENSIVE PLAN CONTROLS OVER OTHERS**
- **FORCES COOPERATION EARLY IN PROCESS**
  - **COORDINATION BETWEEN JURISDICTIONS MUST BE ESTABLISHED BEFORE COMPREHENSIVE PLAN CAN BE AMENDED**

- **NO ONE JURISDICTION HAS CONTROL OF PROCESS**
  - **21 VOTING MEMBERS: 16 MUNICIPALITIES AND 5 FROM COUNTY**
- **WEIGHTED VOTE BY POPULATION**
- **NEED MAJORITY INDIVIDUAL VOTES AND MAJORITY OF WEIGHTED VOTE**

## **VOLUSIA GROWTH MANAGEMENT COMMISSION**

### **SCOPE OF AUTHORITY**

- **VGMC SCOPE IS NARROW**
  - **REVIEW OF COMPREHENSIVE PLAN AMENDMENT TO DETERMINE CONSISTENCY OF AMENDMENT WITH PLANS OF ADJACENT MUNICIPALITIES AND COUNTY**
  - **IF FOUND NOT TO BE CONSISTENT, UNDER WHAT CONDITIONS COULD THE AMENDMENT BE MADE TO BE CONSISTENT**

## II. VOLUSIA COUNTY COMPREHENSIVE PLANNING AMENDMENT PROCESS

## **COMPREHENSIVE PLANNING**

### **ESTABLISHED BY F.S. CHAPTER 163 PART II AND AMENDED IN 2011 BY HB 7207**

- **NOW REFERRED TO AS THE “COMMUNITY PLANNING ACT”**  
FS SECTION 163.3161 (1)
- **REQUIRES A MUNICIPALITY TO ADOPT AND AMEND A  
COMPREHENSIVE PLAN TO GUIDE THEIR FUTURE DEVELOPMENT  
AND GROWTH**  
FS SECTION 163.3167 (1)
- **LEGISLATURE RECOGNIZES NEED FOR INNOVATIVE PLANNING AND  
DEVELOPMENT STRATEGIES TO PROMOTE A DIVERSE ECONOMY  
AND VIBRANT RURAL, SUBURBAN AND URBAN COMMUNITIES,  
WHILE PROTECTING ENVIRONMENTALLY SENSITIVE AREAS**  
FS SECTION 163.3168 (1)

## **STATE COMPREHENSIVE PLANNING**

### **AMENDMENT PROCESS**

- **MUNICIPALITY MUST TRANSMIT PROPOSED COMPREHENSIVE PLAN AMENDMENT TO STATE LAND PLANNING AGENCY (SLPA) BASED ON TYPE OF AMENDMENT:**
  - **EXPEDITED STATE REVIEW PROCESS**
    - **TRANSMITTAL HEARING**
    - **REVIEWING AGENCIES HAVE 30 DAYS TO COMMENT**
    - **ADOPTION HEARING**
  - **STATE COORDINATED REVIEW PROCESS**
    - **APPLIES TO SECTOR PLANS, EAR BASED AMENDMENTS, OTHER SPECIAL PROGRAMS**
    - **TRANSMITTAL HEARING**
    - **60 DAYS FOR ORC REPORT**
    - **ADOPTION HEARING**

- **SMALL SCALE AMENDMENT PROCESS**
  - **UNDER 10 ACRES**
  - **ONLY REQUIRES ONE PUBLIC HEARING**

FS SECTION 163.3184(2)

**VOLUSIA COUNTY COMPREHENSIVE PLANNING  
AMENDMENT PROCESS: VGMC**

- **PER CHARTER SECTION 202.3 EXTRA STEP INCLUDED:**
  - **WHEN: PRIOR TO ADOPTION BY MUNICIPALITY, VGMC CONDUCTS REVIEW**
  - **WHAT: VGMC HAS THE POWER AND DUTY TO DETERMINE THE CONSISTENCY OF A MUNICIPALITY'S AND COUNTY'S COMPREHENSIVE PLANS AND ANY AMENDMENTS THERETO WITH EACH OTHER**
  - **HOW: VGMC TO ISSUE CERTIFICATE OF CONSISTENCY BEFORE ADOPTION HEARING**



- **VGMC PROVIDES MEANS FOR COORDINATING:**
  - **PLANS BETWEEN MUNICIPALITIES AND COUNTY**
  - **PROVISION OF PUBLIC SERVICES**
  - **INTERGOVERNMENTAL COOPERATION  
AND COORDINATION**

VOLUSIA COUNTY CODE SECTION 90-33(5)

## **APPLICATION PROCESS**

### **CONSISTENCY CERTIFICATION RULES**

- **VGMC APPLICATION SUBMITTED SIMULTANEOUSLY WITH APPLICATION TO SLPA AND REVIEWING AGENCIES**
- **VGMC ADMINISTRATIVE STAFF NOTICE THE APPLICATION BY MAIL AND NEWSPAPER NOTICE**
- **THE VGMC STAFF HAS 30 DAYS TO REVIEW APPLICATION AND REQUEST ADDITIONAL INFORMATION**
- **IF A PUBLIC HEARING IS REQUESTED, THAT HEARING SHALL BE HELD WITHIN 60 DAYS AFTER THE REQUEST AND NOT LATER THAN 90 DAYS FROM THE COMPLETE APPLICATION**

## **APPLICATION PROCESS**

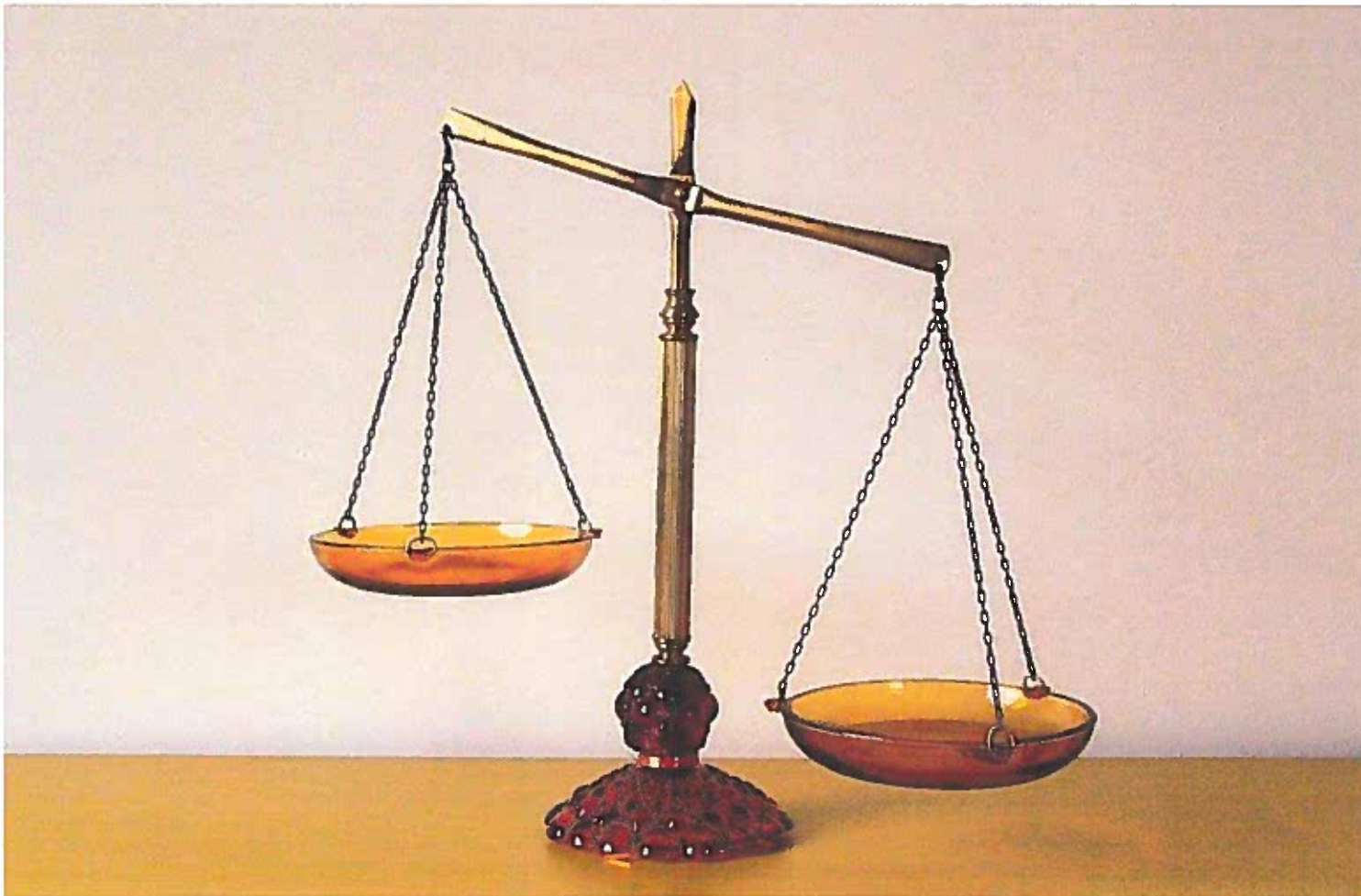
### **CONSISTENCY CERTIFICATION RULES**

- **IF NO ADDITIONAL INFORMATION IS NEEDED AND NOBODY REQUESTS A HEARING THE PLAN IS AUTOMATICALLY DEEMED CONSISTENT AND IS CERTIFIED BY LETTER EXECUTED BY THE CHAIRMAN**
- **A PUBLIC HEARING IS HELD IF:**
  - **AN ADJACENT JURISDICTION FILES A PETITION WITH VGMC WITHIN 28 DAYS; OR**
  - **PUBLIC FILES A PETITION WITH VGMC WITHIN 21 DAYS AFTER NOTICE IS PUBLISHED; OR**
  - **THE VGMC STAFF DETERMINES THAT AN APPLICATION DOES NOT MEET PRIOR VGMC CONDITIONS OF CERTIFICATION; OR**
  - **THE VGMC STAFF DETERMINES THAT AN APPLICATION IS INCONSISTENT.**
- **FAILURE TO FILE PETITION WAIVES RIGHT TO PUBLIC HEARING**
- **IF A PUBLIC HEARING IS HELD, THE SECTION 90-37(C) CRITERIA APPLY**

### III. HEARING PROCESS

## **A. STANDARD OF REVIEW**

- **QUASI JUDICIAL IN NATURE**
- **APPLICANTS PROVIDE REASONABLE ASSURANCE THAT PLAN AMENDMENT IS “CONSISTENT” WITH PLANS OF ADJACENT OR SUBSTANTIALLY AFFECTED AND AGGRIEVED LOCAL GOVERNMENTS**
- **APPLICANT JURISDICTION MUST ESTABLISH BY A “PREPONDERANCE OF EVIDENCE” ITS ENTITLEMENT TO THE CERTIFICATE**
  - **“PREPONDERANCE OF EVIDENCE” MEANS:  
EVIDENCE WHICH IS OF GREATER WEIGHT OR MORE CONVINCING THAN EVIDENCE WHICH IS OFFERED IN OPPOSITION TO IT**
  - **IN OTHER WORDS, AS A WHOLE EVIDENCE SHOWS THE FACT SOUGHT TO BE PROVED IS MORE PROBABLE THAN NOT**



- **AMENDMENT SHALL BE “CONSISTENT” IF IT IS “COMPATIBLE WITH” AND “IN FURTHERANCE OF” SUCH ADJACENT AND SUBSTANTIALLY AFFECTED COMPREHENSIVE PLANS WHEN ALL SUCH PLANS ARE CONSTRUED AS A WHOLE.**
- **“COMPATIBLE WITH” MEANS THAT THE PLAN AMENDMENT IS NOT IN CONFLICT WITH ADJACENT PLANS**
- **“IN FURTHERANCE OF” MEANS TO TAKE ACTION IN THE DIRECTION OF REALIZING THE GOALS OR POLICIES OF SUCH ADJACENT AND SUBSTANTIALLY AFFECTED COMPREHENSIVE PLANS.**
- **DOES IT ADVERSELY AFFECT INTERGOVERNMENTAL COOPERATION AND COORDINATION?**
- **APPLICATION OF THE SIX FACTORS OF SECTION 90-37(C)**

## **B. QUASI JUDICIAL HEARING - WHAT PROCESS IS DUE?**

- **QUASI JUDICIAL PROCEEDINGS ARE NOT CONTROLLED BY STRICT RULES OF EVIDENCE AND PROCEDURE**
- **MUST ADHERE TO CERTAIN STANDARDS OF BASIC FAIRNESS TO AFFORD DUE PROCESS**



## **MINIMUM DUE PROCESS REQUIREMENTS FOR A QUASI JUDICIAL HEARING:**

- **PROVIDE NOTICE OF HEARING**
- **PROVIDE AN OPPORTUNITY TO BE HEARD**
- **PARTIES MUST BE ABLE TO:**
  - **PRESENT EVIDENCE**
  - **CROSS EXAMINE WITNESSES**
  - **BE INFORMED OF ALL FACTS UPON WHICH THE COMMISSION ACTS**

Jennings v. Dade County, 589 So.2d 1337, 1340 (Fla. 3<sup>rd</sup> DCA 1991),  
rev. den. 589 So.2d 75 (Fla. 1992)

- **PROVIDE NOTICE OF HEARING**
- **VGMC PUBLISHES NOTICE OF PUBLIC HEARINGS**
- **PROVIDE OPPORTUNITY TO BE HEARD**
- **SINCE A QUASI JUDICIAL HEARING IS A PUBLIC HEARING, MEMBERS OF THE PUBLIC HAVE THE RIGHT TO ADDRESS THE COMMISSION**
- **THE TIME FOR PUBLIC COMMENT MAY BE LIMITED BY THE COMMISSION**
- **THE PRECISE LIMITS OF OPPORTUNITY TO BE HEARD ARE NOT DETERMINED BY FIXED RULES OF LAW, BUT RATHER NECESSITIES OF THE PARTICULAR PROCEEDING**

Keys Citizens for Responsible Gov't, Inc. v. Fla. Keys Aqueduct Auth.,  
795 So.2d 940 (Fla. 2001)

## **PROVIDE AN OPPORTUNITY TO BE HEARD PARTY V. PUBLIC**

- **PUBLIC MAY ADDRESS THE COMMISSION**
- **PARTY IS ENTITLED TO PARTICIPATE IN THE PROCEEDING**
- **DETERMINATION OF A PARTY**
  - **APPLICANT JURISDICTION IS DEEMED A PARTY**
  - **PERSONS CLAIMING TO BE A SUBSTANTIALLY AFFECTED OR AGGRIEVED PARTY MUST FILE A PETITION FOR LEAVE TO INTERVENE**  
SECTION 90-38
  - **STANDING STANDARD**
    - **ADVERSE IMPACT, SPECIFIC INJURY OR DAMAGE DIFFERENT IN KIND FROM IMPACT OR INJURY SUFFERED BY OTHER RESIDENTS IN AREA**

Renard v. Dade County, 261 So.2d 832 (Fla. 1972)

## **WHY PARTY V. PUBLIC DETERMINATION IS IMPORTANT**

### **PARTY UNDER DUE PROCESS MUST BE ABLE TO**

- **PRESENT EVIDENCE**
- **CROSS EXAMINE WITNESSES**
- **BE INFORMED OF ALL FACTS UPON WHICH THE COMMISSION ACTS**

### **PUBLIC OR PARTICIPANTS**

- **FLORIDA LAW DOES NOT REQUIRE ALL PARTICIPANTS TO CROSS EXAMINE WITNESSES**

Carillon Community Residential v. Seminole County, 45 So.3d 7  
(Fla. 5<sup>th</sup> DCA 2010)

## C. MAKING A DECISION

### COMMISSION IS TRIER OF FACT AND TO WEIGH THE EVIDENCE

- **CIRCUIT COURT FUNCTIONS AS APPEAL COURT AND IT IS NOT ENTITLED TO REWEIGH THE EVIDENCE OR SUBSTITUTE ITS JUDGMENT FOR THAT OF THE COMMISSION**

Haines City Comty. Dev. v. Heggs, 658 So.2d 523 (Fla. 1995)

- **WHETHER THE RECORD CONTAINS COMPETENT SUBSTANTIAL EVIDENCE THAT WOULD SUPPORT SOME RESULT OTHER THAN THAT OF THE COMMISSION IS IRRELEVANT**

Dusseau v. Miami Dade Cty. Bd. Of County Comm'rs., 794 So.2d 1270, 1275 (Fla. 2001)

**MUST BE BASED ON COMPETENT SUBSTANTIAL EVIDENCE IN THE RECORD**

- **COMPETENT SUBSTANTIAL EVIDENCE IS DEEMED TANTAMOUNT TO LEGALLY SUFFICIENT EVIDENCE**

Florida Power & Light v. City of Dania, 761 So. 2d 1089 (Fla. 2000)

- **DEFINED AS “SUCH EVIDENCE AS WILL ESTABLISH A SUBSTANTIAL BASIS OF FACT FROM WHICH THE FACT ISSUE CAN BE REASONABLY INFERRED”**

DeGroot v. Sheffield, 95 So.2d 912 (Fla. 1957)

## TYPES OF EVIDENCE DEEMED TO BE COMPETENT SUBSTANTIAL EVIDENCE

- **PROFESSIONAL STAFF REPORT**  
Palm Beach County v. Allen Morris Co., 547 So.2d 690 (Fla. 4<sup>th</sup> DCA 1989)
- **TESTIMONY BY CITY PLANNING AND ZONING OFFICIALS**  
Hillsborough County BOCC v. Longo, 505 So.2d 470 (Fla. 2d DCA 1987)
- **EXPERT WITNESSES: MUST BE QUALIFIED**
  - **SPECIAL KNOWLEDGE OF SUBJECT MATTER BY STUDY OR EXPERIENCE**  
Gianos v. Baum, 941 So.2d 581 (Fla. 2d DCA 2006)
  - **NO EXACT REQUIREMENT AS TO MANNER IN WHICH SKILL OR EXPERIENCE IS ACQUIRED**  
Jordon v. State, 694 So.2d 708 (Fla. 1997)

- **CITIZEN TESTIMONY**

- **FACT BASED TESTIMONY “IS PERFECTLY PERMISSIBLE AND CONSTITUTES SUBSTANTIAL COMPETENT EVIDENCE”**

Miami-Dade County v. Walberg, 739 So.2d 115, 117 (Fla. 3d DCA 1999), rev. dismissed, 736 So.2d 1046 (Fla. 2000)

- **MEER GENERALIZED STATEMENTS OF OPPOSITION ARE TO BE DISREGARDED**

City of Apopka v. Orange County, 299 So.2d 657 (Fla. 4<sup>th</sup> DCA 1974)

- **LEGAL ARGUMENT OF ATTORNEY IS NOT EVIDENCE OR TESTIMONY**

Hann v. Balogh, 920 So.2d 1250 (Fla. 2d DCA 2006)



## D. SUMMARY

### APPLICATION REVIEW PROCESS IS SIMILAR TO 120 LICENSING PROCEDURES

- STAFF CAN REQUEST ADDITIONAL INFORMATION
- ALL LOCAL GOVERNMENTS IN VOLUSIA COUNTY MAY SUBMIT WRITTEN COMMENTS
- IF NO ONE OBJECTS AND THE STAFF DETERMINES THERE IS NO PROBLEMS, CERTIFICATION IS ISSUED WITHOUT A PUBLIC HEARING
- SMALL SCALE AMENDMENTS ARE FAST TRACKED
- IF ANYONE GRIPEs, A HEARING IS HELD

# VOLUSIA GROWTH MANAGEMENT COMMISSION

## IV. REVIEW OF SIGNIFICANT ADVERSE IMPACT ON INFRASTRUCTURE BEYOND THE BOUNDARIES OF ONE JURISDICTION

**VOLUSIA COUNTY CODE  
CHAPTER 90, ARTICLE II  
VGMC CERTIFICATION RULES**

**Section 90-37 Criteria for Issuance of Certificate**

- (c) In determining whether a plan, element, or plan amendment adversely affects intergovernmental cooperation and coordination, the commission may, in its sole discretion, consider one or more of the following factors:**
- (3) The extent to which the plan, element, or plan amendment causes or may reasonably be anticipated to cause significant adverse impacts on infrastructure beyond the boundaries of one jurisdiction.**

## **WHAT IS INFRASTRUCTURE**

- **Sanitary sewage**
- **Solid waste**
- **Drainage**
- **Potable water**
- **Parks and recreation**
- **Schools**
- **Transportation facilities**

## WHAT IS SIGNIFICANT ADVERSE IMPACT

- **Significant – not minor or incidental**
- **Adverse – detrimental, unfavorable, harmful**
- **Impact – effect upon**
- **Impact must be beyond the boundaries of the applicant jurisdiction**

## **METHOD OF MEASUREMENT OF IMPACTS**

- **Look at net change**
  - **what new impacts are caused by proposed land use designation that are greater than existing land use designation**
    - **must look at maximum buildout potential of land use**

- **Impacts not otherwise mitigated**
- **Methods of mitigating impacts**
  - **Schools – Concurrency Letter**
    - **Capacity Enhancement Agreement**
  - **Traffic – Proportionate Share Agreement**
  - **Existence of an Interlocal Agreement Addressing Impact Mitigation Issues**

## V. APPLICATION AND BUDGET HISTORY



## VGMC Application and Budget Expense History

| Year | Apps Received | Public Hearings on Amendments | VGMC Expenses |
|------|---------------|-------------------------------|---------------|
| 2004 | 58            | 5                             | \$244,720     |
| 2003 | 54            | 5                             | \$179,622     |
| 2002 | 43            | 3                             | \$203,415     |
| 2001 | 46            | 10                            | \$177,306     |
| 2000 | 53            | 9                             | \$143,264     |
| 1999 | 36            | 8                             | \$212,194     |
| 1998 | 37            | 9                             | \$180,629     |
| 1997 | 54            | 11                            | \$158,545     |
| 1996 | 50            | 11                            | \$139,469     |
| 1995 | 34            | 7                             | \$151,036     |
| 1994 | 43            | 9                             | \$176,084     |
| 1993 | 38            | 10                            | \$157,251     |
| 1992 | 23            | 12                            | \$218,171     |
| 1991 | 17            | 11                            | \$216,257     |
| 1990 | 11            | 12                            | \$213,189     |
| 1989 | 31            | 12                            | \$103,579     |
| 1988 | 16            | 12                            | \$52,645      |
| 1987 |               |                               | \$21,570      |

**VGMC Application and Budget Expense History**

| <b>Year</b>            | <b>Apps Received</b> | <b>Public Hearings on Amendments*</b> | <b>Average # days from Receipt to Determination</b> | <b>VGMC Expenses</b> |
|------------------------|----------------------|---------------------------------------|-----------------------------------------------------|----------------------|
| 2014                   | 46                   | 2                                     | 34                                                  | \$170,507            |
| 2013                   | 97                   | 1                                     | 30                                                  | \$113,266            |
| 2012                   | 33                   | 0                                     | 32                                                  | \$121,418            |
| 2011                   | 59                   | 5                                     | 35                                                  | \$256,838            |
| 2010                   | 34                   | 5                                     | 62                                                  | \$341,922            |
| <b>5-Year Average</b>  | <b>54</b>            | <b>3</b>                              | <b>39</b>                                           | <b>\$200,790</b>     |
| 2009                   | 26                   | 2                                     | 58                                                  | \$267,861            |
| 2008                   | 81                   | 2                                     | 50                                                  | \$328,456            |
| 2007                   | 77                   | 5                                     | 76                                                  | \$301,343            |
| 2006                   | 83                   | 5                                     | 88                                                  | \$268,835            |
| 2005                   | 81                   | 5                                     | 79                                                  | \$244,720            |
| <b>10-Year Average</b> | <b>62</b>            | <b>3</b>                              | <b>54</b>                                           | <b>\$241,517</b>     |

**5-year average = 54 applications/year; 39 day avg. turn around**

**10-year average = 62 applications/year; 54 day avg. turn around**

**\*Does not include public hearings on 1) Requests for extension to comply with prior VGMC resolutions, or 2) Requests for waiver of the 90-day rule.**

## VII. QUESTIONS?



# VGMC Planning Overview



Presented to

Volusia Growth Management Commission

Presented by







## VGMC Overview

- VGMC has no Comprehensive Plan
- Focus on issues of adjacency
- Initial resolution of comprehensive plan compatibility
  - Levels of Service
  - Utility service areas
- Since adoption of plans, focus has been on conflict resolution



## **VGMC Review Criteria - Sec. 90-37(c)**

- In determining whether a plan, element, or plan amendment adversely affects intergovernmental cooperation and coordination, the commission may, in its sole discretion, consider one or more of the following factors:
  - The extent to which the plan, element of plan amendment provides for areawide or **central utility service solutions**;
  - The extent to which the plan, element of plan amendment provides for areawide or **regional transportation solutions**;
  - The extent to which the plan, element of plan amendment causes or may reasonably be anticipated to cause **significant adverse impacts on infrastructure beyond the boundaries of one jurisdiction**;
  - The extent to which the plan, element of plan amendment causes or may reasonably be anticipated to cause **significant adverse impacts on natural resources which extend beyond the boundaries of one jurisdiction**;
  - The extent to which the plan, element, or plan amendment provides for the **coordination of the timing and location of capital improvements** in a manner to reduce duplication and competition; and,
  - The existence of an agreement among all substantially affected local government, substantially affect parties (if any) and the applicant local government which provides for all said governments' consent to the application. If the commission determines that such an agreement exists for any given application, then it shall be rebuttably presumed that said application does not adversely affect **intergovernmental cooperation and coordination**.





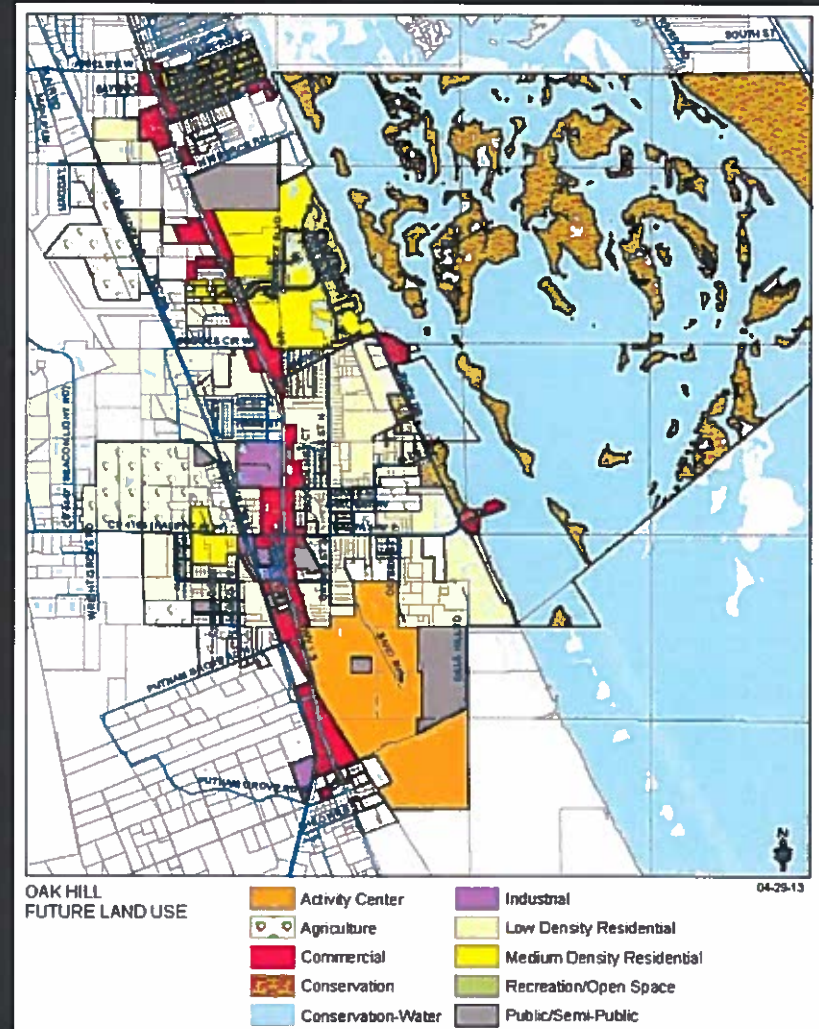
## Analogue - Oak Hill

### ■ Overview

- Text amendment to FLU policies to allow industrial land uses at a 1.0 FAR;
- Text amendment to FLU policies removing the 35 foot maximum building height;
- Special District #1 is located adjacent to National Seashore

### ■ Issues

- Oak Hill has no central utility system
- Infrastructure beyond one jurisdiction
- Timing and location of capital improvement
- Guarantee of service availability and capacity from adjacent jurisdictions in CIP
- Potential adverse impacts on significant natural systems





## Oak Hill

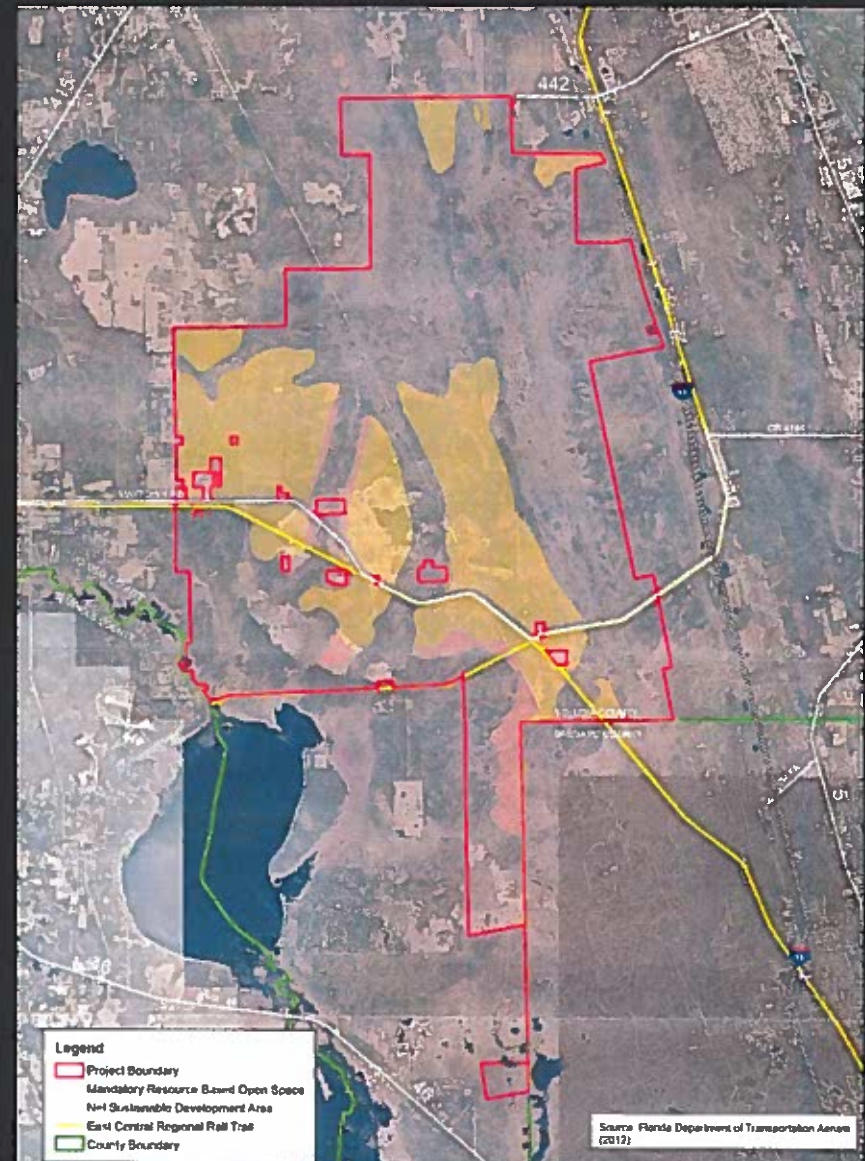
- Recommended that should the VGMC find merit for approving the application, to include conditions with the issuing a Resolution of Consistency
  - PD required for development
  - A Mitigation Plan must be submitted as part of the PD
  - Proposed development shall demonstrate how connection to the nearest central utility line locations will be accomplished.
  - Design standards – building locations, setbacks, conservation areas
  - Proposed changes require VGMC review





## Analogue - Farmton

- Originally a Comprehensive Plan Amendment
  - ± 46,957 acres
  - 23,100 dwelling units
  - 4.7 million sf of non-residential
- Issues
  - Potential impacts to sensitive environmental systems
  - Public Schools
  - Transportation
  - Utilities
  - Capital Improvements





## Farmton

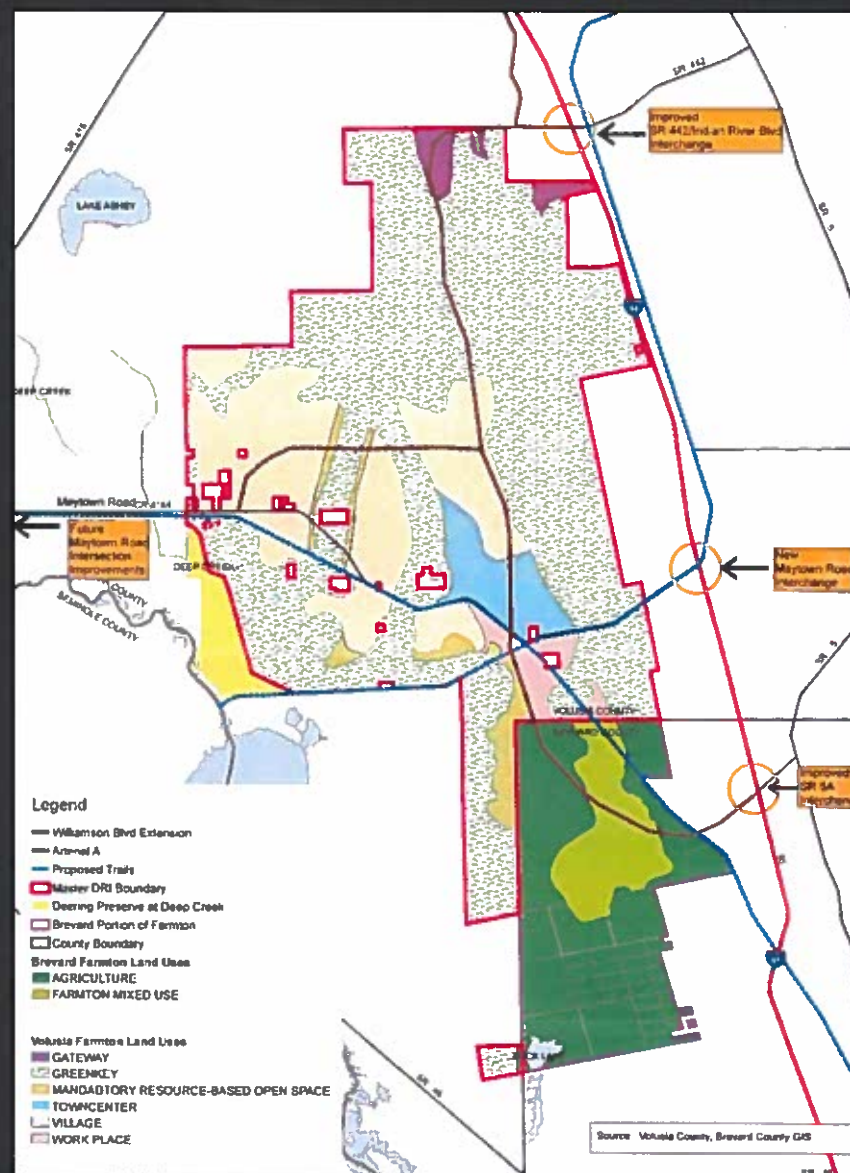
- Potential adverse impacts on significant natural systems
- Central Utility Service solutions
- Regional transportation systems
- Impacts to infrastructure beyond one jurisdiction
- Timing and location of capital improvement
- Intergovernmental Coordination
  - Volusia County School Board – Additional policies and conditions
  - City of Deltona - MOU





## Farmton

- Original application denied
- Master DRI recommended
- Applicant committed to Master DRI that addressed issues and concerns
- Master DRI approved by VGMC





## ■ Overview

- 
- LEGEND**
- Unincorporated lands (e.g. land owned by private individuals, not subject to city or county jurisdiction)
  - Forested Lands**
    - Forested Lands (e.g. forested lands, wetlands, etc.)
    - Forested Lands (e.g. forested lands, wetlands, etc.)
  - Open Space**
    - Open Space (e.g. open space, wetlands, etc.)
    - Open Space (e.g. open space, wetlands, etc.)
  - Water**
    - Water (e.g. water, wetlands, etc.)
    - Water (e.g. water, wetlands, etc.)
  - Residential**
    - Residential (e.g. residential, wetlands, etc.)
    - Residential (e.g. residential, wetlands, etc.)
  - Commercial**
    - Commercial (e.g. commercial, wetlands, etc.)
    - Commercial (e.g. commercial, wetlands, etc.)
  - Industrial**
    - Industrial (e.g. industrial, wetlands, etc.)
    - Industrial (e.g. industrial, wetlands, etc.)
  - Public**
    - Public (e.g. public, wetlands, etc.)
    - Public (e.g. public, wetlands, etc.)
  - Other**
    - Other (e.g. other, wetlands, etc.)
    - Other (e.g. other, wetlands, etc.)
- Map 11: Revised Master Development Plan**
- City of Cary, North Carolina**
- Scale: 1 inch = 1 mile**
- North Arrow**
- Legend:**
- Unincorporated Lands
  - Forested Lands
  - Open Space
  - Water
  - Residential
  - Commercial
  - Industrial
  - Public
  - Other





## Analogue – Restoration DRI

- Application included mitigation and management plans
- Application included infrastructure data and analysis
- RAI issued regarding School Board comments
  - Capacity Enhancement Agreement resolved these issues
- Certificate of Consistency without a public hearing



## Analogue - Consolidated-Tomoka

### ■ Overview

- 990 acres of Forestry Resource to Low Impact Urban
- 129 acres of Urban Low Intensity to Urban Medium Intensity
- Density increase for Low Impact Urban (1 DU/acre to 2 DU/ac)

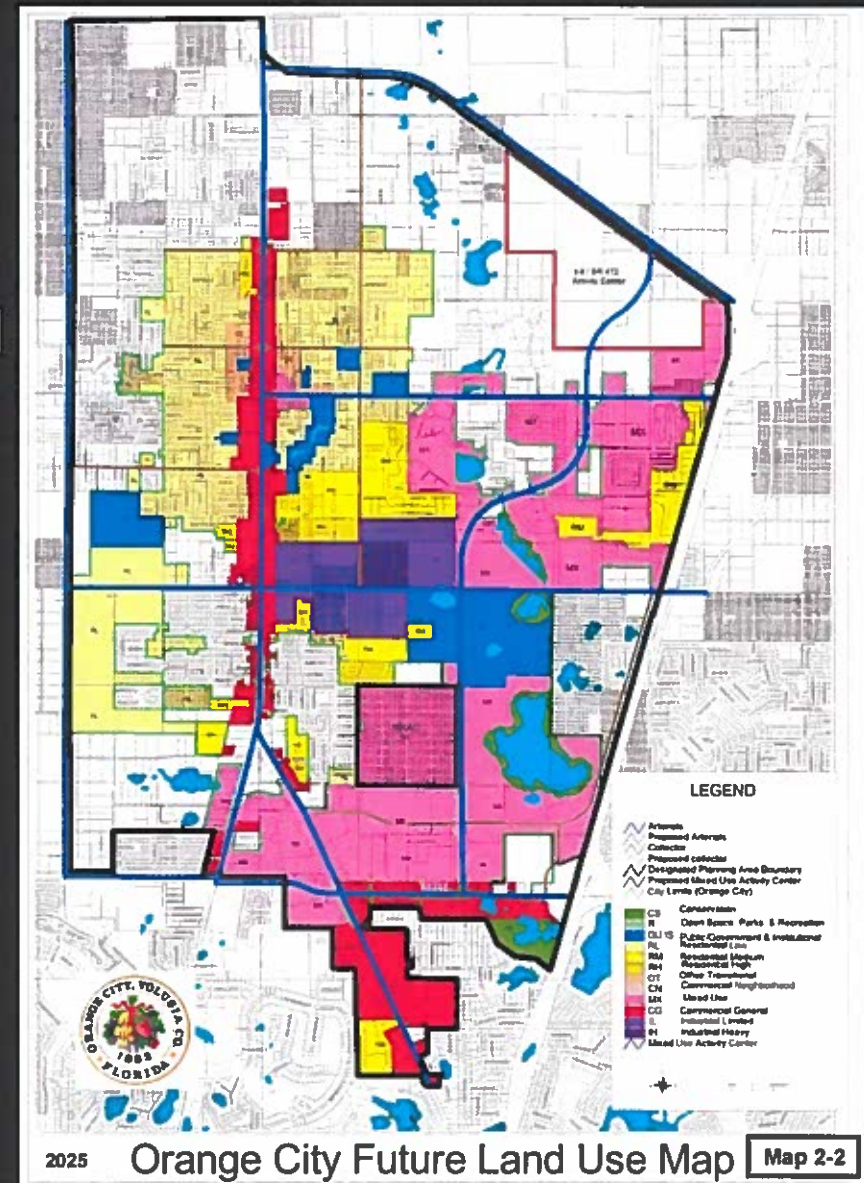
### ■ Issues

- Regional transportation systems
- Impacts to infrastructure beyond one jurisdiction
- VGMC requested additional information
- Application denied



## Analogue - Orange City

- Regional transportation systems
- Impacts to infrastructure beyond one jurisdiction
- Timing and location of capital improvement







## Orange City

- Resolution of Consistency with conditions
- Adoption of revised application package





### ■ VGMC...

- Maximizes consistency among neighboring municipalities
- Minimizes adverse affects on regional systems
- Resolves conflicts between stakeholders



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: No

---

**SUBJECT:** Resolution No. 15-78 - Budget Encumbrances and Project Carry Over Appropriation

**DEPARTMENT:** Finance

**GOAL:**

**OBJECTIVE:**

---

**RECOMMENDED MOTION:** Move to approve Resolution 15-78 as presented.

---

**SUMMARY:**

Budget appropriations lapse when the City's fiscal year ended on September 30, 2015. The attached Resolution re-establishes appropriations for funding open purchase orders and capital projects that were either not completed or started by the fiscal year end. These carryover appropriation re-establish proper budget funding and budgetary alignment of projects. The operating funds have the required equity balances after appropriations by this resolution.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                                          |                                                                                                     |
|----|------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 1. | Reso. No. 15-78                          | Reso. No. 15-78.pdf                                                                                 |
| 2. | Budget Reso 15-78<br>Composite Exhibit A | zt Composite Exh A - FY16 Carryover Bud Reso 15-78 -<br>EN & Proj Bud Balance - CC Mtg 11-10-15.pdf |

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Riehm, Tracey  
Riehm, Tracey  
Roberts, Margaret  
Johansson, M. Jake

Created/Initiated - 10/31/2015  
Approved - 10/31/2015  
Approved - 11/05/2015  
Final Approval - 11/05/2015

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RESOLUTION NO. 15-78

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING FUNDS FOR ADDITIONAL PROJECT CARRY OVER FUNDS FISCAL YEAR 2014-2015 TO FISCAL YEAR 2015-2016 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange has certain additional projects initiated prior to the fiscal year commencing October 1, 2015, which remain incomplete and will carry over from the current fiscal year to the ensuing fiscal year; and

WHEREAS, the City Council desires to appropriate the necessary carry over funds for the continuation and completion of certain City operations and continuing projects and to set forth and appropriate certain revenues and expenses.

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

Section 1. The project carry over funds and funds encumbered with open Purchase Orders are hereby appropriated as set forth in Composite Exhibit A, attached hereto, which reflects revenues and corresponding expenditures for the designated projects for the fiscal year 2015-2016 budget.

Section 2. The budget items adopted in the preceding section shall govern the expenditures relating to such items for the City during the ensuing fiscal year effective October 1, 2015 through September 30, 2016.

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 ALLEN GREEN

ATTEST:

---

Robin Fenwick, City Clerk

Adopted on the                      day of

Reviewed and Approved: \_\_\_\_\_  
City Attorney

**COMPOSITE EXHIBIT A****Resolution No. 15 - 78**

**FY2016**            **General Fund (#001)**  
**PREPARED:**    **November 4, 2015**  
**FINANCE:**      **Lisa Pallante**

|                              |  | <b>BUDGET</b>             |
|------------------------------|--|---------------------------|
|                              |  | <b>INCREASE(DECREASE)</b> |
| <b><u>REVENUES:</u></b>      |  |                           |
|                              |  |                           |
|                              |  |                           |
| <b>APPROPRIATED EQUITY</b>   |  | <b>446,741</b>            |
| <b>TOTAL REVENUES:</b>       |  | <b>446,741</b>            |
|                              |  |                           |
| <b><u>EXPENDITURES:</u></b>  |  |                           |
|                              |  |                           |
| <b>Non Departmental</b>      |  | <b>270,698</b>            |
| <b>Finance</b>               |  | <b>7,104</b>              |
| <b>Human Resources</b>       |  | <b>2,022</b>              |
| <b>Community Development</b> |  | <b>16,103</b>             |
| <b>Fire Department</b>       |  | <b>7,179</b>              |
| <b>Police Department</b>     |  | <b>32,043</b>             |
| <b>Public Works</b>          |  | <b>19,273</b>             |
| <b>Parks Maintenance</b>     |  | <b>79,459</b>             |
| <b>Recreation</b>            |  | <b>12,860</b>             |
| <b>TOTAL EXPENDITURES:</b>   |  | <b>446,741</b>            |

**Resolution No. 15 - 78**

**FY2016**                      **Eastport (#102)**  
**PREPARED:**                **November 4, 2015**  
**FINANCE:**                 **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 32,116                       |
| TOTAL REVENUES:      | 32,116                       |
| <u>EXPENDITURES:</u> |                              |
| Non-Departmental     | 32,116                       |
| TOTAL EXPENDITURES:  | 32,116                       |

**COMPOSITE EXHIBIT A****Resolution No. 15 - 78**

**FY2016**  
**PREPARED:**  
**FINANCE:**

**Town Center (#103)**  
**November 4, 2015**  
**Lisa Pallante**

|                             |  | <b>BUDGET</b>             |
|-----------------------------|--|---------------------------|
|                             |  | <b>INCREASE(DECREASE)</b> |
| <b><u>REVENUES:</u></b>     |  |                           |
| ECHO Grant 15-10            |  | 360,400                   |
| FIND Grant VO-PO-14-106     |  | 56,238                    |
| FIND Grant VO-PO-14-105     |  | 170,000                   |
| FIND Grant VO-PO-13-98      |  | 15,100                    |
| APPROPRIATED EQUITY         |  | 120,892                   |
| <b>TOTAL REVENUES:</b>      |  | <b>722,630</b>            |
| <b><u>EXPENDITURES:</u></b> |  |                           |
| Non-Departmental            |  | 722,630                   |
| <b>TOTAL EXPENDITURES:</b>  |  | <b>722,630</b>            |

**Resolution No. 15 - 78**

**FY2016 Recreation Facilities (#106)**  
**PREPARED: November 4, 2015**  
**FINANCE: Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 174,200                      |
| TOTAL REVENUES:      | 174,200                      |
| <u>EXPENDITURES:</u> |                              |
| Non-Departmental     | 174,200                      |
| TOTAL EXPENDITURES:  | 174,200                      |



**Resolution No. 15 - 78**

**FY2016**                      **Building Special Revenue (#109)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 841                          |
| TOTAL REVENUES:      | 841                          |
| <u>EXPENDITURES:</u> |                              |
| CD Building          | 841                          |
| TOTAL EXPENDITURES:  | 841                          |

COMPOSITE EXHIBIT A

Resolution No. 15 - 78

FY2016 CDBG Special Revenue (#110)  
PREPARED: November 4, 2015  
FINANCE: Lisa Pallante

|                             | BUDGET<br>INCREASE(DECREASE) |
|-----------------------------|------------------------------|
| <b><u>REVENUES:</u></b>     |                              |
| <br>                        |                              |
| Federal grants              | <u>88,804</u>                |
| <br>                        |                              |
| TOTAL REVENUES:             | <u><u>88,804</u></u>         |
| <br>                        |                              |
| <b><u>EXPENDITURES:</u></b> |                              |
| <br>                        |                              |
| CDBG Expense                | <u>88,804</u>                |
| <br>                        |                              |
| TOTAL EXPENDITURES:         | <u><u>88,804</u></u>         |

**Resolution No. 15 - 78**

**FY2016 Capital Projects Fund # (301)**  
**PREPARED: November 4, 2015**  
**FINANCE: Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 2,079,082                    |
| TOTAL REVENUES:      | 2,079,082                    |
| <u>EXPENDITURES:</u> |                              |
| Public Works         | 2,079,082                    |
| TOTAL EXPENDITURES:  | 2,079,082                    |

**Resolution No. 15 - 78**

**FY2016**                      **Transportation Capital Projects Fund (306)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 213,635                      |
| TOTAL REVENUES:      | 213,635                      |
| <u>EXPENDITURES:</u> |                              |
| Public Works         | 213,635                      |
| TOTAL EXPENDITURES:  | 213,635                      |

**Resolution No. 15 - 78**

**FY2016**                      **Fire Impact Fee Fund (311)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                                | <b>BUDGET<br/>INCREASE(DECREASE)</b> |
|--------------------------------|--------------------------------------|
| <b><u>REVENUES:</u></b>        |                                      |
| <br><br><br><br>               |                                      |
| <b>APPROPRIATED EQUITY</b>     | 177                                  |
| <br><b>TOTAL REVENUES:</b>     | 177                                  |
| <br><br><br><br>               |                                      |
| <b><u>EXPENDITURES:</u></b>    |                                      |
| <br><br><br><br>               |                                      |
| <b>Fire Services</b>           | 177                                  |
| <br><b>TOTAL EXPENDITURES:</b> | 177                                  |

COMPOSITE EXHIBIT A

Resolution No. 15 - 78

FY2016            Transportation Impact Fee Fund (#312)  
PREPARED:       November 4, 2015  
FINANCE:        Lisa Pallante

|                             | BUDGET<br>INCREASE(DECREASE) |
|-----------------------------|------------------------------|
| <b><u>REVENUES:</u></b>     |                              |
| <br>                        |                              |
| FDOT LAP Revenue            | 563,781                      |
| APPROPRIATED EQUITY         | <u>538,001</u>               |
| <br>                        |                              |
| TOTAL REVENUES:             | <u><u>1,101,782</u></u>      |
| <br>                        |                              |
| <b><u>EXPENDITURES:</u></b> |                              |
| <br>                        |                              |
| Public Works                | <u>1,101,782</u>             |
| <br>                        |                              |
| TOTAL EXPENDITURES:         | <u><u>1,101,782</u></u>      |

**Resolution No. 15 - 78**

**FY2016**                      **2006 GO Bond Construction (#314)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 1,095,950                    |
| TOTAL REVENUES:      | 1,095,950                    |
| <u>EXPENDITURES:</u> |                              |
| Non-Departmental     | 1,095,950                    |
| TOTAL EXPENDITURES:  | 1,095,950                    |

**Resolution No. 15 - 78**

**FY2016**                      **Parks & Rec. Capital Projects Fund #(315)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                              | BUDGET<br>INCREASE(DECREASE) |
|------------------------------|------------------------------|
| <u>REVENUES:</u>             |                              |
| APPROPRIATED EQUITY          | 63,000                       |
| TOTAL REVENUES:              | 63,000                       |
| <u>EXPENDITURES:</u>         |                              |
| PARKS & REC CAPITAL PROJECTS | 63,000                       |
| TOTAL EXPENDITURES:          | 63,000                       |



**Resolution No. 15 - 78**

**FY2016**                      **2006 ECO DEV BOND FUND #(316)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 19,039                       |
| TOTAL REVENUES:      | 19,039                       |
| <u>EXPENDITURES:</u> |                              |
| NON-DEPARTMENTAL     | 19,039                       |
| TOTAL EXPENDITURES:  | 19,039                       |

**COMPOSITE EXHIBIT A****Resolution No. 15 - 78**

**FY2016**  
**PREPARED:**  
**FINANCE:**

**General Capital Projects Fund #(317)**  
**November 4, 2015**  
**Lisa Pallante**

|                                      |  | <b>BUDGET</b>             |
|--------------------------------------|--|---------------------------|
|                                      |  | <b>INCREASE(DECREASE)</b> |
| <b><u>REVENUES:</u></b>              |  |                           |
|                                      |  |                           |
| ECHO Grant - 15-09 Train Depot       |  | 78,125                    |
| ECHO Grant - Coraci Athletic Complex |  | 185,921                   |
| APPROPRIATED EQUITY                  |  | <u>1,126,194</u>          |
|                                      |  |                           |
| TOTAL REVENUES:                      |  | <u><u>1,390,240</u></u>   |
|                                      |  |                           |
| <b><u>EXPENDITURES:</u></b>          |  |                           |
|                                      |  |                           |
| NON-DEPARTMENTAL                     |  | <u>1,390,240</u>          |
|                                      |  |                           |
| TOTAL EXPENDITURES:                  |  | <u><u>1,390,240</u></u>   |

**Resolution No. 15 - 78**

**FY2016**                      **2014 Capital Imprv. Bond Construction Fund (#320)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 2,811,842                    |
| TOTAL REVENUES:      | 2,811,842                    |
| <u>EXPENDITURES:</u> |                              |
| NON-DEPARTMENTAL     | 2,811,842                    |
| TOTAL EXPENDITURES:  | 2,811,842                    |

**COMPOSITE EXHIBIT A****Resolution No. 15 - 78**

**FY2016**  
**PREPARED:**  
**FINANCE:**

**Water Sewer Operating Fund (#401)**  
**November 4, 2015**  
**Lisa Pallante**

|                                 | <b>BUDGET<br/>INCREASE(DECREASE)</b> |
|---------------------------------|--------------------------------------|
| <b><u>REVENUES:</u></b>         |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <b>APPROPRIATED EQUITY</b>      | <b>456,885</b>                       |
| <br>                            |                                      |
| <b>TOTAL REVENUES:</b>          | <b>456,885</b>                       |
| <br>                            |                                      |
| <br>                            |                                      |
| <b><u>EXPENDITURES:</u></b>     |                                      |
| <br>                            |                                      |
| <b>Customer Service</b>         | <b>20,094</b>                        |
| <b>Water Production</b>         | <b>6,946</b>                         |
| <b>Non-Departmental</b>         | <b>-</b>                             |
| <b>Sewer Production</b>         | <b>156,560</b>                       |
| <b>Meter Readers</b>            | <b>35,813</b>                        |
| <b>Water/Sewer Maintenance</b>  | <b>39,459</b>                        |
| <b>Water/Sewer Distribution</b> | <b>144,245</b>                       |
| <b>Lab</b>                      | <b>9,970</b>                         |
| <b>Administration</b>           | <b>43,798</b>                        |
| <br>                            |                                      |
| <b>TOTAL EXPENDITURES:</b>      | <b>456,885</b>                       |

**COMPOSITE EXHIBIT A****Resolution No. 15 - 78**

**FY2016**  
**PREPARED:**  
**FINANCE:**

**WS R&R Fund (#403)**  
**November 4, 2015**  
**Lisa Pallante**

|                                 |  | <b>BUDGET</b>             |
|---------------------------------|--|---------------------------|
|                                 |  | <b>INCREASE(DECREASE)</b> |
| <b><u>REVENUES:</u></b>         |  |                           |
| <br>                            |  |                           |
| <br>                            |  |                           |
| <br>                            |  |                           |
| <b>APPROPRIATED EQUITY</b>      |  | <b>1,740,885</b>          |
| <br>                            |  |                           |
| <b>TOTAL REVENUES:</b>          |  | <b>1,740,885</b>          |
| <br>                            |  |                           |
| <b><u>EXPENDITURES:</u></b>     |  |                           |
| <br>                            |  |                           |
| <b>Water Production</b>         |  | <b>423,925</b>            |
| <b>Wastewater Treatment</b>     |  | <b>528,908</b>            |
| <b>Wastewater Collection</b>    |  | <b>628,449</b>            |
| <b>Meter Readers</b>            |  | <b>8,487</b>              |
| <b>Water/Sewer Distribution</b> |  | <b>151,116</b>            |
| <br>                            |  |                           |
| <b>TOTAL EXPENDITURES:</b>      |  | <b>1,740,885</b>          |

**Resolution No. 15 - 78**

**FY2016**                      **WS Impact Fund (#405)**  
**PREPARED:**            **November 4, 2015**  
**FINANCE:**             **Lisa Pallante**

|                          | BUDGET<br>INCREASE(DECREASE) |
|--------------------------|------------------------------|
| <u>REVENUES:</u>         |                              |
| APPROPRIATED EQUITY      | 2,729,050                    |
| TOTAL REVENUES:          | 2,729,050                    |
| <u>EXPENDITURES:</u>     |                              |
| Wastewater Treatment     | 2,383,572                    |
| Wastewater Collection    | 246,347                      |
| Water/Sewer Distribution | 99,131                       |
| TOTAL EXPENDITURES:      | 2,729,050                    |

COMPOSITE EXHIBIT A

Resolution No. 15 - 78

FY2016            Drainage Fund (#412)  
PREPARED:       November 4, 2015  
FINANCE:        Lisa Pallante

|                             | BUDGET<br>INCREASE(DECREASE) |
|-----------------------------|------------------------------|
| <b><u>REVENUES:</u></b>     |                              |
| <br>                        |                              |
| DEP Grant LP64041           | 1,041,704                    |
| APPROPRIATED EQUITY         | <u>1,782,535</u>             |
| <br>                        |                              |
| TOTAL REVENUES:             | <u><u>2,824,239</u></u>      |
| <br>                        |                              |
| <b><u>EXPENDITURES:</u></b> |                              |
| <br>                        |                              |
| Drainage                    | <u>2,824,239</u>             |
| <br>                        |                              |
| TOTAL EXPENDITURES:         | <u><u>2,824,239</u></u>      |

**Resolution No. 15 - 78**

**FY2016**                      **Wetland Mitigation Fund (#416)**  
**PREPARED:**            **November 4, 2015**  
**FINANCE:**             **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 117,195                      |
| TOTAL REVENUES:      | 117,195                      |
| <u>EXPENDITURES:</u> |                              |
| Wetland Mitigation   | 117,195                      |
| TOTAL EXPENDITURES:  | 117,195                      |



**Resolution No. 15 - 78**

**FY2016 Forestry Fund (#420)**  
**PREPARED: November 4, 2015**  
**FINANCE: Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 71,492                       |
| TOTAL REVENUES:      | 71,492                       |
| <u>EXPENDITURES:</u> |                              |
| Forestry             | 71,492                       |
| TOTAL EXPENDITURES:  | 71,492                       |

**COMPOSITE EXHIBIT A****Resolution No. 15 - 78**

**FY2016**                      **Water and Sewer Deferred Construction (421)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                                 | <b>BUDGET<br/>INCREASE(DECREASE)</b> |
|---------------------------------|--------------------------------------|
| <b><u>REVENUES:</u></b>         |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <br>                            |                                      |
| <b>APPROPRIATED EQUITY</b>      | <b>64,133</b>                        |
| <br>                            |                                      |
| <b>TOTAL REVENUES:</b>          | <b>64,133</b>                        |
| <br>                            |                                      |
| <br>                            |                                      |
| <b><u>EXPENDITURES:</u></b>     |                                      |
| <br>                            |                                      |
| <b>Wastewater Collection</b>    | <b>27,211</b>                        |
| <b>Meter Readers</b>            | <b>113</b>                           |
| <b>Water/Sewer Distribution</b> | <b>36,809</b>                        |
| <br>                            |                                      |
| <b>TOTAL EXPENDITURES:</b>      | <b>64,133</b>                        |

**Resolution No. 15 - 78**

**FY2016**                      **Golf Course Capital Fund (#451)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

[illegible]

**Resolution No. 15 - 78**

**FY2016**                      **Information Technology Fund (#501)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

[illegible]

**Resolution No. 15 - 78**

**FY2016**                      **Vehicle Maintenance Fund (#503)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <hr/>                |                              |
| <u>REVENUES:</u>     |                              |
|                      |                              |
|                      |                              |
|                      |                              |
|                      |                              |
|                      |                              |
| APPROPRIATED EQUITY  | 79,781 <hr/>                 |
| TOTAL REVENUES:      | 79,781 <hr/> <hr/>           |
|                      |                              |
| <u>EXPENDITURES:</u> |                              |
| Vehicle Maintenance  | 79,781 <hr/>                 |
| TOTAL EXPENDITURES:  | 79,781                       |

**Resolution No. 15 - 78**

**FY2016**                      **Lease & Replacement Fund (#505)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
|                      |                              |
| APPROPRIATED EQUITY  | 2,082,603                    |
| TOTAL REVENUES:      | 2,082,603                    |
|                      |                              |
| <u>EXPENDITURES:</u> |                              |
| Capital Expenditures | 2,082,603                    |
| TOTAL EXPENDITURES:  | 2,082,603                    |

**COMPOSITE EXHIBIT A****Resolution No. 15 - 78**

**FY2016**  
**PREPARED:**  
**FINANCE:**

**Building Maintenance Fund (#506)**  
**November 4, 2015**  
**Lisa Pallante**

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|  | <b>BUDGET</b>             |
|--|---------------------------|
|  | <b>INCREASE(DECREASE)</b> |

---

**REVENUES:**

|                            |               |
|----------------------------|---------------|
| <b>APPROPRIATED EQUITY</b> | <u>73,172</u> |
|----------------------------|---------------|

|                        |                      |
|------------------------|----------------------|
| <b>TOTAL REVENUES:</b> | <u><u>73,172</u></u> |
|------------------------|----------------------|

**EXPENDITURES:**

|                                  |               |
|----------------------------------|---------------|
| <b>Building Maintenance Dept</b> | <u>73,172</u> |
|----------------------------------|---------------|

|                            |                      |
|----------------------------|----------------------|
| <b>TOTAL EXPENDITURES:</b> | <u><u>73,172</u></u> |
|----------------------------|----------------------|

**Resolution No. 15 - 78**

**FY2016**                      **Police Forfeiture Fund (#607)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 3,591                        |
| TOTAL REVENUES:      | 3,591                        |
| <u>EXPENDITURES:</u> |                              |
| Police Services      | 3,591                        |
| TOTAL EXPENDITURES:  | 3,591                        |



**Resolution No. 15 - 78**

**FY2016**                      **Fire Program Fund (#609)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 24,452                       |
| TOTAL REVENUES:      | 24,452                       |
| <u>EXPENDITURES:</u> |                              |
| Fire Services        | 24,452                       |
| TOTAL EXPENDITURES:  | 24,452                       |

**Resolution No. 15 - 78**

**FY2016 Recreation Impact Fund (#611)**  
**PREPARED: November 4, 2015**  
**FINANCE: Lisa Pallante**

|                      | BUDGET<br>INCREASE(DECREASE) |
|----------------------|------------------------------|
| <u>REVENUES:</u>     |                              |
| APPROPRIATED EQUITY  | 50,000                       |
| TOTAL REVENUES:      | 50,000                       |
| <u>EXPENDITURES:</u> |                              |
| Recreation Dept.     | 50,000                       |
| TOTAL EXPENDITURES:  | 50,000                       |

**COMPOSITE EXHIBIT A****Resolution No. 15 - 78**

**FY2016**            **Federal Police Forfeiture Fund (#625)**  
**PREPARED:**    **November 4, 2015**  
**FINANCE:**      **Lisa Pallante**

|                             |  | <b>BUDGET</b>             |
|-----------------------------|--|---------------------------|
|                             |  | <b>INCREASE(DECREASE)</b> |
| <b><u>REVENUES:</u></b>     |  |                           |
|                             |  |                           |
|                             |  |                           |
|                             |  |                           |
|                             |  |                           |
| <b>APPROPRIATED EQUITY</b>  |  | <b>5,084</b>              |
|                             |  |                           |
| <b>TOTAL REVENUES:</b>      |  | <b>5,084</b>              |
|                             |  |                           |
| <b><u>EXPENDITURES:</u></b> |  |                           |
|                             |  |                           |
|                             |  |                           |
| <b>Police</b>               |  | <b>5,084</b>              |
|                             |  |                           |
| <b>TOTAL EXPENDITURES:</b>  |  | <b>5,084</b>              |

| Open Encumbrance and Project Balance Carryover Listing for FY15 |                |           |                                     |        |                      |
|-----------------------------------------------------------------|----------------|-----------|-------------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                |           |                                     |        |                      |
| Account Number                                                  | Total Amount   | Project # | Vendor Name or Project Name         | PO #   | Amount for PO's Only |
| 001-1000-519.31-13                                              | 44,650         | AIO004    | CD RIVERWALK PROJECT                |        |                      |
| 001-1000-519.31-13                                              | 17,129         | AIO023    | CM City Manager Search              |        |                      |
| 001-1000-519.31-13                                              | 50,000         | ZMI061    | FN Indp Actuary Review of Pensions  |        |                      |
| 001-1000-519.49-16                                              | 3,351          | ZMI003    | CM CITY TELEVISION STA              |        |                      |
| 001-1000-519.52-17                                              | 114,456        | ZCV002    | CM HISTORIC TREE MITIGATN           |        |                      |
| 001-1000-519.52-19                                              | 194            | AIO021    | CM YOUTH ADVISORY BOARD             |        |                      |
| 001-1000-519.52-19                                              | 4,240          | QPC046    | R Veteran'sPrkBrick/TreeP           |        |                      |
| 001-1000-519.63-97                                              | 2,200          | IMI008    | CD TrafCtrlImpr SunsetCv            |        |                      |
| 001-1000-519.64-00                                              | 34,478         | ZMI003    | CM CITY TELEVISION STA              |        |                      |
| <b>Non-Departmental Total:</b>                                  | <b>270,698</b> |           |                                     |        |                      |
| 001-1600-513.31-13                                              | 6,655          |           | MILESTONE PROFESSIONAL SERVICES,INC | 068345 | 6,655                |
| 001-1600-513.52-00                                              | 449            |           | KONICA MINOLTA BUSINESS SOLUTION    | 070013 | 449                  |
| <b>Finance Total:</b>                                           | <b>7,104</b>   |           |                                     |        |                      |
| 001-1700-513.52-16                                              | 2,022          |           | FLORIDA HEALTH CARE PLANS           | 070049 | 2,022                |
| <b>Human Resources Total:</b>                                   | <b>2,022</b>   |           |                                     |        |                      |
| 001-1900-515.63-97                                              | 5,000          | AIO026    | CD S.RidgewoodAve Irrgtn            |        |                      |
| 001-1900-515.63-97                                              | 5,000          | AIO027    | CD S.RidgewoodAveLandscape          |        |                      |
| <b>CD Planning Total:</b>                                       | <b>10,000</b>  |           |                                     |        |                      |
| 001-1902-515.31-13                                              | 3,994          |           | DJ DESIGN, INC.                     | 070480 | 3,994                |
| 001-1902-515.41-00                                              | 174            |           | E. J. WARD                          | 069608 | 174                  |
| <b>CD Code Enforcement Total:</b>                               | <b>4,168</b>   |           |                                     |        |                      |
| 001-1903-515.31-13                                              | 1,495          |           | QUENTIN L. HAMPTON ASSOC.,INC.      | 069652 | 1,495                |
| 001-1903-515.31-13                                              | 365            |           | SOUTHEASTERN SURVEYING              | 070121 | 365                  |
| 001-1903-515.41-00                                              | 35             |           | E. J. WARD                          | 069608 | 35                   |
| 001-1903-515.52-12                                              | 40             |           | UNIFIRST CORPORATION                | 070247 | 40                   |
| <b>CD Engineering Total:</b>                                    | <b>1,935</b>   |           |                                     |        |                      |
| 001-3100-522.41-00                                              | 382            |           | E. J. WARD                          | 069608 | 382                  |
| 001-3100-522.52-00                                              | 235            |           | LLOYD'S EXERCISE EQUIPMENT          | 069714 | 235                  |
| 001-3100-522.52-16                                              | 1,305          |           | MIDWEST MEDICAL SUPPLY CO LLC       | 070411 | 1,305                |
| 001-3100-522.52-17                                              | 3,668          | FIR001    | F EMS TRAINING PROGRAMS             |        |                      |
| 001-3100-522.52-18                                              | 1,410          | FIR002    | F SHARPS PROGRAM                    |        |                      |
| 001-3100-522.64-00                                              | 179            | OMI026    | P FS73 EmerGenFuelTankRpl           |        |                      |
| <b>Fire &amp; Rescue Total:</b>                                 | <b>7,179</b>   |           |                                     |        |                      |
| 001-3200-521.31-13                                              | 5,599          | AIO020    | LE PET SMART GRANT                  |        |                      |
| 001-3200-521.31-13                                              | 5,040          |           | OCEAN'S EDGE VETERINARY CLINIC      | 069869 | 5,040                |
| 001-3200-521.31-13                                              | 3,784          |           | RAVENWOOD VETERINARY CLINIC         | 070051 | 3,784                |
| 001-3200-521.31-13                                              | 640            |           | SUNGARD PUBLIC SECTOR, INC.         | 070210 | 640                  |
| 001-3200-521.41-00                                              | 233            |           | AT & T                              | 069760 | 233                  |
| 001-3200-521.46-18                                              | 126            |           | COMMUNICATIONS INTERNATIONAL, INC.  | 069910 | 126                  |
| 001-3200-521.46-18                                              | 4,352          |           | COMMUNICATIONS INTERNATIONAL, INC.  | 069937 | 4,352                |
| 001-3200-521.49-20                                              | 4,925          |           | CHIEF SUPPLY CORPORATION            | 070461 | 4,925                |
| 001-3200-521.49-20                                              | 4,517          |           | DGG TASER                           | 070467 | 4,517                |
| 001-3200-521.52-12                                              | 2,827          |           | FIRESTORE ONLINE, INC.              | 069981 | 2,827                |
| <b>Police Total:</b>                                            | <b>32,043</b>  |           |                                     |        |                      |
| 001-4300-541.34-14                                              | 12,798         |           | ZEY COHEN & ASSOCIATES              | 070288 | 12,798               |
| 001-4300-541.41-00                                              | 799            |           | E. J. WARD                          | 069608 | 799                  |
| 001-4300-541.46-10                                              | 1,114          |           | FLORIDA WATER FEATURES              | 069835 | 1,114                |
| 001-4300-541.46-11                                              | 3,528          |           | COUNTY OF VOLUSIA                   | 069649 | 3,528                |
| 001-4300-541.53-00                                              | 1,034          |           | HALIFAX PAVING, INC.                | 069609 | 1,034                |
| <b>Public Works Total:</b>                                      | <b>19,273</b>  |           |                                     |        |                      |

| Open Encumbrance and Project Balance Carryover Listing for FY15 |                |           |                                     |        |                      |
|-----------------------------------------------------------------|----------------|-----------|-------------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                |           |                                     |        |                      |
|                                                                 |                |           |                                     |        |                      |
| Account Number                                                  | Total Amount   | Project # | Vendor Name or Project Name         | PO #   | Amount for PO's Only |
| 001-4400-572.34-14                                              | 800            |           | TEMPASSURE AC LLC                   | 070074 | 800                  |
| 001-4400-572.34-14                                              | 1,547          |           | FLAIR SERVICE INC                   | 070447 | 1,547                |
| 001-4400-572.41-00                                              | 591            |           | E. J. WARD                          | 069608 | 591                  |
| 001-4400-572.46-17                                              | 15,000         | QPC053    | Buschman Trailer Reno               |        |                      |
| 001-4400-572.46-17                                              | 7,145          |           | ATHLETIC FIELD SUPPLY               | 069693 | 7,145                |
| 001-4400-572.49-20                                              | 15,080         | QPC054    | R PARKS FURNISHINGS                 |        |                      |
| 001-4400-572.52-12                                              | 155            |           | UNIFIRST CORPORATION                | 069634 | 155                  |
| 001-4400-572.52-18                                              | 3,150          |           | SSE & ASSOCIATES, INC.              | 070265 | 3,150                |
| 001-4400-572.64-00                                              | 24,536         | QPC045    | R SCOREBOARD REPLACEMENT            |        |                      |
| 001-4400-572.64-00                                              | 11,455         | QPC045    | DAKTRONICS, INC.                    | 070366 | 11,455               |
| <b>Parks Maintenance Total:</b>                                 | <b>79,459</b>  |           |                                     |        |                      |
| 001-5100-572.49-19                                              | 3,201          | QPC059    | R ParksFoundationCreation           |        |                      |
| 001-5100-572.52-19                                              | 500            | QPC065    | R Outdoor Public Art                |        |                      |
| <b>Recreation Total:</b>                                        | <b>3,701</b>   |           |                                     |        |                      |
| 001-5125-572.46-16                                              | 214            | QPC064    | R Lakeside Center Carpet            |        |                      |
| 001-5125-572.46-16                                              | 8,945          | QPC071    | R Lakeside Restroom & Hallway Reno. |        |                      |
| <b>Recreation - Lakeside Center Total:</b>                      | <b>9,159</b>   |           |                                     |        |                      |
| <b>General Fund Grand Total:</b>                                | <b>446,741</b> |           |                                     |        |                      |
| 102-1000-552.63-00                                              | 9,026          | TIF004    | T EASTPORT ENTRY SIGNAGE            |        |                      |
| 102-1000-552.83-00                                              | 23,090         | TIF006    | T Pie Guy Incentive                 |        |                      |
| <b>Eastport Total:</b>                                          | <b>32,116</b>  |           |                                     |        |                      |
| 103-1000-552.52-00                                              | 322            | AIO004    | CD RIVERWALK PROJECT                |        |                      |
| 103-1000-552.61-00                                              | 10,525         | AIO004    | CD RIVERWALK PROJECT                |        |                      |
| 103-1000-552.61-00                                              | 175,400        | TIF007    | T Penna Court Motel Prope           |        |                      |
| 103-1000-552.61-00                                              | 3,275          |           | G & S GOOD ENVIRONMENTAL, INC.      | 070415 | 3,275                |
| 103-1000-552.61-00                                              | 2,145          |           | ATS LAND SURVEYING LLC              | 070416 | 2,145                |
| 103-1000-552.63-97                                              | 2,420          | AIO004    | DMC DREDGING & MARINE CONSULTANTS   | 069362 | 2,420                |
| 103-1000-552.63-97                                              | 128,543        | AIO004    | CD RIVERWALK PROJECT                |        |                      |
| 103-1000-552.63-97                                              | 400,000        | AIO004    | CD RIVERWALK PROJECT                |        |                      |
| <b>Town Center Total:</b>                                       | <b>722,630</b> |           |                                     |        |                      |
| 106-1000-572.31-13                                              | 12,770         |           | MARK DOWST & ASSOCIATES INC.        | 065948 | 12,770               |
| 106-1000-572.46-15                                              | 3,270          | QPC020    | R YMCA REPAIRS                      |        |                      |
| 106-1000-572.62-00                                              | 2,860          | QPC058    | R YMCA RENOVATIONS PH II            |        |                      |
| 106-1000-572.63-97                                              | 381            | QPC056    | R YMCA Pool Deck Replace            |        |                      |
| 106-1000-572.63-97                                              | 1,249          | QPC060    | HAWKINS, HALL & OGLE ARCHITECTS INC | 069886 | 1,249                |
| 106-1000-572.63-97                                              | 153,505        | QPC060    | R YMCA Reno Phase III               |        |                      |
| 106-1000-572.64-00                                              | 9              | QPC049    | R YMCA AC REPLACEMENTS              |        |                      |
| 106-1000-572.64-00                                              | 156            | QPC058    | R YMCA RENOVATIONS PH II            |        |                      |
| <b>Recreation Facilities Total:</b>                             | <b>174,200</b> |           |                                     |        |                      |
| 109-1901-515.31-13                                              | 221            |           | REMEDY INTELLIGENT STAFFING INC.    | 069701 | 221                  |
| 109-1901-515.41-00                                              | 174            |           | E. J. WARD                          | 069608 | 174                  |
| 109-1901-515.52-12                                              | 446            |           | UNIFIRST CORPORATION                | 069633 | 446                  |
| <b>Building Special RV Total:</b>                               | <b>841</b>     |           |                                     |        |                      |
| 110-1904-554.31-13                                              | 17,460         |           | STRATEGIC PLANNING GROUP, INC       | 070374 | 17,460               |
| 110-1904-554.61-00                                              | 100            | CDBG04    | CM CDBG ACQUIRE PROPERTY            |        |                      |
| 110-1904-554.63-97                                              | 1,050          | CDBG05    | QUENTIN L. HAMPTON ASSOC.,INC.      | 070056 | 1,050                |
| 110-1904-554.63-97                                              | 3,000          | CDBG06    | QUENTIN L. HAMPTON ASSOC.,INC.      | 070056 | 3,000                |
| 110-1904-554.63-97                                              | 67,121         | CDBG06    | HALIFAX PAVING, INC.                | 070202 | 67,121               |
| 110-1904-554.63-97                                              | 73             | CDBG06    | CM CDBG ROAD REPAIR                 |        |                      |
| <b>CDBG Total:</b>                                              | <b>88,804</b>  |           |                                     |        |                      |

| Open Encumbrance and Project Balance Carryover Listing for FY15 |                  |           |                                  |        |                      |
|-----------------------------------------------------------------|------------------|-----------|----------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                  |           |                                  |        |                      |
| Account Number                                                  | Total Amount     | Project # | Vendor Name or Project Name      | PO #   | Amount for PO's Only |
| 301-4300-541.31-63                                              | 50,000           | OMI001    | P OAK ST RR CROSSING             |        |                      |
| 301-4300-541.31-63                                              | 50,000           | OMI002    | P CHARLES ST RR CROSSING         |        |                      |
| 301-4300-541.46-03                                              | 35,000           | IMI003    | P EMG TRAFFIC CONTROL SYS        |        |                      |
| 301-4300-541.53-63                                              | 32,428           | IMI001    | P SIGNAGE                        |        |                      |
| 301-4300-541.53-63                                              | 73,922           | IMI002    | P STREET STRIPING                |        |                      |
| 301-4300-541.53-63                                              | 35,000           | IMI006    | P GUARDRAIL REPAIRS              |        |                      |
| 301-4300-541.53-63                                              | 14,081           | OMI007    | SPARKS CONCRETE, LLC             | 068788 | 14,081               |
| 301-4300-541.53-63                                              | 1,168            | OMI007    | P SIDEWALK MAINTENANCE           |        |                      |
| 301-4300-541.63-16                                              | 36,190           | BNE001    | P MISC BIKE PATHS                |        |                      |
| 301-4300-541.63-97                                              | 5,322            | AIO016    | ECONOMY ELECTRIC COMPANY         | 070238 | 5,322                |
| 301-4300-541.63-97                                              | 60,690           | AIO016    | CD Dunlawton Walk Light          |        |                      |
| 301-4300-541.63-97                                              | 1,552            | OMI024    | P MISC NEW SIDEWALKS             |        |                      |
| 301-4300-541.63-97                                              | 725,000          | PNC007    | P YORKTOWNE MDL SEGMENT          |        |                      |
| 301-4300-541.63-97                                              | 131,686          | PNC011    | P YORKTOWNE SO SEGMENT           |        |                      |
| 301-4300-541.63-97                                              | 618,250          | POL039    | HALIFAX PAVING, INC.             | 070202 | 618,250              |
| 301-4300-541.63-97                                              | 5,172            | POL039    | P FY15 Paving Program            |        |                      |
| 301-4300-541.63-97                                              | 172,621          | TIF002    | T TWN CTR MEDIAN IMPRV           |        |                      |
| 301-4300-541.63-97                                              | 11,000           | ZMI046    | CD LED TRAFFIC LIGHT REPL        |        |                      |
| 301-4300-541.64-15                                              | 19,350           | DIP064    | LUCITY INC                       | 070437 | 19,350               |
| 301-4300-541.64-15                                              | 650              | DIP064    | P Asset Mgmt Software Sys        |        |                      |
| <b>Capital Projects Total:</b>                                  | <b>2,079,082</b> |           |                                  |        |                      |
| 306-4300-541.63-00                                              | 213,495          | PNC008    | P DUNLAWTON/TAYLOR/YORKTO        |        |                      |
| 306-4300-541.63-97                                              | 140              | POL021    | KIMLEY-HORN AND ASSOCIATES, INC. | 069350 | 140                  |
| <b>Trans. Capital Proejcts Total:</b>                           | <b>213,635</b>   |           |                                  |        |                      |
| 311-3100-522.64-00                                              | 177              | FIR005    | F THERMAL IMAGING CAMERAS        |        |                      |
| <b>Fire Impact Fee Total:</b>                                   | <b>177</b>       |           |                                  |        |                      |
| 312-4300-541.31-63                                              | 6,858            | OMI015    | P CLYDE MORRIS SIDEWALK          |        |                      |
| 312-4300-541.31-63                                              | 2,685            | OMI016    | P HERBERT SHOULDER/SWALK         |        |                      |
| 312-4300-541.31-63                                              | 1,456            | OMI017    | P SP CREEK SIDEWALK              |        |                      |
| 312-4300-541.31-63                                              | 1,464            | OMI018    | P VICTORIA GRD SIDEWALK          |        |                      |
| 312-4300-541.31-63                                              | 1,391            | OMI019    | P MCDONALD RD SIDEWALK           |        |                      |
| 312-4300-541.31-63                                              | 2,000            | OMI022    | P HERBERT SIDEWALK EAST          |        |                      |
| 312-4300-541.31-63                                              | 1,500            | OMI023    | P WILLOW RUN SIDEWALK SO         |        |                      |
| 312-4300-541.63-97                                              | 1,500            | OMI014    | UNIVERSAL ENGINEERING SCIENCES   | 070271 | 1,500                |
| 312-4300-541.63-97                                              | 20,076           | OMI014    | P SP CREEK RD - SO TRAIL         |        |                      |
| 312-4300-541.63-97                                              | 33,974           | OMI015    | P CLYDE MORRIS SIDEWALK          |        |                      |
| 312-4300-541.63-97                                              | 6,548            | OMI017    | P SP CREEK SIDEWALK              |        |                      |
| 312-4300-541.63-97                                              | 5,372            | OMI018    | P VICTORIA GRD SIDEWALK          |        |                      |
| 312-4300-541.63-97                                              | 6,752            | OMI019    | P MCDONALD RD SIDEWALK           |        |                      |
| 312-4300-541.63-97                                              | 7,125            | OMI022    | P HERBERT SIDEWALK EAST          |        |                      |
| 312-4300-541.63-97                                              | 6,494            | OMI023    | P WILLOW RUN SIDEWALK SO         |        |                      |
| 312-4300-541.63-97                                              | 45,500           | OMI024    | P MISC NEW SIDEWALKS             |        |                      |
| 312-4300-541.63-97                                              | 238,280          | PNC007    | P YORKTOWNE MDL SEGMENT          |        |                      |
| 312-4300-541.63-97                                              | 22,775           | PNC014    | P HERBERT ST RGT TURN LN         |        |                      |
| 312-4300-541.63-97                                              | 100              | POL021    | KIMLEY-HORN AND ASSOCIATES, INC. | 069350 | 100                  |
| 312-4300-541.63-97                                              | 75,472           | POL021    | P & S PAVING                     | 070023 | 75,472               |
| 312-4300-541.63-97                                              | 50,396           | POL021    | P TOWN WEST/WILLIAMSON           |        |                      |
| 312-4310-541.63-97                                              | 165,143          | OMI014    | SPARKS CONCRETE, LLC             | 070240 | 165,143              |
| 312-4310-541.63-97                                              | 31,370           | OMI014    | P SP CREEK RD - SO TRAIL         |        |                      |
| 312-4310-541.63-97                                              | 71,429           | OMI019    | P MCDONALD RD SIDEWALK           |        |                      |
| 312-4310-541.63-97                                              | 26,614           | PNC014    | QUENTIN L. HAMPTON ASSOC.,INC.   | 070397 | 26,614               |
| 312-4310-541.63-97                                              | 205,840          | PNC014    | MASCI CORPORATION                | 070398 | 205,840              |
| 312-4310-541.63-97                                              | 63,668           | PNC014    | P HERBERT ST RGT TURN LN         |        |                      |
| <b>Transp. Impact Fee Total:</b>                                | <b>1,101,782</b> |           |                                  |        |                      |

| Open Encumbrance and Project Balance Carryover Listing for FY15 |                  |           |                                     |        |                      |
|-----------------------------------------------------------------|------------------|-----------|-------------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                  |           |                                     |        |                      |
| Account Number                                                  | Total Amount     | Project # | Vendor Name or Project Name         | PO #   | Amount for PO's Only |
| 314-1000-521.63-97                                              | 31,050           | CNE009    | ZEV COHEN & ASSOCIATES              | 068324 | 31,050               |
| 314-1000-521.63-97                                              | 1,064,900        | CNE009    | LE PUB SAFETY TRAIN FACIL           |        |                      |
| <b>2006 GO Bond Construction Total:</b>                         | <b>1,095,950</b> |           |                                     |        |                      |
| 315-5100-572.63-97                                              | 23,500           | QPC062    | DMC DREDGING & MARINE CONSULTANTS   | 070400 | 23,500               |
| 315-5100-572.63-97                                              | 15,500           | QPC062    | R Causeway Dock Refurbish           |        |                      |
| 315-5100-572.63-97                                              | 7,377            | QPC063    | COMMERICAL CONSTRUCTION INC.        | 070499 | 7,377                |
| 315-5100-572.63-97                                              | 16,623           | QPC063    | R SP CRK Bsktball Ct Reno           |        |                      |
| <b>Parks &amp; Recreation Capital Project Total:</b>            | <b>63,000</b>    |           |                                     |        |                      |
| 316-1000-552.63-00                                              | 1,150            | TIF004    | DON BELL SIGNS, LLC                 | 070404 | 1,150                |
| 316-1000-552.63-00                                              | 4,670            | TIF004    | KSG LANDSCAPING, INC.               | 070451 | 4,670                |
| 316-1000-552.63-00                                              | 13,219           | TIF004    | T EASTPORT ENTRY SIGNAGE            |        |                      |
| <b>2006 Econ Dev Bond Construction Total:</b>                   | <b>19,039</b>    |           |                                     |        |                      |
| 317-1000-519.61-00                                              | 7,074            | AIO004    | CD RIVERWALK PROJECT                |        |                      |
| 317-1000-519.61-00                                              | 159,125          | AIO031    | CM Train Depot Match-ECHO           |        |                      |
| 317-1000-519.62-00                                              | 400,000          | AIO014    | CM OLD PD RENOVATIONS               |        |                      |
| 317-1000-519.63-97                                              | 9,212            | AIO017    | ZEV COHEN & ASSOCIATES              | 070026 | 9,212                |
| 317-1000-519.63-97                                              | 58,288           | AIO017    | CD CITY ENTRANCE SIGN DEV           |        |                      |
| 317-1000-519.63-97                                              | 1,850            | AIO022    | ZEV COHEN & ASSOCIATES              | 069415 | 1,850                |
| 317-1000-519.63-97                                              | 294,000          | AIO022    | CD Dnlwtn Medians Ph I&II           |        |                      |
| 317-1000-519.63-97                                              | 179,750          | AIO026    | CD S.RidgewoodAve Irrgtn            |        |                      |
| 317-1000-519.63-97                                              | 2,250            | AIO027    | CD S.RidgewoodAveLandscpe           |        |                      |
| 317-1000-519.63-97                                              | 5,500            | IMI010    | CD Herbert/NovaInterLghtg           |        |                      |
| 317-1000-519.63-97                                              | 2,630            | QPC052    | R SOCCER FIELD RE-LEVEL             |        |                      |
| 317-1000-519.63-97                                              | 20,414           | QPC061    | D&W PAVING                          | 069986 | 20,414               |
| 317-1000-519.63-97                                              | 248,897          | QPC061    | R Coraci Athl Compl PHIV            |        |                      |
| 317-1000-519.64-00                                              | 1,250            | OMI026    | FLORIDA DETROIT DIESEL-ALLISON,INC. | 070232 | 1,250                |
| <b>General Capital Total:</b>                                   | <b>1,390,240</b> |           |                                     |        |                      |
| 320-1000-519.63-97                                              | 646,688          | AIO004    | A.G. PIFER CONSTRUCTION CO., INC.   | 070324 | 646,688              |
| 320-1000-519.63-97                                              | 2,165,154        | AIO004    | CD RIVERWALK PROJECT                |        |                      |
| <b>2014 Cap Impr Bond Construction Total:</b>                   | <b>2,811,842</b> |           |                                     |        |                      |
| 401-0100-536.47-00                                              | 10,597           |           | PINNACLE DATA SYSTEMS LLC           | 069784 | 10,597               |
| 401-0100-536.52-15                                              | 4,829            |           | PINNACLE DATA SYSTEMS LLC           | 069783 | 4,829                |
| 401-0100-536.64-00                                              | 4,668            | ZMI053    | FN CS Scanner / Printers            |        |                      |
| <b>W/S Customer Service Subtotal:</b>                           | <b>20,094</b>    |           |                                     |        |                      |
| 401-0200-533.31-13                                              | 5,625            |           | BIOLOGICAL CONSULTING SERVICES,INC. | 070123 | 5,625                |
| 401-0200-533.41-00                                              | 174              |           | E. J. WARD                          | 069608 | 174                  |
| 401-0200-533.64-97                                              | 1,147            | WWP003    | U Water Plant Improvement           |        |                      |
| <b>W/S Water Production Subtotal:</b>                           | <b>6,946</b>     |           |                                     |        |                      |

| Open Encumbrance and Project Balance Carryover Listing for FY15 |                |           |                                      |        |                      |
|-----------------------------------------------------------------|----------------|-----------|--------------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                |           |                                      |        |                      |
| Account Number                                                  | Total Amount   | Project # | Vendor Name or Project Name          | PO #   | Amount for PO's Only |
| 401-0400-535.31-13                                              | 5,625          |           | BIOLOGICAL CONSULTING SERVICES, INC. | 070123 | 5,625                |
| 401-0400-535.31-13                                              | 3,263          |           | UPHAM INC                            | 070139 | 3,263                |
| 401-0400-535.41-00                                              | 70             |           | E. J. WARD                           | 069608 | 70                   |
| 401-0400-535.46-11                                              | 50,399         | SSP002    | U Sewer Plant Replacement            |        |                      |
| 401-0400-535.46-11                                              | 2,500          |           | SEVERN TRENT WATER PURIFICATION, INC | 070147 | 2,500                |
| 401-0400-535.46-11                                              | 8,632          |           | DIVERSIFIED DRILLING CORPORATION     | 070465 | 8,632                |
| 401-0400-535.49-20                                              | 3,720          |           | COMMERCIAL DESIGN SVCS, INC.         | 070458 | 3,720                |
| 401-0400-535.52-16                                              | 2,476          |           | HACH COMPANY                         | 069700 | 2,476                |
| 401-0400-535.52-18                                              | 8,736          |           | FLUID CONTROL SPECIALTIES, INC.      | 070453 | 8,736                |
| 401-0400-535.52-19                                              | 53             |           | CEDARCHEM, LLC                       | 069576 | 53                   |
| 401-0400-535.52-19                                              | 31,831         |           | THATCHER CHEMICAL OF FLORIDA         | 069582 | 31,831               |
| 401-0400-535.62-00                                              | 21,205         | SSP002    | U Sewer Plant Replacement            |        |                      |
| 401-0400-535.63-97                                              | 14,396         | SSP002    | WATER TREATMENT & CONTROLS CO.       | 070330 | 14,396               |
| 401-0400-535.63-97                                              | 3,654          | URH001    | U Sewer Sys Rehabilitatn             |        |                      |
| <b>W/S Sewer Production Subtotal:</b>                           | <b>156,560</b> |           |                                      |        |                      |
| 401-0500-536.14-00                                              | 30,944         | ZMI044    | U METER REPLACEMENT PRG              |        |                      |
| 401-0500-536.41-00                                              | 278            |           | E. J. WARD                           | 069608 | 278                  |
| 401-0500-536.49-02                                              | 1,000          | ZMI044    | SUNGARD PUBLIC SECTOR, INC.          | 070221 | 1,000                |
| 401-0500-536.49-20                                              | 3,591          |           | H.D. SUPPLY WATERWORKS               | 069683 | 3,591                |
| <b>W/S Meter Readers Subtotal:</b>                              | <b>35,813</b>  |           |                                      |        |                      |
| 401-0600-536.41-00                                              | 382            |           | E. J. WARD                           | 069608 | 382                  |
| 401-0600-536.46-10                                              | 15,396         |           | ALFA LAVAL ASHBROOK SIMON-HARTLEY    | 069773 | 15,396               |
| 401-0600-536.46-10                                              | 3,925          |           | XYLEM WATER SOLUTIONS USA INC        | 070065 | 3,925                |
| 401-0600-536.46-10                                              | 19,743         |           | RJH TECHNICAL SERVICES, INC.         | 070087 | 19,743               |
| 401-0600-536.64-00                                              | 13             | MME001    | U Machinery & Equipment              |        |                      |
| <b>W/S Maintenance Subtotal:</b>                                | <b>39,459</b>  |           |                                      |        |                      |
| 401-0800-536.14-00                                              | 84,738         | ZMI044    | U METER REPLACEMENT PRG              |        |                      |
| 401-0800-536.41-00                                              | 626            |           | E. J. WARD                           | 069608 | 626                  |
| 401-0800-536.52-00                                              | 2,020          |           | ELXSI, INC./CUES/DBA                 | 069705 | 2,020                |
| 401-0800-536.52-18                                              | 2,000          |           | H.D. SUPPLY WATERWORKS               | 069796 | 2,000                |
| 401-0800-536.55-31                                              | 4,386          | ZMI044    | U METER REPLACEMENT PRG              |        |                      |
| 401-0800-536.63-97                                              | 18,000         | DIP062    | P Ryanwood Drain Imprvmnt            |        |                      |
| 401-0800-536.63-97                                              | 25,000         | URL007    | U Misc Util Coordination             |        |                      |
| 401-0800-536.64-15                                              | 7,475          |           | H.D. SUPPLY WATERWORKS               | 070349 | 7,475                |
| <b>W/S Distribution Subtotal:</b>                               | <b>144,245</b> |           |                                      |        |                      |
| 401-0824-536.41-00                                              | 70             |           | E. J. WARD                           | 069608 | 70                   |
| 401-0824-536.64-00                                              | 9,900          | MME001    | U Machinery & Equipment              |        |                      |
| <b>W/S Lab Division Subtotal:</b>                               | <b>9,970</b>   |           |                                      |        |                      |
| 401-0900-536.14-00                                              | 373            | ZMI044    | U METER REPLACEMENT PRG              |        |                      |
| 401-0900-536.31-13                                              | 452            | MMP001    | U Utility Mapping                    |        |                      |
| 401-0900-536.31-13                                              | 3,069          |           | PEGASUS ENGINEERING, LLC             | 070070 | 3,069                |
| 401-0900-536.31-13                                              | 39,800         |           | CDM SMITH INC.                       | 070445 | 39,800               |
| 401-0900-536.41-00                                              | 104            |           | E. J. WARD                           | 069608 | 104                  |
| <b>W/S Utility Admin Subtotal:</b>                              | <b>43,798</b>  |           |                                      |        |                      |
| <b>Water Sewer Grand Total:</b>                                 | <b>456,885</b> |           |                                      |        |                      |



| Open Encumbrance and Project Balance Carryover Listing for FY15 |                  |           |                                  |        |                      |
|-----------------------------------------------------------------|------------------|-----------|----------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                  |           |                                  |        |                      |
| Account Number                                                  | Total Amount     | Project # | Vendor Name or Project Name      | PO #   | Amount for PO's Only |
| 403-0200-533.63-97                                              | 50,000           | URL010    | U WilliamsnUtilityRelocat        |        |                      |
| 403-0200-533.63-97                                              | 10,055           | URP010    | COUNTY OF VOLUSIA                | 070394 | 10,055               |
| 403-0200-533.63-97                                              | 28,311           | URP010    | U S Atlantic JPA w/Vol Co        |        |                      |
| 403-0200-533.63-97                                              | 85,569           | WWP003    | REXEL INC                        | 070052 | 85,569               |
| 403-0200-533.63-97                                              | 19,071           | WWP003    | CONDO ELECTRIC INDUSTRIAL SUPPLY | 070478 | 19,071               |
| 403-0200-533.63-97                                              | 74,744           | WWP003    | U Water Plant Improvement        |        |                      |
| 403-0200-533.63-97                                              | 92,344           | WWW002    | U WW Repairs/Maint               |        |                      |
| 403-0200-533.64-97                                              | 63,831           | MME003    | U Telemetry I & C                |        |                      |
| 403-0400-535.63-97                                              | 42,675           | SSP002    | STEWARTS ELECTRIC MOTOR WORKS    | 069878 | 42,675               |
| 403-0400-535.63-97                                              | 353,903          | SSP002    | U Sewer Plant Replacement        |        |                      |
| 403-0400-535.63-97                                              | 32,330           | SSP009    | KIMLEY-HORN AND ASSOCIATES, INC. | 070419 | 32,330               |
| 403-0400-535.63-97                                              | 100,000          | URL010    | U WilliamsnUtilityRelocat        |        |                      |
| 403-0401-535.63-97                                              | 23,602           | SLS003    | QUENTIN L. HAMPTON ASSOC.,INC.   | 070219 | 23,602               |
| 403-0401-535.63-97                                              | 562,931          | SLS003    | MCMAHAN CONSTRUCTION             | 070234 | 562,931              |
| 403-0401-535.63-97                                              | 32,997           | SLS003    | U WB Regional PumpStation        |        |                      |
| 403-0401-535.63-97                                              | 8,634            | URH001    | WADE TRIM, INC.                  | 070142 | 8,634                |
| 403-0401-535.63-97                                              | 285              | URL007    | U Misc Util Coordination         |        |                      |
| 403-0500-536.55-31                                              | 8,487            | ZMI044    | U METER REPLACEMENT PRG          |        |                      |
| 403-0800-533.63-97                                              | 18,266           | AIO004    | KIMLEY-HORN AND ASSOCIATES, INC. | 070392 | 18,266               |
| 403-0800-533.63-97                                              | 987              | URL007    | U Misc Util Coordination         |        |                      |
| 403-0800-533.63-97                                              | 100,000          | URL010    | U WilliamsnUtilityRelocat        |        |                      |
| 403-0800-533.63-97                                              | 21,875           | URP001    | U Replacement, WA System         |        |                      |
| 403-0800-533.63-97                                              | 9,988            | URP010    | COUNTY OF VOLUSIA                | 070394 | 9,988                |
| <b>W/S R&amp;R Total:</b>                                       | <b>1,740,885</b> |           |                                  |        |                      |
| 405-0400-535.63-97                                              | 1,473,645        | RIM005    | SAWCROSS, INC.                   | 070125 | 1,473,645            |
| 405-0400-535.63-97                                              | 25,962           | RIM005    | QUENTIN L. HAMPTON ASSOC.,INC.   | 070138 | 25,962               |
| 405-0400-535.63-97                                              | 219,316          | RIM005    | U Reservoir Outfall              |        |                      |
| 405-0400-535.63-97                                              | 8,145            | SSP002    | U Sewer Plant Replacement        |        |                      |
| 405-0400-535.63-97                                              | 14,640           | UCP001    | U Cost Participation             |        |                      |
| 405-0400-535.63-97                                              | 4,328            | UET002    | U Extension, Sewer System        |        |                      |
| 405-0400-535.63-97                                              | 3,176            | UET022    | QUENTIN L. HAMPTON ASSOC.,INC.   | 068891 | 3,176                |
| 405-0400-535.63-97                                              | 634,360          | UET022    | U White Acres Improvement        |        |                      |
| 405-0401-535.63-97                                              | 6,699            | SLS003    | WADE TRIM, INC.                  | 070220 | 6,699                |
| 405-0401-535.63-97                                              | 196,576          | SLS003    | MCMAHAN CONSTRUCTION             | 070234 | 196,576              |
| 405-0401-535.63-97                                              | 43,072           | SLS003    | U WB Regional PumpStation        |        |                      |
| 405-0800-533.63-97                                              | 4,909            | AIO004    | KIMLEY-HORN AND ASSOCIATES, INC. | 070392 | 4,909                |
| 405-0800-533.63-97                                              | 24,040           | UCP001    | QUENTIN L. HAMPTON ASSOC.,INC.   | 069657 | 24,040               |
| 405-0800-533.63-97                                              | 9,722            | UCP001    | U Cost Participation             |        |                      |
| 405-0800-533.63-97                                              | 15,365           | UET001    | U Extension, Water System        |        |                      |
| 405-0800-533.63-97                                              | 8,303            | URF001    | U Reinforcement, WA Sys          |        |                      |
| 405-0800-533.63-97                                              | 12,877           | URP010    | QUENTIN L. HAMPTON ASSOC.,INC.   | 068392 | 12,877               |
| 405-0800-533.63-97                                              | 13,945           | URP010    | QUENTIN L. HAMPTON ASSOC.,INC.   | 070393 | 13,945               |
| 405-0800-533.63-97                                              | 9,970            | URP010    | COUNTY OF VOLUSIA                | 070394 | 9,970                |
| <b>W/S Impact Fee Total:</b>                                    | <b>2,729,050</b> |           |                                  |        |                      |

| Open Encumbrance and Project Balance Carryover Listing for FY15 |                  |           |                                     |        |                      |
|-----------------------------------------------------------------|------------------|-----------|-------------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                  |           |                                     |        |                      |
| Account Number                                                  | Total Amount     | Project # | Vendor Name or Project Name         | PO #   | Amount for PO's Only |
| 412-1800-541.31-63                                              | 630              | DIP021    | TECHNICAL SOLUTIONS, INC.           | 068796 | 630                  |
| 412-1800-541.31-63                                              | 1,500            | DIP021    | TECHNICAL SOLUTIONS, INC.           | 069955 | 1,500                |
| 412-1800-541.31-63                                              | 471              | DIP021    | P B23 CANAL GRANT PHASE 1           |        |                      |
| 412-1800-541.34-14                                              | 12,121           | DIP058    | P Ditch Clearing-Drainage           |        |                      |
| 412-1800-541.41-00                                              | 452              |           | E. J. WARD                          | 069608 | 452                  |
| 412-1800-541.63-97                                              | 33,792           | DIP001    | TOMOKA CONSTRUCTION SERVICES INC    | 070489 | 33,792               |
| 412-1800-541.63-97                                              | 208              | DIP001    | P MISC DRAINAGE PROJECTS            |        |                      |
| 412-1800-541.63-97                                              | 3,139            | DIP033    | LAYNE INLINER LLC                   | 069215 | 3,139                |
| 412-1800-541.63-97                                              | 973              | DIP033    | P MISC RELINE DRAIN PIPES           |        |                      |
| 412-1800-541.63-97                                              | 7,898            | DIP044    | P STORM SEWER RECONSTRUC            |        |                      |
| 412-1800-541.63-97                                              | 3,847            | DIP053    | QUENTIN L. HAMPTON ASSOC.,INC.      | 068270 | 3,847                |
| 412-1800-541.63-97                                              | 9,562            | DIP053    | SOUTHEAST CONSTRUCTION PRODUCTS     | 069029 | 9,562                |
| 412-1800-541.63-97                                              | 225,000          | DIP055    | P Stormwater Master Plan            |        |                      |
| 412-1800-541.63-97                                              | 21,920           | DIP056    | DMC DREDGING & MARINE CONSULTANTS   | 070261 | 21,920               |
| 412-1800-541.63-97                                              | 13,338           | DIP056    | QUENTIN L. HAMPTON ASSOC.,INC.      | 070275 | 13,338               |
| 412-1800-541.63-97                                              | 516,872          | DIP056    | P & S PAVING                        | 070281 | 516,872              |
| 412-1800-541.63-97                                              | 489,574          | DIP056    | P Cambridge Stablztn PhII           |        |                      |
| 412-1800-541.63-97                                              | 83,341           | DIP059    | QUENTIN L. HAMPTON ASSOC.,INC.      | 070345 | 83,341               |
| 412-1800-541.63-97                                              | 660              | DIP059    | P Virginia/MonroeDrainIm            |        |                      |
| 412-1800-541.63-97                                              | 187,439          | DIP060    | PEGASUS ENGINEERING, LLC            | 070342 | 187,439              |
| 412-1800-541.63-97                                              | 21,284           | DIP062    | QUENTIN L. HAMPTON ASSOC.,INC.      | 070420 | 21,284               |
| 412-1800-541.63-97                                              | 53,350           | DIP062    | P Ryanwood Drain Imprvmnt           |        |                      |
| 412-1800-541.63-97                                              | 270,000          | DIP063    | P Cypress Cove Pipe Rplcm           |        |                      |
| 412-1800-541.63-97                                              | 41,950           | DIP065    | DMC DREDGING & MARINE CONSULTANTS   | 070399 | 41,950               |
| 412-1800-541.63-97                                              | 50               | DIP065    | P CityHall Retention Pond           |        |                      |
| 412-1800-541.63-97                                              | 22,927           | DIP066    | MCKIM & CREED, INC.                 | 070436 | 22,927               |
| 412-1800-541.63-97                                              | 6,073            | DIP066    | P Pipe Culvert Niver etc.           |        |                      |
| 412-1800-541.63-97                                              | 761,720          | PNC007    | P YORKTOWNE MDL SEGMENT             |        |                      |
| 412-1800-541.63-97                                              | 13,258           | UET022    | QUENTIN L. HAMPTON ASSOC.,INC.      | 070396 | 13,258               |
| 412-1800-541.63-97                                              | 890              | UET022    | U White Acres Improvement           |        |                      |
| 412-1800-541.64-15                                              | 20,000           | DIP064    | LUCITY INC                          | 070437 | 20,000               |
| <b>Drainage Total:</b>                                          | <b>2,824,239</b> |           |                                     |        |                      |
| 416-0300-536.31-13                                              | 3,000            | EFM001    | CINCINNATI ZOO & BOTANICAL GARDEN   | 064361 | 3,000                |
| 416-0300-536.31-13                                              | 12,000           | EFM001    | SMOKEY HUNT CLUB, INC.              | 069900 | 12,000               |
| 416-0300-536.31-13                                              | 3,819            | EFM001    | BIOLOGICAL CONSULTING SERVICES,INC. | 070083 | 3,819                |
| 416-0300-536.31-13                                              | 22,507           | EFM001    | U Forestry Management               |        |                      |
| 416-0300-536.52-00                                              | 2,912            | EFM001    | U Forestry Management               |        |                      |
| 416-0300-536.52-17                                              | 72,957           | EFM001    | U Forestry Management               |        |                      |
| <b>Wetland Mitigation Total:</b>                                | <b>117,195</b>   |           |                                     |        |                      |
| 420-1000-536.31-13                                              | 5,000            | EFM001    | BIOLOGICAL CONSULTING SERVICES,INC. | 070363 | 5,000                |
| 420-1000-536.31-13                                              | 39,354           | EFM001    | U Forestry Management               |        |                      |
| 420-1000-536.31-63                                              | 16,000           | EFM001    | CPH,INC.                            | 070295 | 16,000               |
| 420-1000-536.31-63                                              | 11,138           | EFM001    | U Forestry Management               |        |                      |
| <b>Forestry Total:</b>                                          | <b>71,492</b>    |           |                                     |        |                      |
| 421-0401-535.63-97                                              | 19,241           | SLS003    | WADE TRIM, INC.                     | 070220 | 19,241               |
| 421-0401-535.63-97                                              | 7,970            | SLS003    | MCMAHAN CONSTRUCTION                | 070234 | 7,970                |
| 421-0500-536.55-31                                              | 113              | ZMI044    | U METER REPLACEMENT PRG             |        |                      |
| 421-0800-533.63-97                                              | 12,877           | URP010    | QUENTIN L. HAMPTON ASSOC.,INC.      | 068392 | 12,877               |
| 421-0800-533.63-97                                              | 13,945           | URP010    | QUENTIN L. HAMPTON ASSOC.,INC.      | 070393 | 13,945               |
| 421-0800-533.63-97                                              | 9,987            | URP010    | COUNTY OF VOLUSIA                   | 070394 | 9,987                |
| <b>W/S Deferred Construction Total:</b>                         | <b>64,133</b>    |           |                                     |        |                      |

| Open Encumbrance and Project Balance Carryover Listing for FY15 |                |           |                                      |        |                      |
|-----------------------------------------------------------------|----------------|-----------|--------------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                |           |                                      |        |                      |
|                                                                 |                |           |                                      |        |                      |
| Account Number                                                  | Total Amount   | Project # | Vendor Name or Project Name          | PO #   | Amount for PO's Only |
|                                                                 |                |           |                                      |        |                      |
| 451-0300-579.34-14                                              | 1,350          | AIO024    | AAA FENCE CO. OF DAYTONA BEACH, INC. | 070469 | 1,350                |
| 451-0300-579.34-14                                              | 4,244          | AIO024    | ALL PRO DOOR & TRIM INC.             | 070490 | 4,244                |
| 451-0300-579.34-14                                              | 3,755          | AIO024    | HOPE HOME IMPROVEMENT LLC            | 070491 | 3,755                |
| 451-0300-579.34-14                                              | 14,814         | AIO024    | BIG VALUE GARDEN CENTER              | 070495 | 14,814               |
| 451-0300-579.34-14                                              | 9,758          | AIO024    | A.G. PIFER CONSTRUCTION CO., INC.    | 070501 | 9,758                |
| 451-0300-579.34-14                                              | -              | AIO024    | CM CHGC Renovations                  |        |                      |
| 451-0300-579.62-00                                              | 5,380          | AIO025    | DJ DESIGN, INC.                      | 070235 | 5,380                |
| 451-0300-579.62-00                                              | 168,877        | AIO025    | HALL CONSTRUCTION CO., INC.          | 070417 | 168,877              |
| 451-0300-579.62-00                                              | 132,244        | AIO025    | CM CHGC Clubhouse Renovtn            |        |                      |
| 451-0300-579.63-00                                              | 63,005         | AIO024    | CM CHGC Renovations                  |        |                      |
| <b>Golf Course Capital Total:</b>                               | <b>403,427</b> |           |                                      |        |                      |
| 501-0700-519.31-13                                              | 42,525         | ZMI038    | MAGELLAN ADVISORS LLC                | 070395 | 42,525               |
| 501-0700-519.31-13                                              | 18,900         | ZMI038    | MAGELLAN ADVISORS LLC                | 070498 | 18,900               |
| 501-0700-519.31-13                                              | 2,575          | ZMI038    | IT StratPln/RiskAsmntRfrs            |        |                      |
| 501-0700-519.31-13                                              | 1,157          |           | TIETJEN TECHNOLOGIES INC             | 068843 | 1,157                |
| 501-0700-519.31-13                                              | 9,646          |           | TIETJEN TECHNOLOGIES INC             | 069604 | 9,646                |
| 501-0700-519.41-00                                              | 70             |           | E. J. WARD                           | 069608 | 70                   |
| 501-0700-519.41-00                                              | 52             |           | DISH NETWORK                         | 069630 | 52                   |
| 501-0700-519.46-10                                              | 242            |           | SOUND STAGE, INC.                    | 069976 | 242                  |
| 501-0700-519.46-10                                              | 751            |           | JBT & ASSOCIATES, INC.               | 070484 | 751                  |
| 501-0700-519.46-36                                              | 3,001          | ZMI040    | IT VIDEO SECURITY SYSTEM             |        |                      |
| 501-0700-519.46-36                                              | 7,900          |           | ESRI                                 | 070486 | 7,900                |
| 501-0700-519.49-02                                              | 8,000          | ZMI037    | IT Doc Collbrtn EOC Softw            |        |                      |
| 501-0700-519.64-15                                              | 4,835          | ZMI016    | IP COMPUTER HARDWARE                 |        |                      |
| 501-0700-519.64-15                                              | 5,206          | ZMI029    | IP FIBER OPTIC PROJ PH 2             |        |                      |
| 501-0700-519.64-15                                              | 3,213          | ZMI036    | IT PCI COMPLIANCE PROJECT            |        |                      |
| <b>Information Technology Total:</b>                            | <b>108,073</b> |           |                                      |        |                      |
| 503-4500-519.41-00                                              | 487            |           | E. J. WARD                           | 069608 | 487                  |
| 503-4500-519.52-00                                              | 672            |           | AIRGAS                               | 069605 | 672                  |
| 503-4500-519.52-10                                              | 1,975          |           | NEWSOM OIL COMPANY                   | 069615 | 1,975                |
| 503-4500-519.52-20                                              | 11,469         |           | MCGEE TIRE STORE                     | 069613 | 11,469               |
| 503-4500-519.52-20                                              | 3,672          |           | TRIPLE CROWN AUTO PARTS              | 069614 | 3,672                |
| 503-4500-519.52-20                                              | 5,582          |           | MORGANELLI & ASSOCIATES              | 070379 | 5,582                |
| 503-4500-519.64-00                                              | 10,924         | OMI020    | P FUELING SYSTEM                     |        |                      |
| 503-4500-519.64-15                                              | 22,500         | OMI027    | P Fleet Asset Mgmt System            |        |                      |
| 503-4500-519.64-15                                              | 22,500         |           | RTA - RON TURLEY ASSOCIATES, INC.    | 070500 | 22,500               |
| <b>Vehicle Maintenance Total:</b>                               | <b>79,781</b>  |           |                                      |        |                      |

| Open Encumbrance and Project Balance Carryover Listing for FY15 |                  |           |                                    |        |                      |
|-----------------------------------------------------------------|------------------|-----------|------------------------------------|--------|----------------------|
| Sorted by Account Number                                        |                  |           |                                    |        |                      |
|                                                                 |                  |           |                                    |        |                      |
| Account Number                                                  | Total Amount     | Project # | Vendor Name or Project Name        | PO #   | Amount for PO's Only |
|                                                                 |                  |           |                                    |        |                      |
|                                                                 |                  |           |                                    |        |                      |
| 505-1000-519.49-02                                              | 22,500           | ZMI037    | IT Doc Collbrtn EOC Softw          |        |                      |
| 505-1000-519.49-02                                              | 1,198            | ZMI045    | IT HTE UTILITIES IMAGING           |        |                      |
| 505-1000-519.49-16                                              | 6,024            | ZMI016    | JBT & ASSOCIATES, INC.             | 070483 | 6,024                |
| 505-1000-519.49-16                                              | 14,810           | ZMI016    | IP COMPUTER HARDWARE               |        |                      |
| 505-1000-519.49-16                                              | 19,012           | ZMI032    | JBT & ASSOCIATES, INC.             | 070418 | 19,012               |
| 505-1000-519.49-16                                              | 3,472            | ZMI032    | IT PublicSafetyLaptopRplc          |        |                      |
| 505-1000-519.49-16                                              | 5,000            | ZMI045    | IT HTE UTILITIES IMAGING           |        |                      |
| 505-1000-519.64-00                                              | 177              | FIR005    | F THERMAL IMAGING CAMERAS          |        |                      |
| 505-1000-519.64-00                                              | 2,278            | FIR007    | COMMUNICATIONS INTERNATIONAL, INC. | 070028 | 2,278                |
| 505-1000-519.64-00                                              | 11,832           | FIR007    | F RADIO REPLC P-25 COMPLY          |        |                      |
| 505-1000-519.64-00                                              | 6,000            | ZMI013    | IP LARGE FORMAT PRINTERS           |        |                      |
| 505-1000-519.64-00                                              | 504              | ZMI040    | IT VIDEO SECURITY SYSTEM           |        |                      |
| 505-1000-519.64-00                                              | 95,900           | ZMI047    | FN INTERACTIVE VOICE RECO          |        |                      |
| 505-1000-519.64-00                                              | 25,459           |           | ALAN JAY CHEVROLET,CADILLAC, INC.  | 069962 | 25,459               |
| 505-1000-519.64-00                                              | 65,432           |           | ALAN JAY FORD LINCOLN MERCURY INC  | 069967 | 65,432               |
| 505-1000-519.64-00                                              | 90,382           |           | ALAN JAY FORD LINCOLN MERCURY INC  | 069968 | 90,382               |
| 505-1000-519.64-00                                              | 135,348          |           | SBL FREIGHTLINER                   | 069998 | 135,348              |
| 505-1000-519.64-00                                              | 164,322          |           | VICTORY POLICE MOTORCYCLES         | 070093 | 164,322              |
| 505-1000-519.64-00                                              | 186,982          |           | E-Z-GO TEXTRON                     | 070449 | 186,982              |
| 505-1000-519.64-15                                              | 15,000           | FIR012    | F Relocate EOC to New PD           |        |                      |
| 505-1000-519.64-15                                              | 77,963           | ZMI015    | IP MUNICIPAL NETWORK               |        |                      |
| 505-1000-519.64-15                                              | 6,296            | ZMI016    | JBT & ASSOCIATES, INC.             | 070484 | 6,296                |
| 505-1000-519.64-15                                              | 22,450           | ZMI016    | IP COMPUTER HARDWARE               |        |                      |
| 505-1000-519.64-15                                              | 7,500            | ZMI018    | IP E-GOVT BASED SERVICES           |        |                      |
| 505-1000-519.64-15                                              | 7,529            | ZMI040    | IT VIDEO SECURITY SYSTEM           |        |                      |
| 505-1000-519.64-15                                              | 5,240            | ZMI042    | IP HTE SOFTWARE UPGRADES           |        |                      |
| 505-1000-519.64-15                                              | 3,853            | ZMI050    | IT NETWRK CORE SWITCH UPD          |        |                      |
| 505-1000-519.64-15                                              | 36,113           | ZMI052    | BES INDUSTRIES, INC.               | 070042 | 36,113               |
| 505-1000-519.64-15                                              | 387              | ZMI052    | IT Council Chambers A/V            |        |                      |
| 505-1000-519.64-15                                              | 1,000,000        | ZMI054    | IT EnterpriseFinancialSys          |        |                      |
| 505-1000-519.64-15                                              | 9,540            | ZMI055    | BUHOLTZ PROFESSIONAL ENGINEERING   | 070017 | 9,540                |
| 505-1000-519.64-15                                              | 34,100           | ZMI055    | IT Fiber OpticNetwrk Expn          |        |                      |
| <b>Lease &amp; Replacement Total:</b>                           | <b>2,082,603</b> |           |                                    |        |                      |
|                                                                 |                  |           |                                    |        |                      |
| 506-4200-539.31-15                                              | 1,550            |           | FISH WINDOW CLEANING               | 069892 | 1,550                |
| 506-4200-539.34-14                                              | 10,695           |           | D.G. MEYER, INC.                   | 069913 | 10,695               |
| 506-4200-539.34-14                                              | 519              |           | JACOBSEN IRRIGATION                | 070335 | 519                  |
| 506-4200-539.46-16                                              | 47               | FIR012    | F Relocate EOC to New PD           |        |                      |
| 506-4200-539.46-16                                              | 3,604            | OBM001    | P CITY HALL EXTERIOR               |        |                      |
| 506-4200-539.46-16                                              | 1,500            | OBM002    | P PUBLIC WORKS BLD MAINT           |        |                      |
| 506-4200-539.46-16                                              | 9,810            | OMI028    | P Generator Painting               |        |                      |
| 506-4200-539.52-00                                              | 39               |           | SPRUCE CREEK LAUNDRY               | 069746 | 39                   |
| 506-4200-539.62-00                                              | 3,080            | OBM004    | P CUS SVC STAGE ADA COMP           |        |                      |
| 506-4200-539.63-97                                              | 2,595            | AIO029    | DJ DESIGN, INC.                    | 070466 | 2,595                |
| 506-4200-539.63-97                                              | 15               | AIO029    | P City Hall Tunnel Reno            |        |                      |
| 506-4200-539.63-97                                              | 3,390            | AIO030    | DJ DESIGN, INC.                    | 070466 | 3,390                |
| 506-4200-539.64-00                                              | 16,000           | AIO028    | P City Hall ElevatorRehab          |        |                      |
| 506-4200-539.64-04                                              | 328              | AIO013    | CM CITY HALL RENOVATION            |        |                      |
| 506-4200-539.64-15                                              | 20,000           | DIP064    | LUCITY INC                         | 070437 | 20,000               |
| <b>Building Maintenance Total:</b>                              | <b>73,172</b>    |           |                                    |        |                      |
|                                                                 |                  |           |                                    |        |                      |
| 607-3200-521.52-00                                              | 3,591            |           | LOU'S POLICE DISTRIBUTORS INC      | 069511 | 3,591                |
| <b>Police Forfeiture Trust Total:</b>                           | <b>3,591</b>     |           |                                    |        |                      |
|                                                                 |                  |           |                                    |        |                      |
| 609-3100-522.52-12                                              | 7,216            | FIR011    | F FIRE BUNKER GEAR                 |        |                      |
| 609-3100-522.64-00                                              | 17,236           | FIR007    | F RADIO REPLC P-25 COMPLY          |        |                      |
| <b>Fire Program Total:</b>                                      | <b>24,452</b>    |           |                                    |        |                      |

|                                                                 |                   |           |                             |        |                      |
|-----------------------------------------------------------------|-------------------|-----------|-----------------------------|--------|----------------------|
| Open Encumbrance and Project Balance Carryover Listing for FY15 |                   |           |                             |        |                      |
| Sorted by Account Number                                        |                   |           |                             |        |                      |
|                                                                 |                   |           |                             |        |                      |
| Account Number                                                  | Total Amount      | Project # | Vendor Name or Project Name | PO #   | Amount for PO's Only |
|                                                                 |                   |           |                             |        |                      |
|                                                                 |                   |           |                             |        |                      |
| 611-5100-572.63-97                                              | 50,000            | XSG007    | R GAMBLE LAUNCH VOPO-0360   |        |                      |
| <b>Recreation Impact Total:</b>                                 | <b>50,000</b>     |           |                             |        |                      |
|                                                                 |                   |           |                             |        |                      |
| 625-3200-521.49-20                                              | 5,084             |           | TASER INTERNATIONAL         | 070502 | 5,084                |
| <b>Federal Police Forfeiture Total:</b>                         | <b>5,084</b>      |           |                             |        |                      |
|                                                                 |                   |           |                             |        |                      |
| <b>Grand Total:</b>                                             | <b>21,074,141</b> |           |                             |        | <b>7,094,460</b>     |



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: No

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**SUBJECT:** Resolution No. 15-79 - FY15 Budget Execution Review

**DEPARTMENT:** Finance

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:** Move to approve Resolution 15-79 as presented.

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**SUMMARY:**

City staff has completed a review of the budget execution for the fiscal year ending September 30, 2015 . The attached budget resolution provides for the recognition of the budget changes recommended based on this review.

Staff recommends approval of the attached Resolution. Please see the attachments for specific detail.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

---

**ATTACHMENTS:**

|    |                                          |                                                                        |
|----|------------------------------------------|------------------------------------------------------------------------|
| 1. | Reso. No. 15-79                          | Reso. No. 15-79.pdf                                                    |
| 2. | Budget Reso 15-79<br>Composite Exhibit A | zu Composite Exh A - FY15 True Up Bud Reso 15-79 - CC Mtg 11-10-15.pdf |

---

Riehm, Tracey  
Riehm, Tracey  
Roberts, Margaret  
Johansson, M. Jake

Created/Initiated - 10/31/2015  
Approved - 10/31/2015  
Approved - 11/05/2015  
Final Approval - 11/05/2015

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RESOLUTION NO. 15-79

A RESOLUTION OF THE CITY OF PORT ORANGE,  
VOLUSIA COUNTY, FLORIDA, APPROPRIATING  
OPERATING AND CAPITAL FUNDS FOR VARIOUS  
CITY OPERATIONS; SETTING FORTH REVENUES  
AND EXPENDITURES; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, The City of Port Orange has approved the Budget Execution review;  
and

WHEREAS, the City Council desires to appropriate the funds related to  
operations and capital projects shown in the Budget Execution Review, and to set forth,  
appropriate and change appropriations of certain revenues and expense.

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

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

Section 2. The Operating and Capital Budget items adopted in the preceding  
section shall govern the expenditures relating to such operations and projects for the City  
during the fiscal year effective October 1, 2014 through September 30, 2015.

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 ALLEN GREEN

ATTEST:

\_\_\_\_\_  
Robin Fenwick, City Clerk

Adopted on the            day of

Reviewed and Approved: \_\_\_\_\_  
City Attorney



**COMPOSITE EXHIBIT A****Resolution No. 15 - 79**

**FY2016**  
**PREPARED:**  
**FINANCE:**

**General Fund (#001)**  
**November 4, 2015**  
**Lisa Pallante**

|                                | <b>BUDGET</b>             |
|--------------------------------|---------------------------|
|                                | <b>INCREASE(DECREASE)</b> |
| <b><u>REVENUES:</u></b>        |                           |
| Youth Advisory Board Donations | 201                       |
| Tree Mitigation Revenue        | 1,018                     |
| Athletic Registration          | 35,000                    |
| Appropriated Equity            | 7,500                     |
|                                |                           |
| <b>TOTAL REVENUES:</b>         | <b>43,719</b>             |
| <b><u>EXPENDITURES:</u></b>    |                           |
| Non-Departmental               | 201                       |
| Non-Departmental               | 1,018                     |
| Athletics                      | 35,000                    |
| City Clerk                     | 7,500                     |
|                                |                           |
| <b>TOTAL EXPENDITURES:</b>     | <b>43,719</b>             |

**\*To cover increase in advertising and SuiteOne costs for City Clerk, to cover personnel expenses in Athletics, and to budget for funds received for the Youth Advisory Board and Tree Mitigation.**

COMPOSITE EXHIBIT A

Resolution No. 15 - 79

FY2016 Building Special Revenue Fund (#109)  
PREPARED: November 4, 2015  
FINANCE: Lisa Pallante

|                                 | BUDGET<br>INCREASE(DECREASE) |
|---------------------------------|------------------------------|
| <b><u>REVENUES:</u></b>         |                              |
| <br>Fees & Permits              | <br><u>5,000</u>             |
| <br>TOTAL REVENUES:             | <br><u><u>5,000</u></u>      |
| <br><b><u>EXPENDITURES:</u></b> |                              |
| <br>Community Development       | <br><u>5,000</u>             |
| <br>TOTAL EXPENDITURES:         | <br><u><u>5,000</u></u>      |

\*To fund anticipated accruals.

COMPOSITE EXHIBIT A

Resolution No. 15 - 79

FY2016      Fire Impact Fee (#311)  
PREPARED:    November 4, 2015  
FINANCE:     Lisa Pallante

|                             | BUDGET<br>INCREASE(DECREASE) |
|-----------------------------|------------------------------|
| <b><u>REVENUES:</u></b>     |                              |
|                             |                              |
| Residential Impact Fees     | 55                           |
| TOTAL REVENUES:             | 55                           |
| <b><u>EXPENDITURES:</u></b> |                              |
|                             |                              |
| Fire Services               | 55                           |
| TOTAL EXPENDITURES:         | 55                           |

\*Additional administrative fees due to greater than anticipated revenue.

**Resolution No. 15 - 79**

**FY2016**                      **Transportation Impact Fee (#312)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**               **Lisa Pallante**

|                                        | BUDGET<br>INCREASE(DECREASE) |
|----------------------------------------|------------------------------|
| <b><u>REVENUES:</u></b>                |                              |
| Residential Transportation Impact Fees | 2,870                        |
| <b>TOTAL REVENUES:</b>                 | <b>2,870</b>                 |
| <b><u>EXPENDITURES:</u></b>            |                              |
| Public Works                           | 2,870                        |
| <b>TOTAL EXPENDITURES:</b>             | <b>2,870</b>                 |

**\*Additional administrative fees due to greater than anticipated revenue.**

COMPOSITE EXHIBIT A

Resolution No. 15 - 79

FY2016  
PREPARED: W/S Impact Fund (#405)  
November 4, 2015  
FINANCE: Lisa Pallante

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|  | BUDGET             |
|--|--------------------|
|  | INCREASE(DECREASE) |

---

**REVENUES:**

|                             |              |
|-----------------------------|--------------|
| Residential W/S Impact Fees | <u>4,040</u> |
|-----------------------------|--------------|

|                 |                     |
|-----------------|---------------------|
| TOTAL REVENUES: | <u><u>4,040</u></u> |
|-----------------|---------------------|

**EXPENDITURES:**

|                  |              |
|------------------|--------------|
| Non-Departmental | <u>4,040</u> |
|------------------|--------------|

|                     |                     |
|---------------------|---------------------|
| TOTAL EXPENDITURES: | <u><u>4,040</u></u> |
|---------------------|---------------------|

\*Additional administrative fees due to greater than anticipated revenue.

FY2016            Police Property & Evidence Trust Fund (#608)  
PREPARED:       November 4, 2015  
FINANCE:        Lisa Pallante

|                             | BUDGET<br>INCREASE(DECREASE) |
|-----------------------------|------------------------------|
| <b><u>REVENUES:</u></b>     |                              |
| <br>                        |                              |
| Miscellaneous Revenue       | <u>41,000</u>                |
| <br>                        |                              |
| TOTAL REVENUES:             | <u><u>41,000</u></u>         |
| <br>                        |                              |
| <b><u>EXPENDITURES:</u></b> |                              |
| <br>                        |                              |
| Police Services             | <u>41,000</u>                |
| <br>                        |                              |
| TOTAL EXPENDITURES:         | <u><u>41,000</u></u>         |

**\*The Police Property & Evidence Trust Fund (#608) is the fund used to track evidence currently in custody by the City. As funds become forfeited to the City, the amounts are transferred into the Police Forfeiture Trust Fund (#607) to be spent as per State guidelines.**

COMPOSITE EXHIBIT A

Resolution No. 15 - 79

FY2016 Recreation Impact Fund (#611)  
PREPARED: November 4, 2015  
FINANCE: Lisa Pallante

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|  | BUDGET             |
|--|--------------------|
|  | INCREASE(DECREASE) |

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**REVENUES:**

|                        |              |
|------------------------|--------------|
| Recreation Impact Fees | <u>1,130</u> |
|------------------------|--------------|

|                 |                     |
|-----------------|---------------------|
| TOTAL REVENUES: | <u><u>1,130</u></u> |
|-----------------|---------------------|

**EXPENDITURES:**

|                  |              |
|------------------|--------------|
| Non-Departmental | <u>1,130</u> |
|------------------|--------------|

|                     |                     |
|---------------------|---------------------|
| TOTAL EXPENDITURES: | <u><u>1,130</u></u> |
|---------------------|---------------------|

\*Additional administrative fees due to greater than anticipated revenue.

COMPOSITE EXHIBIT A

Resolution No. 15 - 79

FY2016  
PREPARED: PO Business Park Fund (#634)  
FINANCE: November 4, 2015  
Lisa Pallante

|                             | BUDGET<br>INCREASE(DECREASE) |
|-----------------------------|------------------------------|
| <b><u>REVENUES:</u></b>     |                              |
| <br>                        |                              |
| Misc. Revenue               | 2,500                        |
| <br>                        |                              |
| TOTAL REVENUES:             | 2,500                        |
| <br>                        |                              |
| <b><u>EXPENDITURES:</u></b> |                              |
| <br>                        |                              |
| Non-Departmental            | 2,500                        |
| <br>                        |                              |
| TOTAL EXPENDITURES:         | 2,500                        |

\*To cover increases in expenses.





# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/10/2015

Consent item: No

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**SUBJECT:** Resolution No. 15-80 - FY15 Budget Appropriations - Budget Additional Carry-forward

**DEPARTMENT:** Finance

**GOAL:**

**OBJECTIVE:**

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**RECOMMENDED MOTION:** Move to approve Resolution 15-80

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**SUMMARY:**

At the City's fiscal year ending September 30, 2015, budget appropriations lapse. The attached Resolution re-establishes these appropriations for funding the additional projects that were either not completed or started by the fiscal year end. These carryover appropriations re-establish proper project funding and budgetary alignment of projects. The operating funds have the required equity balances after appropriations by this resolution.

| Project | Funding Account |
|---------|-----------------|
| No.:    | No.:            |

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**ATTACHMENTS:**

|    |                                          |                                                                                   |
|----|------------------------------------------|-----------------------------------------------------------------------------------|
| 1. | Reso. No. 15-80                          | Reso. No. 15-80.pdf                                                               |
| 2. | Budget Reso 15-80<br>Composite Exhibit A | zv Composite Exh A - Additional Carryover Bud Reso<br>15-80 - CC Mtg 11-10-15.pdf |

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Riehm, Tracey  
Riehm, Tracey  
Roberts, Margaret  
Johansson, M. Jake

Created/Initiated - 11/04/2015  
Approved - 11/04/2015  
Approved - 11/05/2015  
Final Approval - 11/05/2015

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RESOLUTION NO. 15-80

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING FUNDS FOR ADDITIONAL PROJECT CARRY OVER FUNDS FISCAL YEAR 2014-2015 TO FISCAL YEAR 2015-2016 BUDGET; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange has certain additional projects initiated prior to the fiscal year commencing October 1, 2015, which remain incomplete and will carry over from the current fiscal year to the ensuing fiscal year; and

WHEREAS, the City Council desires to appropriate the necessary carry over funds for the continuation and completion of certain City operations and continuing projects and to set forth and appropriate certain revenues and expenses.

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

Section 1. The additional project carry over funds 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 additional project budget items adopted in the preceding section shall govern the expenditures relating to such projects for the City during the ensuing fiscal year effective October 1, 2015 through September 30, 2016.

Section 3. The fiscal year 2014-2015 additional project carry overs to the fiscal year 2015-2016 budget are hereby appropriated as set forth in Composite Exhibit A, attached hereto.

Section 4. The additional project budget items set forth in Composite Exhibit A shall govern the expenditures set forth therein for the City during the ensuing fiscal year effective October 1, 2015 through September 30, 2016.

Section 5. 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 6. This resolution shall become effective immediately upon adoption.

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MAYOR ALLEN GREEN

ATTEST:

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Robin Fenwick, CMC, City Clerk

Adopted on the                      day of

Reviewed and Approved: \_\_\_\_\_  
City Attorney

**COMPOSITE EXHIBIT A****Resolution No. 15 - 80**

**FY2016**            **General Fund (#001)**  
**PREPARED:**    **November 4, 2015**  
**FINANCE:**     **Lisa Pallante**

|                             |  | <b>BUDGET</b>             |
|-----------------------------|--|---------------------------|
|                             |  | <b>INCREASE(DECREASE)</b> |
| <b><u>REVENUES:</u></b>     |  |                           |
| Appropriated Equity         |  | <u>78,370</u>             |
| <b>TOTAL REVENUES:</b>      |  | <u><u>78,370</u></u>      |
| <b><u>EXPENDITURES:</u></b> |  |                           |
| City Manager                |  | 11,082                    |
| City Attorney               |  | 54,058                    |
| Police                      |  | 3,230                     |
| Parks Maintenance           |  | 10,000                    |
| <b>TOTAL EXPENDITURES:</b>  |  | <u><u>78,370</u></u>      |

**\*To cover internship, salary adjustment, car allowance and relocation expense in City Manager's Office; to use forfeiture funds and cover anticipated legal services in City Attorney's Office; to cover relocation expenses for the new Police Chief; to create a reserve for possible building maintenance at the Clubhouse at Cypress Head.**

**Resolution No. 15 - 80**

**FY2016**                      **Community Development Block Grant (CDBG) Fund (#110)**  
**PREPARED:**              **November 4, 2015**  
**FINANCE:**                **Lisa Pallante**

|                       | BUDGET<br>INCREASE(DECREASE) |
|-----------------------|------------------------------|
| <u>REVENUES:</u>      |                              |
| Federal Grants        | 20,661                       |
| TOTAL REVENUES:       | 20,661                       |
| <u>EXPENDITURES:</u>  |                              |
| Community Development | 20,661                       |
| TOTAL EXPENDITURES:   | 20,661                       |

**\*Balance of Planning and Administration budget from the FY14 Action Plan.**



**Budget Carryover Request Form**  
City of Port Orange

|                                                    |                |
|----------------------------------------------------|----------------|
| Date of Request:                                   | 11/4/2015      |
| Department:                                        | City Manager   |
| Name of Requestor:                                 | Jake Johansson |
| Telephone # of Requestor:                          | 386-506-5501   |
| Requesting Carryover <b>From</b> Fiscal Year (FY): | FY15           |
| Requesting Carryover <b>To</b> Fiscal Year (FY):   | FY16           |

| #                                    | Description and Justification of Request(s):                                                                                                                 | Amount Requested | Classification of Request* |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| 1)                                   | 2015/2016 FCCMA Volusia Shared Internship<br><br>Account # funds should be transferred to: 001-1200-512-31-13                                                | \$ 3,230         | A, H                       |
| 2)                                   | Fund Assistant City Manager's negotiated salary increase (includes benefits)<br><br>Account # funds should be transferred to: 001-1200-512-12-00. and others | \$ 2,037         | A, H                       |
| 3)                                   | Car Allowance for Assistant City Manager (\$2,400 plus benefits)<br><br>Account # funds should be transferred to: 001-1200-512-12-00. 21-00                  | \$ 2,585         | A, H                       |
| 4)                                   | Relocation expense for Assistant City Manager (\$3,000 plus benefits)<br><br>Account # funds should be transferred to: 001-1200-512-21-00                    | \$ 3,230         | A, H                       |
| 5)                                   | <br><br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                                         | \$ -             |                            |
| <b>Total Amount of All Requests:</b> |                                                                                                                                                              | <b>\$ 11,082</b> |                            |

\*Classification Types:

- A) City Council Priorities.
- B) Ongoing carryover program from prior year to be funded only if dollars were available at year end.
- C) Debt reduction including internal loans over and above required debt service (Amount and the debt to be retired to be determined by City Council.
- D) Reduction of pension obligations over and above required pension funding.
- E) Open encumbrances/purchase orders and previously funded and approved projects or tasks that were delayed because of operational constraints.
- F) Grant and Grant Match.
- G) Increase equity reserves above the 15% reserve level. The City Council may want to revise and amend the adopted reserve policy by increasing reserves for Unexpected Events, Disasters, Emergencies or revenue shortfalls.
- H) Unusual, one time operating expenditures that were not anticipated during original budget preparation.
- I) Funds restricted by the Donor or Grantor Agencies for a specific purpose.
- J) Emergency Management Reserves.
- K) "Department Opportunity Grants" - to be requested by Staff, reviewed and approved by City Council. Departments can submit an opportunity fund request throughout the year. (Please see Policy 1-45 for more detail.)
- L) Revenue Stabilization Fund.

|                               |
|-------------------------------|
| Signature of Department Head: |
| Approved by City Council?:    |



## Budget Carryover Request Form

City of Port Orange

|                                             |                     |
|---------------------------------------------|---------------------|
| Date of Request:                            | 11/4/2015           |
| Department:                                 | Legal               |
| Name of Requestor:                          | Margaret T. Roberts |
| Telephone # of Requestor:                   | x5525               |
| Requesting Carryover From Fiscal Year (FY): | FY15                |
| Requesting Carryover To Fiscal Year (FY):   | FY16                |

| #                             | Description and Justification of Request(s):                                                                                                                              | Amount Requested | Classification of Request* |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| 1)                            | Additional funds needed for ongoing and anticipated arbitrations and other collective bargaining matters.<br>Account # funds should be transferred to: 001-1300-514-13-12 | \$ 34,133        | A, H                       |
| 2)                            | Forfeiture revenues for city staff legal services needed for staff wage adjustments.<br>Account # funds should be transferred to: 001-1300-514-31-13                      | \$ 19,925        | A, H                       |
| 3)                            | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                                                          | \$ -             |                            |
| 4)                            | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                                                          | \$ -             |                            |
| 5)                            | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                                                          | \$ -             |                            |
| Total Amount of All Requests: |                                                                                                                                                                           | \$ 54,058        |                            |

\*Classification Types:

- A) City Council Priorities.
- B) Ongoing carryover program from prior year to be funded only if dollars were available at year end.
- C) Debt reduction including internal loans over and above required debt service (Amount and the debt to be retired to be determined by City Council.
- D) Reduction of pension obligations over and above required pension funding.
- E) Open encumbrances/purchase orders and previously funded and approved projects or tasks that were delayed because of operational constraints.
- F) Grant and Grant Match.
- G) Increase equity reserves above the 15% reserve level. The City Council may want to revise and amend the adopted reserve policy by increasing reserves for Unexpected Events, Disasters, Emergencies or revenue shortfalls.
- H) Unusual, one time operating expenditures that were not anticipated during original budget preparation.
- I) Funds restricted by the Donor or Grantor Agencies for a specific purpose.
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- L) Revenue Stabilization Fund.

Signature of Department Head:

*Margaret T. Roberts*

11/4/15

Approved by City Council?:





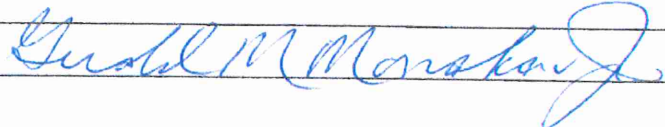
**Budget Carryover Request Form**  
City of Port Orange

|                                                    |                   |
|----------------------------------------------------|-------------------|
| Date of Request:                                   | 11/4/2015         |
| Department:                                        | Police            |
| Name of Requestor:                                 | Gerald M. Monahan |
| Telephone # of Requestor:                          | 386-506-5870      |
| Requesting Carryover <b>From</b> Fiscal Year (FY): | FY15              |
| Requesting Carryover <b>To</b> Fiscal Year (FY):   | FY16              |

| #                                    | Description and Justification of Request(s):                                                            | Amount Requested | Classification of Request* |
|--------------------------------------|---------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| 1)                                   | Relocation expense for new Police Chief<br>Account # funds should be transferred to: 001-3200-521-12-00 | \$ 3,000         | A, H                       |
| 2)                                   | Benefits on relocation expense<br>Account # funds should be transferred to: 001-3200-521-21-00          | \$ 230           | A, H                       |
| 3)                                   | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                        | \$ -             |                            |
| 4)                                   | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                        | \$ -             |                            |
| 5)                                   | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                        | \$ -             |                            |
| <b>Total Amount of All Requests:</b> |                                                                                                         | <b>\$ 3,230</b>  |                            |

\*Classification Types:

- A) City Council Priorities.
- B) Ongoing carryover program from prior year to be funded only if dollars were available at year end.
- C) Debt reduction including internal loans over and above required debt service (Amount and the debt to be retired to be determined by City Council.
- D) Reduction of pension obligations over and above required pension funding.
- E) Open encumbrances/purchase orders and previously funded and approved projects or tasks that were delayed because of operational constraints.
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|                               |                                                                                      |
|-------------------------------|--------------------------------------------------------------------------------------|
| Signature of Department Head: |  |
| Approved by City Council?:    |                                                                                      |





## Budget Carryover Request Form

City of Port Orange

|                                             |                   |
|---------------------------------------------|-------------------|
| Date of Request:                            | 11/4/2015         |
| Department:                                 | Parks Maintenance |
| Name of Requestor:                          | Susan Lovallo     |
| Telephone # of Requestor:                   | 386-506-5852      |
| Requesting Carryover From Fiscal Year (FY): | FY15              |
| Requesting Carryover To Fiscal Year (FY):   | FY16              |

| #                             | Description and Justification of Request(s):                                                                                                                                                                                                          | Amount Requested | Classification of Request* |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| 1)                            | Reserve for Cypress Head Clubhouse Building Maintenance (Note: A budget resolution would be needed to move these funds to the Golf Course Operating Fund 450 if we need to use them.)<br>Account # funds should be transferred to: 001-4400-572-99-10 | \$ 10,000        | A, H                       |
| 2)                            | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                                                                                                                                      | \$ -             |                            |
| 3)                            | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                                                                                                                                      | \$ -             |                            |
| 4)                            | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                                                                                                                                      | \$ -             |                            |
| 5)                            | <br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                                                                                                                                      | \$ -             |                            |
| Total Amount of All Requests: |                                                                                                                                                                                                                                                       | \$ 10,000        |                            |

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Signature of Department Head:

Approved by City Council?:



## Budget Carryover Request Form

City of Port Orange

|                                                    |                                          |
|----------------------------------------------------|------------------------------------------|
| Date of Request:                                   | 11/4/2015                                |
| Department:                                        | Community Development Block Grant (CDBG) |
| Name of Requestor:                                 | Tracey Riehm                             |
| Telephone # of Requestor:                          | 386-506-5715                             |
| Requesting Carryover <b>From</b> Fiscal Year (FY): | FY15                                     |
| Requesting Carryover <b>To</b> Fiscal Year (FY):   | FY16                                     |

| #                                    | Description and Justification of Request(s):                                                                                             | Amount Requested | Classification of Request* |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------|
| 1)                                   | Remaining Planning & Administration Funds from CDBG FY14 Action Plan<br><br>Account # funds should be transferred to: 110-1904-554-34-14 | \$ 20,661        | F                          |
| 2)                                   | <br><br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                     | \$ -             |                            |
| 3)                                   | <br><br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                     | \$ -             |                            |
| 4)                                   | <br><br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                     | \$ -             |                            |
| 5)                                   | <br><br>Account # funds should be transferred to: xxx-xxxx-xxx-xx-xx                                                                     | \$ -             |                            |
| <b>Total Amount of All Requests:</b> |                                                                                                                                          | <b>\$ 20,661</b> |                            |

### \*Classification Types:

- A) City Council Priorities.
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|                               |                     |
|-------------------------------|---------------------|
| Signature of Department Head: | <i>Tracey Riehm</i> |
| Approved by City Council?:    |                     |