



REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

AUGUST 17, 2021

AGENDA

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

A. OPENING

1. Invocation by Rev. Glenn Rice of Port Orange United Church of Christ
2. Pledge of Allegiance
3. Roll Call

B. CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only
5. Agenda Approval
6. Approval of Minutes
 - a. August 3, 2021 - Regular City Council Meeting
7. Resolution No. 21-29 - Budget Appropriation to Transfer Funds from General Fund Operating Fund to Fund 317 for various Police Department Capital Items
8. Approval of Minor Special Event for the First United Methodist Church (305 Dunlawton Avenue) Annual Pumpkin Patch and Fall Festival Events
9. Approval of Florida Power & Light Electric Easement - Skeet Club on Pioneer Trail
10. Approval of Amendment No. 1 to City Attorney Employment Contract

C. CITIZEN PARTICIPATION (Agenda)

11. Update from the Conklin Davis Center for the Visually Impaired

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

E. COUNCIL COMMENTS

12. Comments/Concerns from Council Members

F. BOARD APPOINTMENTS, INTERVIEWS, REPORTS

13. Citizen Advisory Committee for TPO

14. Appointment of Ten (10) Members to the Districting Commission

G. PUBLIC HEARING

15. First Reading - Ordinance No. 2021-20 - Seventh Amendment to the Bennett's Hammock Master Development Agreement and Conceptual Development Plan

16. First Reading - Ordinance No. 2021-21 - Third Amendment to the Riverwalk Amended and Restated Master Development Agreement (Case No. 21-40000001)

H. REGULAR AGENDA

17. First Reading - Ordinance No. 2021-19 - Code of Ordinance Amendment/Chapters 18 and 58 - Sidewalk Sales and Special Events

18. Discussion item on Legislative Priorities

I. ADDITIONAL ITEMS

19. City Attorney

20. City Manager

J. COUNCIL COMMITTEE REPORTS

21. City Council Committee Reports

a. ArtHaus

b. First Step Shelter

c. River to Sea TPO

d. General Employees' Pension Plan

e. Port Orange/South Daytona Chamber of Commerce

f. Roundtable of Elected Officials

K. ADJOURNMENT

NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD



Regular City Council Meeting

8/17/2021

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OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



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

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

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

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

REGULAR CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 3, 2021

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

Silent Invocation was held as Pastor Scott Kirschner of Christ the King Community Church was unable to attend.

Pledge of Allegiance

Roll Call	Present:	Council Member Jonathan Foley Vice Mayor Drew Bastian Mayor Donald Burnette
	Absent:	Council Member Chase Tramont Council Member Scott Stiltner
	Also Present:	City Manager Wayne Clark Assistant City Attorney Shannon Balmer City Clerk Robin Fenwick

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes to the agenda.

Motion to approve was made by Vice Mayor Drew Bastian and Seconded by Council Member Jonathan Foley. Motion carried unanimously by voice vote.

6. Approval of Minutes

- a. July 20, 2021 - Regular City Council Meeting
- b. July 27, 2021 - City Council Special Meeting

7. Resolution No. 21-28 - Budget Appropriation to Transfer Funds from Forestry Management Fund Balance (420) into Operating Expenditures - Capital Outlay (420) for 50% of the cost of reconstruction of the road to the Police Department Gun Range

8. Resolution No. 21-30 - Budget Appropriation to transfer funds from 403 Capital Outlay to the Water and Sewer System 401 Maintenance and Repairs to complete the Water Treatment Plant painting and exterior repairs

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

SPECIAL AWARDS, REPORTS, RECOGNITION AND PROCLAMATIONS

9. Report from KemperSports on the Cypress Head Golf

Bob Duquette, General Manager, provided an update on the golf course's financial position and the condition of the course. Cypress Head is ranked #1 for KemperSports courses.

10. Golf Course Advisory Board Report

Lance Green, Chair, was unable to attend.

11. Environmental Advisory Board Report

Kristine Cunningham, Chair, provided details from their recent meeting.

CITIZEN PARTICIPATION (Non-Agenda – 20 minutes)

Darlene Kochendoerfer, citizen, spoke regarding the TNR program for feral cats and her recent experiences with Staff. She thanked Lt. Thomas Aiken and Animal Control Officer Jennifer Macsar for working with her on the program. She hopes the City will work with more of the volunteers, similar to the VIPS program.

Shira Wild, citizen, spoke regarding the rabies outbreak and would like to know the cost per cat with the City employee handling the transportation now.

COUNCIL COMMENTS

12. Comments/Concerns from Council Members

There was nothing.

PUBLIC HEARING

13. Second Reading - Ordinance No. 2021-18 - Rezoning and Approval of the Dunlawton Storage Planned Commercial Development Master Development Agreement and Conceptual Development Plan (Case No. 21-65000001)

Mayor Don Burnette read Ordinance No. 2021-18.

ORDINANCE NO. 2021-18

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REZONING PROPERTY CONSISTING OF APPROXIMATELY ±6.2 ACRES LOCATED AT 720 DUNLAWTON AVENUE, AT THE SOUTHWEST CORNER OF DUNLAWTON AND SPRUCE CREEK ROAD FROM AGRICULTURE (A) TO PLANNED COMMERCIAL DEVELOPMENT (PCD) AND APPROVING A MASTER DEVELOPMENT AGREEMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR THE DUNLAWTON STORAGE PCD; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

Motion to adopt Ordinance No. 2021-18 was made by Vice Mayor Drew Bastian and Seconded by Council Member Jonathan Foley. Motion carried unanimously by roll call vote.

REGULAR AGENDA

14. Resolution No. 21-31 - FY22 - FY27 Capital Improvements Plan

Mayor Don Burnette read Resolution No. 21-31.

RESOLUTION NO. 21-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; ADOPTING A SIX YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE CITY OF PORT ORANGE FOR FY 2022 - FY 2027; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve Resolution No. 21-31 was made by Vice Mayor Drew Bastian and Seconded by Council Member Jonathan Foley.

Jamie Miller, Interim Deputy City Manager, discussed the planning process used for the Capital Improvement Program (CIP) projects, highlighted the funds identified for specific projects, and provided an update on the General Fund balance and answered questions from Council.

Motion carried unanimously by roll call vote.

15. City Attorney

There was nothing further.

16. City Manager

There was nothing further.

COUNCIL COMMITTEE REPORTS

17. City Council Committee Reports

a. River to Sea TPO - Council Member Scott Stiltner was not in attendance to provide a report.

b. General Employees' Pension Plan - Council Member Scott Stiltner was not in attendance to provide a report.

ADJOURNMENT - 7:11 p.m.

Attest:

Mayor Donald O. Burnette

Robin Fenwick, MMC
City Clerk



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: Yes

SUBJECT: (B7) Resolution No. 21-29 - Budget Appropriation to Transfer Funds from General Fund Operating Fund to Fund 317 for various Police Department Capital Items

DEPARTMENT: Finance

GOAL: 1 - Public Safety

2 - Infrastructure

5 - Fiscal Sustainability

RECOMMENDED MOTION: Move to approve Resolution No. 21-29.

SUMMARY: Budget Appropriation to transfer \$543,000 from General Fund Operating Fund 001 to General Fund Capital Fund 317 for capital Items. These items are to be funded from salary savings in the Police Cost Center for purchase of P25-P2 Police radio compatibility and replacement, Police share of reconstruction of the road to the Gun Range, and the Police Surveillance system.

The department originally planned on purchasing 65 portable radios to replace the long obsolete ones in inventory that are no longer upgradeable that are required for the new communications system being implemented by the County next year. The department was then informed by Volusia County that the 91 portable radios it was intending to keep are ending their production cycle by L3Harris Corp. effective November 2021. This will necessitate the department having to purchase replacements within the next few years due to end of support by L3Harris and Communications International by November 2026.

The County has negotiated a significant discount on the radios (64% off list price) - the discount expires June 30, 2022. To take advantage of this discount, staff recommends using current cost savings to purchase the radios (156 portable radios) this year, thus reducing funding requirements for next year. To wait on replacing the additional 91 portable radios after June 30, 2022 will cost, at a minimum, in 2021 dollars, an additional \$234,000 using the department's standard 28% off listed price per unit. Further, the department will save \$9,800 annually (\$49,000 total) over the next five years on the L3Harris Corp. maintenance agreement by removing these 91 portable radios. The new radios will come with a 5 year no-cost warranty.

The Police Gun Range road is in need of substantial repair. Past traffic and wet conditions have left many ruts in the road, making passage difficult. Also, larger ruts

have the probability of causing vehicle damage.

Some of the Police Department surveillance system components are in need of replacement. All the CCTV cameras are from circa 2009. They are old, outdated, and have a lower image quality than what is available today. The old system storage capacity is lower than what capacity will be after the upgrade. This investment will complete Phase 2 of the replacement plan, providing the police department with a completely new CCTV system.

These items were originally programmed for purchase in the FY22 capital budget. A review of the current salary cost savings from the Police Cost Center indicated that there were sufficient funds to purchase these items in this fiscal year.

Project No.: NA Funding Account No.: General Fund Capital

Presenter: Robin Hayes

ATTACHMENTS:

1.	Budget Resolution No. 21-29 with exhibit	Bud Reso 21-29 - Transfer Salary Savings from GF PD to Fund 317 for Capital Items - F.pdf
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Scott Neils	Created/Initiated - 7/9/2021
Scott Neils	Approved - 7/13/2021
Lupe Reyna-Coffin	Approved - 8/2/2021
Julia Wiggins	Approved - 8/2/2021
Matthew Jones	Approved - 8/9/2021
Wayne Clark	Approved - 8/9/2021
Robin Fenwick	Final Approval - 8/10/2021

RESOLUTION NO. 21-29

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, APPROPRIATING CAPITAL FUNDS FOR THE FISCAL YEAR 2021 BUDGET; TO TRANSFER FUNDS FROM THE GENERAL FUND (001) POLICE COST CENTER – PERSONNEL SERVICES (500000) IN THE AMOUNT OF \$543,000 AND TRANSFER TO THE CAPITAL REPLACEMENT FUND (317) AND APPROPRIATE TO CAPITAL OUTLAY TO FUND CAPITAL ITEMS FOR POLICE; SETTING FORTH REVENUES AND EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS The City Council desires to transfer funds from the General Fund (001) – Police Cost Center – Personnel Services (500000), in the amount of \$543,000 from the available salary savings and transfer to the Capital Replacement Fund (317) and appropriate to Capital Outlay to cover; the purchase of P25-P2 Police radio and compatibility replacement (\$453,000), the Police Department’s share of the road reconstruction to the Police Gun Range (\$60,000) and the purchase of the PD Surveillance System (\$30,000); and

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

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

Section 2. The Budget item adopted in the preceding section shall govern the expenditures relating to such operations for the City during the current fiscal year effective October 1, 2020 through September 30, 2021.

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

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

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC City Clerk

Adopted on the _____ day of _____

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

FY2021 General Fund (001)
Prepared: August 2, 2021
Finance: Finance Staff

**Budget Increase /
(Decrease)**

Revenues:

NA

Total Revenues: \$ -

Expenditures:

Personnel Services	(543,000)
Interfund Transfer Expense	543,000

Total Expenditures: \$ -

To budget to for a transfer of Salary savings from the General Fund (001) - Police Cost Center - Personnel Services (500000) to Fund 317 - Capital Outlay to provide funding;

PD's share of the cost to reconstruct the road to the Police Gun Range (\$60,000),
the cost of P25-P2 Police radio compatibility and replacement (453,000),
the cost of Police Dept surveillance system (\$30,000).

FY2021 General Capital Replacement Fund (317)
Prepared: August 2, 2021
Finance: Finance Staff

	<u>Budget Increase / (Decrease)</u>
<u>Revenues:</u>	
Other Financing Sources - Interfund Transfer Revenue	543,000
Total Revenues:	<u>\$ 543,000</u>
<u>Expenditures:</u>	
Capital Outlay -	543,000
Total Expenditures:	<u>\$ 543,000</u>

To budget to for a transfer of Salary savings from the General Fund- Police Cost Center - Personnel Services (500000) to Fund 317 - Capital Outlay to fund; PD's share of the cost to reconstruct the road to the Police Gun Range (\$60,000), the cost of P25-P2 Police radio compatibility and replacement (453,000), the cost of Police Dept surveillance system (\$30,000).



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: Yes

SUBJECT: (B8) Approval of Minor Special Event for the First United Methodist Church (305 Dunlawton Avenue) Annual Pumpkin Patch and Fall Festival Events

DEPARTMENT: Community Development

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve the event duration beyond seven consecutive calendar days for a Minor Special Event request, by the First United Methodist Church

SUMMARY: The First United Methodist Church has requested a Minor Special Event permit for their annual sale of pumpkins. Minor Special Events are typically approved by staff administratively, but due to the proposed length of the event (32 days), the Code of Ordinances Chapter 58, Article III, Section 58-53, requires City Council to approve any Special Event that exceeds seven (7) consecutive calendar days.

The requested event dates for the First United Methodist Church Pumpkin Patch are October 2, 2021, through November 1, 2021, (32 days) from 9:00 am to 9:00 pm, Monday through Sunday. On Saturday, October 16, 2021, there will be a Fall Festival with bounce house, food and games from 10 am to 6 pm. The Pumpkin Patch and Fall Festival have occurred at this location for several years and staff is not aware of any issues or concerns associated with the duration of the event. As a result, staff recommends approval of the request to extend the duration of the Minor Special Event beyond seven consecutive calendar days.

Project No.: N/A

Funding Account No.: N/A

Presenter: Tim Burman, Penelope Cruz

ATTACHMENTS:

1.	Pumpkin Patch location map	Pumpkin Patch location map.pdf
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Penelope Cruz
Tim Burman
William Proctor
Ronny Buttrum

Created/Initiated - 7/12/2021
Approved - 7/27/2021
Approved - 7/28/2021
Approved - 7/28/2021

Wayne Clark
Robin Fenwick

Approved - 8/5/2021
Final Approval - 8/6/2021





CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: Yes

SUBJECT: (B9) Approval of Florida Power & Light Electric Easement - Skeet Club on Pioneer Trail

DEPARTMENT: Public Utilities

GOAL: 2 - Infrastructure

RECOMMENDED MOTION: Move to approve the Easement to Florida Power & Light over portions of Parcel I.D. #7210-00-00-0010.

SUMMARY: The city of Port Orange and Volusia County jointly own Parcel ID #7210-00-00-0010. Volusia County leases a portion of the property to the Volusia County Skeet and Trap Club. The Skeet Club wishes to install electrical service to the property. Florida Power & Light requires an easement approved by the property owners to install the power lines. Both the Port Orange City Council and Volusia County Council must approve the easement as joint owners of the land on Pioneer Trail. There is no cost to the City to grant this easement.

Project No.: N/A

Funding Account No.: N/A

Presenter: Lynn Stevens

ATTACHMENTS:

1.	FPL Underground Easement-Vol SkeetTrap Parcel 7210 00 00 0010 Pioneer Trail	FPL Underground Easement-Vol SkeetTrap Parcel 7210 00 00 0010 Pioneer Trail.pdf
2.	Map FPL Easement 4031 Pioneer Trail Skeet and Trap Club	Map FPL Easement 4031 Pioneer Trail Skeet and Trap Club.pdf

Kynah Cockcroft
Julia Wiggins
Linda Johnson
Steve Parnell
Lynn Stevens
Matthew Jones
Wayne Clark

Created/Initiated - 7/21/2021
Approved - 7/21/2021
Approved - 7/22/2021
Approved - 7/23/2021
Approved - 7/27/2021
Approved - 7/27/2021
Approved - 8/11/2021

Work Request No. 9942943

Sec. 10, Twp 17 S, Rge 32 E

Parcel I.D. 7210-00-00-0010
(Maintained by County Appraiser)

UNDERGROUND EASEMENT (INDIVIDUAL)

This Instrument Prepared By

Name: Courtney Thomas
Co. Name: Florida Power & Light
Address: 3000 Spruce Creek Rd
Port Orange, FL 32129

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility facilities (including cables, conduits, appurtenant equipment, and appurtenant above ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See "Sketch of Description" ("Electric Easement Area")

Together with the right to permit any other person, firm, or corporation to attach or place wires to or within any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 2021
COUNTY OF VOLUSIA

Signed, sealed and delivered in the presence of:

By: _____

(Witness' Signature)

Print Name: JEFF BROWER, COUNTY CHAIR

Print Name: _____
(Witness)

Print Address: 123 West Indiana Ave.
DeLand, FL 32720

ATTEST:

By: _____

(Witness' Signature)

Print Name: GEORGE RECKTENWALD, COUNTY MANAGER

Print Name: _____
(Witness)

Print Address: 123 West Indiana Ave.
DeLand, FL 32720

STATE OF FLORIDA AND COUNTY OF VOLUSIA. The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2021, by JEFF BROWER and GEORGE RECKTENWALD, in their representative capacities as County Chair and County Manager for Volusia County, respectively, who are _____ personally known to me or has (have) produced _____ as identification, and who did (did not) take an oath. (Type of Identification)

My Commission Expires:

Notary Public, Signature

Print Name _____

UNDERGROUND EASEMENT

FLORIDA POWER & LIGHT

Work Request No. 9942943
Sec. 10, Twp 17 S, Rge 32 E
Parcel I.D. 7210-00-00-0010
(Maintained by County Appraiser)

Page 2, Signatures (Continued)

WITNESSES:

CITY OF PORT ORANGE

A Florida municipal corporation

Signature

By: _____
Donald O. Burnette, Mayor

Print Name

Attest:

Robin L. Fenwick, MMC, City Clerk

Signature

Print Name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing easement was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2021, by DONALD O. BURNETTE, Mayor of the CITY OF PORT ORANGE, a Florida municipal corporation, on behalf of the City, and who is ☐ personally known to me, or ☐ has produced _____ as identification.

Notary Public, State of Florida at Large
My Commission Expires:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing easement was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2021, by ROBIN L. FENWICK, MMC, City Clerk of the CITY OF PORT ORANGE, a Florida municipal corporation, on behalf of the City, and who is ☐ personally known to me, or ☐ has produced _____ as identification.

Notary Public, State of Florida at Large
My Commission Expires:

**SKETCH OF DESCRIPTION
ELECTRIC EASEMENT
PIONEER TRAIL**

SECTION 10, TOWNSHIP 17 SOUTH, RANGE 32 EAST
VOLUSIA COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 10, TOWNSHIP 17 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3998, PAGE 2362, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 10; THENCE ALONG THE NORTH LINE OF SAID SECTION 10, N89°12'01"E, A DISTANCE OF 751.74 FEET; THENCE DEPARTING SAID NORTH LINE, S00°47'59"E, A DISTANCE OF 1014.45 FEET TO THE POINT OF BEGINNING;

THENCE S28°48'06"E, A DISTANCE OF 13.54 FEET; THENCE S60°48'48"W, A DISTANCE OF 6.61 FEET; THENCE S02°29'13"W, A DISTANCE OF 122.43 FEET; THENCE S28°06'22"E, A DISTANCE OF 73.90 FEET; THENCE N62°37'27"E, A DISTANCE OF 1.88 FEET; THENCE S28°48'06"E, A DISTANCE OF 13.54 FEET; THENCE S60°48'48"W, A DISTANCE OF 14.40 FEET; THENCE N28°06'49"W, A DISTANCE OF 14.00 FEET; THENCE N62°37'27"E, A DISTANCE OF 2.36 FEET; THENCE N28°14'41"W, A DISTANCE OF 76.10 FEET; THENCE N02°28'49"E, A DISTANCE OF 127.17 FEET; THENCE N28°06'49"W, A DISTANCE OF 7.44 FEET; THENCE N62°37'27"E, A DISTANCE OF 14.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.054 ACRES (2368 SQUARE FEET) OF LAND, MORE OR LESS.

SURVEYOR'S NOTES

1. THE PURPOSE OF THIS SKETCH OF DESCRIPTION IS TO PROVIDE A LEGAL DESCRIPTION FOR AN ELECTRIC EASEMENT.
2. THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH, STATE PLANE COORDINATE SYSTEM, FLORIDA EAST, NAD 83, NGS ADJUSTMENT OF 2011. THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 17 SOUTH, RANGE 32 EAST BEARS N89°12'01"W PER BOUNDARY SURVEY OF KROL PROPERTY FOR THE COUNTY OF VOLUSIA, FLORIDA; PREPARED BY BOWYER SINGLETON & ASSOCIATES, INC. ON THE DATE OF MAY 2, 2007.
3. THE PROPERTY DEPICTED ON THIS SKETCH IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS LEGAL DESCRIPTION IS INCOMPLETE UNLESS ACCOMPANIED BY A SKETCH OF THE PROPERTY DESCRIBED HEREIN.
5. THIS IS NOT A SURVEY.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

 LEADING EDGE LAND SERVICES INCORPORATED 8802 EXCHANGE DRIVE ORLANDO, FLORIDA 32809 PHONE: (407) 351-6730 FAX: (407) 351-9691 WEB: www.leadingedge.com FLORIDA LICENSED BUSINESS NUMBER LB 6846	SKETCH OF LEGAL DESCRIPTION FOR TECC, INC.	DATE OF DRAWING: 29 JUN 2021 <table border="1" style="width: 100%;"><tr><td>MANAGER: JDK</td><td>CADD: JAA</td></tr></table> PROJECT NUMBER: 1128-21001 FIELD BOOK NUMBER: LE 1498 LAST FIELD WORK: 20 APR 2021 CREW CHIEF(S): JFV COMPUTER FILE: 1128001SD.DWG <table border="1" style="width: 100%;"><tr><td>SCALE: 1" = 50'</td><td>SHEET 1 OF 2</td></tr></table>	MANAGER: JDK	CADD: JAA	SCALE: 1" = 50'	SHEET 1 OF 2
	MANAGER: JDK	CADD: JAA				
SCALE: 1" = 50'	SHEET 1 OF 2					
SURVEYOR'S CERTIFICATION I, THE UNDERSIGNED FLORIDA LICENSED SURVEYOR AND MAPPER, DO HEREBY CERTIFY THAT I HAVE COMPLETED THIS SKETCH IN ACCORDANCE WITH FLORIDA ADMINISTRATIVE RULE 5J-17 STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS.  DATE: 6-29-2021 MIKE BAERHOLD PROFESSIONAL SURVEYOR AND MAPPER NUMBER 5575						

SKETCH OF DESCRIPTION ELECTRIC EASEMENT PIONEER TRAIL

SECTION 10, TOWNSHIP 17 SOUTH, RANGE 32 EAST
VOLUSIA COUNTY, FLORIDA

P.O.C.
NW CORNER OF
SECTION 10, T17S, R32E

N89°12'01"E, 751.74'
(BASIS OF BEARINGS)

NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 10, T17S, R32E

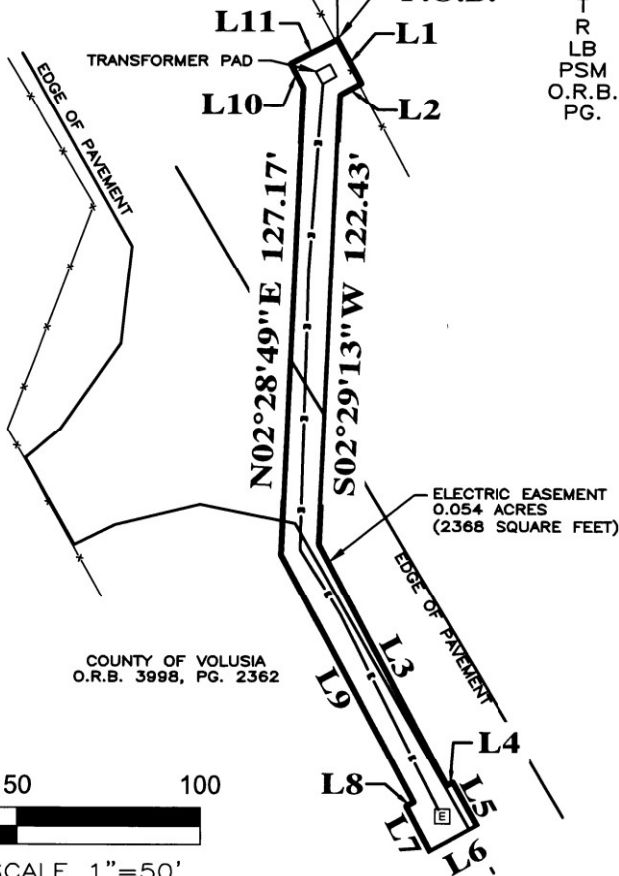
WEST LINE OF THE NORTHWEST 1/4 OF SECTION 10, T17S, R32E

LEGEND

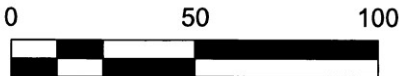
- ELECTRIC BOX
- E — ELECTRIC LINE
- X — FENCE LINE
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- T TOWNSHIP
- R RANGE
- LB LICENSED BUSINESS
- PSM PROFESSIONAL SURVEYOR AND MAPPER
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S28°48'06"E	13.54'
L2	S60°48'48"W	6.61'
L3	S28°06'22"E	73.90'
L4	N62°37'27"E	1.88'
L5	S28°48'06"E	13.54'
L6	S60°48'48"W	14.40'
L7	N28°06'49"W	14.00'
L8	N62°37'27"E	2.36'
L9	N28°14'41"W	76.10'
L10	N28°06'49"W	7.44'
L11	N62°37'27"E	14.23'



COUNTY OF VOLUSIA
O.R.B. 3998, PG. 2362



GRAPHIC SCALE 1"=50'

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. (SEE SHEET 1 OF 2)

THIS SKETCH IS INCOMPLETE
UNLESS ACCOMPANIED BY A
LEGAL DESCRIPTION OF THE
PROPERTY DEPICTED HEREON

SKETCH OF LEGAL DESCRIPTION
FOR
TECC, INC.

THIS IS NOT A SURVEY

**LEADING EDGE
LAND SERVICES
INCORPORATED**

8802 EXCHANGE DRIVE
ORLANDO, FLORIDA 32809

PHONE: (407) 351-6730

FAX: (407) 351-9691

WEB: www.leadingedgels.com

FLORIDA LICENSED BUSINESS NUMBER LB 6846

DATE OF DRAWING: 29 JUN 2021

MANAGER: JDK

CADD: JAA

PROJECT NUMBER: 1128-21001

FIELD BOOK NUMBER: LE 1498

LAST FIELD WORK: 20 APR 2021

CREW CHIEF(S): JFV

COMPUTER FILE: 1128001SD.DWG

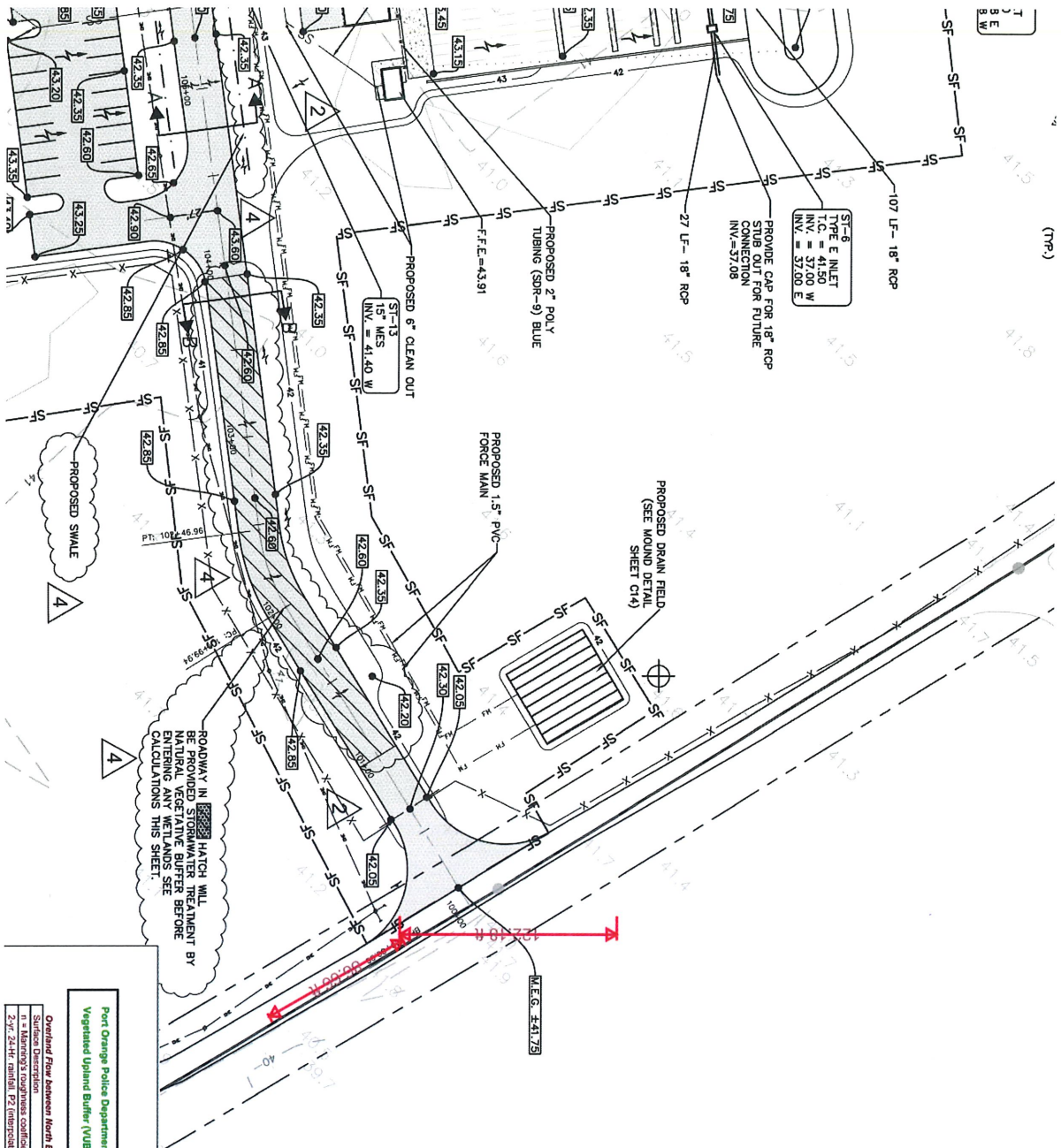
SCALE: 1" = 50'

SHEET 2 OF 2

4031 Pioneer Trail



01/26/2020



Port Orange Police Department Shooting Range
 Vegetated Upland Buffer (VUB) Treatment Calculation
 ZC 12071

Overland Flow between North Entrance Road and Wetland - A (Shortest Path)	Wetland Buffer
Surface Description	Wetland Buffer
n = Manning's roughness coefficient (from Table 2.1, 18-45)	0.49
2-hr 24-hr rainfall (P2 Interpolated SRRWD handbook)	5.5 inches

- NOTES:
1. CONTRACTOR TO REFER TO GEOTECHNICAL REPORT FOR SOIL REQUIREMENTS AND RECOMMENDATIONS.
 2. ALL CONSTRUCTION SHALL BE BASED ON NAD 83 DATUM.
 3. CONTRACTOR TO BE RESPONSIBLE FOR ALL PERMITTING REQUIRED FOR SEPTIC SYSTEM FROM THE VOLUSIA COUNTY DEPARTMENT OF HEALTH.
 4. CONTRACTOR TO BE RESPONSIBLE FOR ALL CONSTRUCTION OF THE SEPTIC SYSTEM, EXCEPT WATER SYSTEM FROM THE VOLUSIA COUNTY DEPARTMENT OF HEALTH.

- LEGEND:
- PROPOSED STORMWATER INLET
 - PROPOSED STORMWATER MANHOLE
 - PROPOSED MES
 - PROPOSED GRADE
 - PROPOSED MATCH EXISTING GRADE LABEL
 - PROPOSED FINISHED FLOOR ELEVATION
 - PROPOSED FLOW DIRECTION
 - PROPOSED CONTOUR
 - EXISTING CONTOUR
 - WETLAND BUFFER
 - PROPOSED ASPHALT MILLINGS
 - PROPOSED CONCRETE



SHOOTING GE RING PLANS G, DRAINAGE PLAN

VOLUSIA COUNTY, FLORIDA

NO.	DATE	SUBMITTALS / REVISIONS	BY
1	11-11-18	REVISED PER SRRWD COMMENTS DATED 11-09-2018 AND PER CITY COMMENTS DATED 11-30-2018	RD
2	12-12-18	REVISED PER SRRWD MEETING 2-05-2019	RD
3	11-11-19	REVISED PER DOH SEPTIC TANK COMMENTS	RD
4	04-09-20	REVISED PER VEGETATIVE BUFFER ADJUSTMENTS	RD

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL
PLANNING
TRANSPORTATION



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: Yes

SUBJECT: (B10) Approval of Amendment No. 1 to City Attorney Employment Contract

DEPARTMENT: Administrative Services

GOAL: 6 - Organizational Excellence

RECOMMENDED MOTION: Move to Approve Amendment No. 1 to Employment Agreement with the City Attorney.

SUMMARY: On June 15, 2021, the City Council voted unanimously to increase the base salary of the City Attorney by five percent (5%) effective October 1, 2021. The attached Amendment No. 1 amends the City Attorney's Employment Agreement to implement that change.

Project No.: N/A

Funding Account No.: Employee Salaries

Presenter: Heather Carrizales

ATTACHMENTS:

1.	Amendment No. 1 to CA Employment Agreement 2021	Amendment No. 1 to CA Employment Agreement 2021.pdf
----	---	---

Matthew Jones

Created/Initiated - 7/27/2021

Heather Carrizales

Approved - 7/27/2021

Lupe Reyna-Coffin

Approved - 7/28/2021

Scott Neils

Approved - 7/28/2021

Matthew Jones

Approved - 8/2/2021

Wayne Clark

Approved - 8/5/2021

Robin Fenwick

Final Approval - 8/6/2021

**AMENDMENT NO. 1 TO EMPLOYMENT AGREEMENT
BETWEEN CITY OF PORT ORANGE AND MATTHEW J. JONES**

This Amendment No. 1 to Employment Agreement dated December 3, 2019, is made and entered into the day and year set forth hereafter, by and between the City of Port Orange, Florida, a chartered municipal corporation (hereinafter the "Employer" or the "City") and Matthew J. Jones (hereinafter the "Counsel"), both of whom shall constitute the Parties and who agree as follows:

WHEREAS, on June 15, 2021, the City Council of the City of Port Orange voted unanimously in favor of increasing the compensation of the City Attorney by five percent (5%) effective October 1, 2021.

NOW, THEREFORE, the Parties desire to amend the Employment Agreement as set forth hereafter:

1. Section 3.A. of the Employment Agreement is hereby amended to read as follows:
 - A. BASE SALARY

The City agrees to pay Counsel in a salaried position. The City shall pay bi-weekly gross wages at the rate of ~~Five Thousand One Hundred Ninety-Two and 31/100 Dollars (\$5,192.31)~~ Five Thousand Four Hundred Fifty-One and 92/100 Dollars (\$5,451.93). The City shall deduct each pay period from that amount, federal income tax withholding, medicare, social security along with such other deductions as requested by Counsel.

Counsel's salary shall be reviewed annually in the month of June, and any salary adjustment shall become effective on October 1 of the same calendar year.

2. All other terms and provisions of the Employment Agreement shall remain in full force and effect, except as modified herein.

In Witness hereof the Parties have executed this Amendment No. 1 to Employment Agreement.

Counsel

By: _____
Matthew J. Jones, City Attorney
Date: _____

Employer
City of Port Orange

By: _____
Donald O. Burnette, Mayor
Date: _____

Attest:

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



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: No

SUBJECT: (C11) Update from the Conklin Davis Center for the Visually Impaired

DEPARTMENT: Council

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Presentation only. No motion required.

SUMMARY: Nancy Epps, Secretary for Conklin Davis Center for the Visually Impaired, and CEO, Ronee David, will provide an update on the projects that are happening at the Center.

Project No.: N/A

Funding Account No.: N/A

Presenter: System Admin

ATTACHMENTS:

1.	Presentation slides CDCVI June 2021	Presentation slides CDCVI June 2021.pdf
----	-------------------------------------	---

Robin Fenwick

Created/Initiated - 7/22/2021



CONKLIN DAVIS CENTER
FOR THE VISUALLY IMPAIRED



Meet the CEO



RONEE DAVID

PRESIDENT & CEO

SERVING THE VISUALLY IMPAIRED SINCE 1992

Our Vision



**OUR
VISION:**

Dedicated to enhancing the lives of all blind and visually impaired individuals by promoting improved quality of life, independence and employment opportunities through education, community awareness, and training.

Our Mission



**OUR
MISSION:**

**Conklin Davis Center for the Visually
Impaired a regional and national leader in
transforming communities and lives so that
all blind and visually impaired individuals
achieve personal success.**

VISIONARIES

**Millard Conklin founded the Conklin Center
for the Blind in 1979**

**Kathy Davis founded the Center for the
Visually Impaired in 1988**

**In 2001 the organizations merged to form the
Conklin Davis Center for the Visually Impaired**

A HIDDEN GEM IN VOLUSIA COUNTY

The 42-acre campus is home to 4 agencies

The District office of the Division of Blind Services for the State of Florida

The State Rehabilitation Center for the Blind

The largest Braille and Talking Book Library in the world.

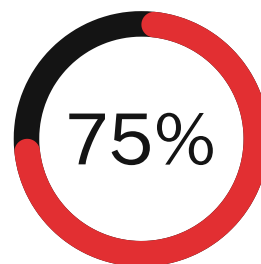
And The Conklin Davis Center for the Visually Impaired. The Center is the only residential facility serving the needs of the multi-handicapped in the United States.





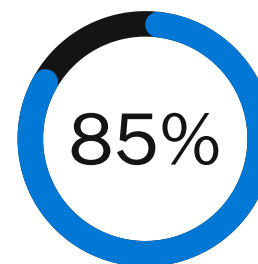
Changing Lives

Unemployment of the multi-handicapped is a staggering 75%. Our graduates post an impressive 85% employment rate.



75%

Unemployment Rate



85%

Employment Rate

Our Programs

Independant Living	———	Teaches living skills
Supported Employment	———	Develop job skills
STEPS	———	Supplemental technology and experimental program. Includes daily living support and training
Teens in Transition	———	14-22 transition from high school to post-secondary emucation
Bind Babies	———	Birth - 5includes early intervention, counseling, and parental education
Seniors	———	Support and training for senior citizens

What's Next



New Programs

e-commerce training

Entrepreneurship

Learning to run a business and freelancers

ServSafe Training

Working in Hospitality

Revialization

The Center is in need of \$1.5 million to restore the campus and grounds and a new HVAC system at \$400,000

Thank you!



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: No

SUBJECT: (F14) Appointment of Ten (10) Members to the Districting Commission

DEPARTMENT: City Clerk

GOAL: N/A

RECOMMENDED MOTION: Appoint ten (10) members to the Districting Commission.

SUMMARY: According to Section 5.05 of the City's Charter, the City Council shall appoint ten city electors to the Districting Commission by the first day of the month following official certification of the decennial census to the state. It is anticipated that the data will be released to the City on August 12, 2021.

Several applicants have expressed an interest in serving the City in this capacity and those applications received to date are attached for consideration.

The following is a list of the applications received, along with the District according to the application:

Sarah Jones, 2
Ray Donadio, 3
Robert Reinhausen, 3
Thomas Jordan, 3
Debbie Connors, 3
Kelly Nixon, 3
Stan Schmidt, 3
John Junco, 4
Daniel Antonaccio, 4
Lance Green, 4
Christina Tucker, 4
Newton White, 4
Bobby Ball, 4

The City Clerk has reached out to current board members and former and current Port Orange University participants seeking interest. Should any additional applications be received prior to the meeting, they will be provided.

City Council may want to consider appointing an alternate(s) to cover in the event a

member is no longer able to continue serving throughout the duration of this process.

Additional applications received prior to the deadline of Monday, August 16th have been uploaded and include the following citizens:

Kristine Cunningham (1)

Marilyn Strout (2)

Mark Bowling (4)

Project No.: N/A

Funding Account No.: N/A

Presenter: Robin Fenwick

ATTACHMENTS:

1.	Junco, John	Junco, John.pdf
2.	Connors, Debbie 2021	Connors, Debbie 2021.pdf
3.	White, Newton 2021	White, Newton 2021.pdf
4.	Jordan, Thomas	Jordan, Thomas.pdf
5.	Reinhagen, Robert	Reinhagen, Robert 2021.pdf
6.	Green, Lance	Green, Lance 2021.pdf
7.	Jones, Sarah	Jones, Sarah 2021.pdf
8.	Donadio, Ray	Donadio, Ray.pdf
9.	Antonaccio, Daniel	Antonaccio, Daniel.pdf
10.	Nixon, Kelly	Nixon, Kelly.pdf
11.	Ball, Bobby 2021	Ball, Bobby 2021.pdf
12.	Schmidt, Stan 2021	Schmidt, Stan 2021.pdf
13.	Cunningham, Kristine 2021	Cunningham, Kristine 2021.pdf
14.	Bowling, Mark 2021	Bowling, Mark 2021.pdf
15.	Strout, Marilyn	Strout, Marilyn.pdf

Robin Fenwick

Created/Initiated - 8/10/2021

Wayne Clark

Approved - 8/11/2021

Robin Fenwick

Final Approval - 8/11/2021

Reappt'd
9/22/15
Rlf

**CITY OF PORT ORANGE
ADVISORY BOARD AND COMMISSION
VOLUNTEER APPLICATION**

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

- | | |
|---|--|
| ☐ Audit & Budget Advisory Board | ☐ Districting Commission |
| ☐ Charter Review Board | ☐ Environmental Advisory Board |
| ☐ City Manager Selection Committee | ☐ Library Advisory Board |
| ☐ Civil Service Board | ☐ Parks and Recreation Board |
| ☐ Code Enforcement Board* | ☒ Planning Commission* |
| ☐ Construction Regulation Board* | ☐ Youth Advisory Board |

CRA Boards

- ☐ Eastport Community Redevelopment Agency*
- ☐ Town Center Community Redevelopment Agency*

Pension Boards

- ☐ General Employees*
- ☐ Police*
- ☐ Fire*

ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

1. PERSONAL

Name John A Junco Date of Birth 11/22/62

Address 641 Devon St. Port Orange FL. 32127

Home Telephone 386 299-4951

E-Mail Address JOJO DAYTONA @ AOL. Com

Business Telephone (386) 767-0871

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 4

How long have you been a resident of Port Orange? 20 years

Are you currently serving on a City Board? Yes

Have you ever served on a City Board? Yes

If yes, when and which Board? SHIP Board, Districting Commission, City Manager Selection Committee, Construction Regulation Board, Planning Commission.

2. REFERENCES – Please list three references (business and/or personal)

Ken Parker Port Orange (386) 756-0822
Name, address, and telephone number

Mayor Allen Green Port Orange (386) 295-0682
Name, address, and telephone number

Frank Bruno Ponce Inlet (386) 341-2021
Name, address, and telephone number

3. EDUCATION

High School Connetquot HS Date Graduated 1980

College Embry Riddle Date Graduated 1992 Degree BA Air Science

4. WORK EXPERIENCE

23 yrs as a General Contractor

5. INTERESTS/ACTIVITIES

Serve on the Boy Scout Eagle Review Board for the Eagle rank in Boy Scouts. Won Unit Commissioner of The year in 2012

6. COMMUNITY INVOLVEMENT

Currently serving on The Board of Directors for "Port Orange Family Days" Have currently served 5 yrs.

7. WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?

This is my City, My past service to The city reflects my volunteerism and passion to continue to see our City to continue to grow in a positive direction.

8. A resume or separate sheet with additional information should be included.

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Signature John A. Gura

Date 9/3/15

Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to:

Robin Fenwick, CMC, City Clerk,
1000 City Center Circle
Port Orange, Florida 32129

John A. Junco
641 Devon St.
PORT ORANGE FLORIDA, 32127
(386) 767-0871 cell (386-299-4951
www.newhorizonconstruction.com

SUMMARY

A Licensed General Contractor in Florida for 23 years. Doing construction in central Florida and inspections for all major insurance companies in the surrounding area. Familiar with all phases of construction from site planning, supervising & drawing, thru all levels of residential & Commercial construction. A thorough knowledge of Florida Building Code, Standard Residential & Commercial Building Code,

EXPERIENCE

1993 - present

President Of New Horizon Construction Inc.

- Certified General Contractor
- General Contractor & Builder in Volusia & Flagler County for 23 years.
- Building, renovating & Rehab work for the City of Daytona Beach & City of Port Orange
- Performing bids and permit and contracts. Scheduling & supervises trades, construction deliveries and inspections on all construction jobs.
- Completing all construction drawings for awarded jobs.
- Maintaining payroll and all required administrated duties.
- Conducting home inspections for over 20 insurance agencies in the Volusia and Flagler counties.
- Worked with the City of Daytona Beach and Bunnell building Ship homes.

1988-1992

Attended Embry Riddle Aeronautical University

1981-1987

Veteran United States Navy training aircrew and S.E.R.E (survival school) Honorable Discharge.

**FORMAL
EDUCATION**

- BA degree in Aeronautical Science from Embry Riddle University
- Suffolk County Community College
- Navy Training in Aviation Electronics and Flight

**PROFESSIONAL
MEMBERSHIPS /
CERTIFICATIONS/
LICENSES**

- Currently serves as a commissioner for the City Planning board for Port Orange
- Served the City Manager Selection Committee for Port Orange
- Unit Commissioner for the Boy Scouts of America and served on the District counsel. Awarded Unit Commissioner of the year 2012
- Serves on County Let's move Volusia Youth program.
- Was a member of FBHA and VHBA for 13 years
- Sat on the Construction Regulation Board for the City of Port Orange (Vice Chair).
- Sat on the committee for the S.H.I.P. program for the City of Port Orange.
- General Contractor in Volusia County, Flagler County and City of Daytona Beach, Central Florida
- Hosted Hurricane Survival for the Homeowner aired on Brighthouse channel 199 (POG TV) & WCEU PBS Station (series Show)
- Currently Serving on the board of Directors for Port Orange Family Days 5 years.
- Currently serving on the Boy Scouts of America Eagle Review Board for the Eagle rank in Boy Scouts.

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Friday, January 22, 2021 8:51:17 AM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
--	-------------------------

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Field not completed.
---------------------	----------------------

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Debra
------------	-------

Last Name	Connors
-----------	---------

Date of Birth	5/24/1955
---------------	-----------

Telephone	3862128388
-----------	------------

Email Address	dconnors@pschamber.com
---------------	------------------------

Business Telephone	3867611601
--------------------	------------

Are you a registered voter in Port Orange?	Yes
--	-----

Address	6023 Heron Pon Drive
---------	----------------------

City Council District	Port Orange
How long have you been a resident of Port Orange?	30 years
Are you currently serving on a City Board?	Yes
If yes, when and which board?	Charter Review
References	
Please list three references (business and / or personal)	
Reference 1	Don Burnette, 4645 S. Clyde Morris Blvd., #409, (386) 295-5760
Reference 2	Ray Donadio, ShuffieldLowman, 851 Dunlawton Ave., Suite 300, 386-763-5083
Reference 3	Jennifer Card, Realty Pros Assured, 840 Dunlawton Ave, Suite D, Port Orange, 386-566-8091
Education	
High School	Englewood High School
Date Graduated High School	6/1/1973
College	Florida State University
Date Graduated College	5/31/1977
Degree	B. S., Communications
Additional Information	
Work Experience	President, Port Orange South Daytona Chamber of Commerce 2007 to present
Interests / Activities	Rotary (Past President), Test Administrator for National Board of Chiropractic Examiners, Palmer College
Community Involvement	Port Orange South Daytona Rotary Club, former President of Port Orange Family Days Community Trust, Vice Chairman of the Volusia Growth Commission
Why do you desire to	To put my involvement and knowledge of the area to assist the

serve on these boards? community

Resume / Additional Information *Field not completed.*

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Type your name to sign Debra L Connors

Date *Field not completed.*

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Friday, January 22, 2021 7:24:15 AM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
--	-------------------------

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Field not completed.
---------------------	----------------------

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Newton
------------	--------

Last Name	White
-----------	-------

Date of Birth	10/20/1964
---------------	------------

Telephone	386-299-1685
-----------	--------------

Email Address	newton@newtonwhite.org
---------------	------------------------

Business Telephone	Field not completed.
--------------------	----------------------

Are you a registered voter in Port Orange?	Yes
--	-----

Address	510 Renner Road
---------	-----------------

City Council District

4

How long have you been a resident of Port Orange?

about 50 years

Are you currently serving on a City Board?

Yes

If yes, when and which board?

Planning Commission

References

Please list three references (business and / or personal)

Reference 1

Debbie Callahan
Ryanwood, Port Orange
386-299-5281

Reference 2

Arlene Fiore
Ashton Lakes, Port Orange
(386) 334-4842

Reference 3

Marta Pascale
Oakland Park, Port Orange
(386) 562-0590**Education**

High School

Warner Christian Academy

Date Graduated High School

1/1/1982

College

Daytona State

Date Graduated College

Field not completed.

Degree

*Field not completed.***Additional Information**

Work Experience

32 year career with Publix Supermarkets, before and in addition to that I have worked in manufacturing, food services, automotive mechanical, building and property restoration and maintenance. Currently I am a Broker Associate Realtor

Interests / Activities	Photography, custom cars, Florida outdoors
Community Involvement	Port Orange Park Partner, Seemor Dog Park, planning commissioner, previously Environmental Advisory Board, Charter Review, City Manager Selection, volunteer with various charities, and service at my professional association, recipient 2020 Community Service Award form the Daytona Association of Realtors
Why do you desire to serve on these boards?	I feel it is important how our communities are represented on our city council
Resume / Additional Information	<i>Field not completed.</i>
<i>I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.</i>	
Type your name to sign	Newton D. White
Date	1/22/2021

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

☐ Environmental Advisory Board	☐ Library Advisory Board
☐ Construction Regulation Board*	☐ Parks and Recreation Board
☐ Code Enforcement Board*	☒ Planning Commission*
☐ Charter Review Board	☐ City Manager Selection Committee
☐ Civil Service Board	☐ Audit & Budget Advisory Board
☐ Districting Commission	☐ Youth Advisory Board

CRA Boards

☐ Eastport Community Redevelopment Agency*
☐ Town Center Community Redevelopment Agency*

Pension Boards

☐ General Employees*
☐ Police*
☐ Fire*

ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

1. PERSONAL

Name Thomas Jordan Date of Birth 9/17/59

Address 5683 Riverside Dr Port Orange, FL 32127

Home Telephone 386-846-0491

E-Mail Address tjordan@networkingmagic.com

Business Telephone 386-322-0797

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 1

How long have you been a resident of Port Orange? 14 years

Are you currently serving on a City Board? Yes

Have you ever served on a City Board? Yes

If yes, when and which Board? Current: Planning Commission
Past: POTC CRA

2. **REFERENCES** – Please list three references (business and/or personal)

Lynn Brammerel 61 E Bayshore Port Orange, FL 32127

Name, address, and telephone number

Debbie Connors 3431 S Ridgewood Port Orange, FL 32127

Name, address, and telephone number

Ray Donadio 301 Dunlawton Ave Port Orange, FL 32127

Name, address, and telephone number

3. **EDUCATION**

High School Midpark High School Date Graduated 1977

College Cleveland State Univ Date Graduated 1982 Degree BS Elect Eng

4. **WORK EXPERIENCE**

Current: VP Networking Magic, 14 yrs Tech Sales

Past: Hewlett Packard/Trinagy, 7 yrs Software Sales; Col-Ins-Co, 6 yrs

Network Tech Sales; Allied Data, 1 yr; Scientific-Atlanta, 3 yrs Appl Engineer

5. **INTERESTS/ACTIVITIES**

Golfing, boating, politics

6. **COMMUNITY INVOLVEMENT**

Harbor Oaks HOA, Past President & Board Mbr;

PO/SD Chamber, Past President & Board Mbr; Georgia Jaycees, Past President

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

I love this city and want to continue to help enhance the opportunities
for positive, responsible growth while protecting overall property rights.

8. **A resume or separate sheet with additional information should be included.**

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Signature

Date

Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to:

**Robin Fenwick, CMC, City Clerk,
1000 City Center Circle
Port Orange, Florida 32129**

CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

- | | |
|---|--|
| ☐ Environmental Advisory Board | ☐ Library Advisory Board |
| ☐ Construction Regulation Board* | ☐ Parks and Recreation Board |
| ☐ Code Enforcement Board* | ☒ Planning Commission* |
| ☐ Charter Review Board | |
| ☐ Civil Service Board | Pension Boards |
| ☐ Districting Commission* | ☐ General Employees |
| | ☐ Police |
| ☐ SHIP Committee | ☐ Fire |
| ☐ Eastport Community Redevelopment Agency | |
| ☐ Town Center Community Redevelopment Agency | |

RECEIVED

JUL 12 2010

CITY OF PORT ORANGE
CITY CLERK

ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

1. PERSONAL

Name THOMAS JORDAN Date of Birth 9/17/59

Address 5683 Riverside Dr. Port Orange, FL 32127

Home Telephone 386-322-2435

E-Mail Address Tjordan@networkingmagic.com

Business Telephone 386-322-0797

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 1

How long have you been a resident of Port Orange? 10 years

Are you currently serving on a City Board? yes - Port Orange Town Ctr CRA

Have you ever served on a City Board? _____

If yes, when and which Board? _____

2. REFERENCES – Please list three references (business and/or personal)

DEBBIE CONNORS PORTORANGE CHAMBER 3431 RIVERWOOD 761-1601
Name, address, and telephone number

MIKE ARMINIO BAY BREEZE BLINDS 1423 BREAKS WAY 304-7033
Name, address, and telephone number

ROBIN LASKY RIVERSIDE TO BANK 5947 DORAVILLE 527-4668
Name, address

3. EDUCATION

High School MIAPARK HIGH SCHOOL Date Graduated 1977

College CLEVELAND STATE Date Graduated 1982 Degree BSEE

4. WORK EXPERIENCE NETWORKING MAGIC, OWNER 2001-PRESENT

HEWLETT PACKARD 2000-2007, DESKTOP/TRINITY 1995-2000

5. INTERESTS/ACTIVITIES GOLF, BOATING

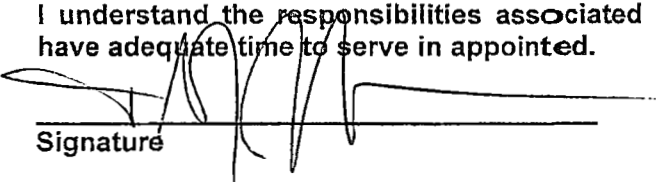
6. COMMUNITY INVOLVEMENT VP-GOV AFFAIRS & ECON DEVEL-PORTORANGE
CHAMBER, PAST PRESIDENT-HARBOR OAKS HOA, PAST PRES-GEORGIA
JUNIOR CHAMBER OF COMMERCE

7. WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?

I WOULD LIKE TO APPLY MY EXPERIENCE AND KNOWLEDGE TO HELP
IN THE DEVELOPMENT OF PORT ORANGE.

8. A resume or separate sheet with additional information may be included.

I understand the responsibilities associated with being a board member, and I have adequate time to serve in appointed.

Signature 

Date 7/7/10

Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to: Shirley Kelly, Deputy City Clerk,
1000 City Center Circle, Port Orange, Florida 32129

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Monday, February 1, 2021 3:50:36 PM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
--	-------------------------

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Districting commission
---------------------	------------------------

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Robert
------------	--------

Last Name	Reinhagen
-----------	-----------

Date of Birth	11/30/1942
---------------	------------

Telephone	(386) 756-6844
-----------	----------------

Email Address	reinhagenr@yahoo.com
---------------	----------------------

Business Telephone	N/A
--------------------	-----

Are you a registered voter in Port Orange?	Yes
--	-----

Address	1425 Dexter Drive N. Port Orange, FL 32129
---------	--

City Council District	3
How long have you been a resident of Port Orange?	17 years
Are you currently serving on a City Board?	No
If yes, when and which board?	<i>Field not completed.</i>
References	
Please list three references (business and / or personal)	
Reference 1	Ram Nayar, 1423 Dexter Drive N., Port Orange, Fl. 32129 (386) 547-3125
Reference 2	Kristene Cunningham, 150 Sweetgum Lane, Port Orange, Fl. 32129
Reference 3	Dave Herr, 5445 Turton Lane, Port Orange, Fl. 32129 (518) 766-4200
Education	
High School	Bogota High School, Bogota, New Jersey
Date Graduated High School	6/21/1960
College	Drew University, Madison, New Jersey
Date Graduated College	5/31/1969
Degree	BA, Economics
Additional Information	
Work Experience	Quality Assurance Specialist, 25 years
Interests / Activities	Reading, woodworking, bicycling ACLU, Sierra Club, Port Orange Democratic Club, Democracy Now Discussion Group, Climate Action Coalition
Community Involvement	I attend various council, committee and commission meeting to stay aware of what is happening in the city.

Why do you desire to serve on these boards?

Serving on the census commission will provide me an opportunity to positively serve the community. I have the time and am willing to serve within the charter that the city directs. I see it as a learning experience. I believe that I am inquisitive and can look at issues from various perspective and am willing to listen carefully to all opinions.

Resume / Additional Information

Field not completed.

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Type your name to sign

Robert P. Reinhagen

Date

2/1/2021

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Thursday, August 12, 2021 8:33:18 AM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
--	-------------------------

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Field not completed.
---------------------	----------------------

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Lance
------------	-------

Last Name	Green
-----------	-------

Date of Birth	9/10/1964
---------------	-----------

Telephone	386-527-2656
-----------	--------------

Email Address	Lancegreen@cfl.rr.com
---------------	-----------------------

Business Telephone	Field not completed.
--------------------	----------------------

Are you a registered voter in Port Orange?	Yes
--	-----

Address	6469 Longlake Dr
---------	------------------

City Council District	4
How long have you been a resident of Port Orange?	56 years
Are you currently serving on a City Board?	Yes
If yes, when and which board?	Planning & Golf
References	
Please list three references (business and / or personal)	
Reference 1	Allen Green
Reference 2	Scott Stiltner
Reference 3	Chase Tramont
Education	
High School	Creek
Date Graduated High School	1/1/1982
College	DBCC
Date Graduated College	1/1/1992
Degree	AS
Additional Information	
Work Experience	General Contractor 35 years
Interests / Activities	Bot
Community Involvement	Yes
Why do you desire to serve on these boards?	Always involved
Resume / Additional	<i>Field not completed.</i>

Information

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Type your name to sign LanceGreen

Date 8/12/2021

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Thursday, February 4, 2021 11:55:14 AM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
--	-------------------------

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Districting Commission
---------------------	------------------------

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Sarah
------------	-------

Last Name	Jones
-----------	-------

Date of Birth	9/19/1943
---------------	-----------

Telephone	386-290-2653
-----------	--------------

Email Address	sarahjanejones@mac.com
---------------	------------------------

Business Telephone	N/A
--------------------	-----

Are you a registered voter in Port Orange?	Yes
--	-----

Address	44 Woodfield Dr, Port Orange, FL 32129
---------	--

City Council District	2
How long have you been a resident of Port Orange?	16+ yrs
Are you currently serving on a City Board?	No
If yes, when and which board?	<i>Field not completed.</i>
References	
Please list three references (business and / or personal)	
Reference 1	Mr. Robert Feinson, 128 Key Colony Ct, Daytona Beach Shores, FL 32118; 386-767-7851
Reference 2	Dr. Wayne Bailey, 600 N Salisbury Ave, DeLand, FL 32720; 386-736-3405
Reference 3	Ms. Lucile Fish, PO Box 291296, Port Orange, FL 32129; 386-871-6935
Education	
High School	Onondaga Valley Academy, Syracuse, NY
Date Graduated High School	6/21/1961
College	Smith College, Northampton, MA
Date Graduated College	5/23/1965
Degree	B.A. Biochemistry
Additional Information	
Work Experience	cook-housekeeper; US mail temporary worker; Biochemist II Onondaga County Public Health Laboratory in Syracuse, NY; temporary worker Daytona International Speedway
Interests / Activities	government; politics; reading; hooking rugs, swimming
Community Involvement	Member Volusia County Democratic Executive Committee; Parliamentarian Port Orange Democratic Club; member Port Orange Historical Trust

Why do you desire to serve on these boards? To have a voice in redrawing the Council Districts to accurately represent the current population.

Resume / Additional Information no additional information attached

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Type your name to sign Sarah Jones

Date 2/4/2021

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

CITY OF PORT ORANGE ADVISORY BOARDS AND COMMISSIONS

VOLUNTEER APPLICATIONS

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

- | | |
|---|---|
| ☐ Environmental Advisory Board | ☐ Library Advisory Board |
| ☐ Construction Regulation Board* | ☐ Parks and Recreation Board |
| ☐ Code Enforcement Board* | ☐ Planning Commission* |
| ☐ Charter Review Board | ☐ City Manager Selection Committee |
| ☐ Civil Service Board | ☐ Audit & Budget Advisory Board |
| ☐ Districting Commission | ☐ Youth Advisory Board |

CRA Boards

- ☐ Eastport Community Redevelopment Agency*
☒ Town Center Community Redevelopment Agency*

Pension Boards

- ☐ General Employees*
☐ Police*
☐ Fire*

ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

1. PERSONAL

Name RAYMOND M. DONADIO JR. Date of Birth 11-10-1955
Address 301 DUNLAWTON AVENUE PORT ORANGE FL. 32127
Cell Telephone 937-409-8159
Home Telephone _____

E-Mail Address RAY@DONADIOLAW.COM

Business Telephone 386-763-5083

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 3

How long have you been a resident of Port Orange? 6 YEARS 8 MONTHS

Are you currently serving on a City Board? NO

Have you ever served on a City Board? YES

If yes, when and which Board? CITY MANAGER SELECTION COMMITTEE
2015

2. **REFERENCES** – Please list three references (business and/or personal)

WILLIAM THOMPSON % THOMPSON PUMP P.O., FLORIDA
Name, address, and telephone number

386-767-7310(0)
386-527-8097(H)

JIM KOTAS RET. ENGINEER DAYTONA BEACH, FL. KOTAS60FISH@GMAIL.COM
Name, address, and telephone number

WILLIAM McCABE 900 N. SWALLOWTAIL DRIVE SUITE 101 P.O. FL. 32129
Name, address, and telephone number

(386) 766-4101

3. **EDUCATION**

High School NILES MCKINNEY H.S. NILES, OHIO Date Graduated JUNE 1973

College OHIO NORTHERN UNIVERSITY Date Graduated MAY 1977 Degree B.A. BUS. ADMIN
PETIT COLLEGE OF LAW Date Graduated MAY 1980 Degree J.D.
AT ONU

4. **WORK EXPERIENCE**

PRACTICING ATTORNEY 30 YEARS OHIO
PRACTICING ATTORNEY 6 YEARS FLORIDA

5. **INTERESTS/ACTIVITIES**

READING, PLAYING MUSIC, GOLF
TRAVEL

6. **COMMUNITY INVOLVEMENT**

PAST PRESIDENT POSD CHAMBER OF COMMERCE
POS D ROTARY CLUB PAST SECRETARY

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?**

I OWN A BUSINESS AND A BUILDING AT 301 DUNLAWTON AND
WOULD LIKE TO BE INVOLVED IN THE REVITALIZATION OF THE CRA

8. **A resume or separate sheet with additional information should be included.**

INTOWN CENTER

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Signature

Date

Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to:

Robin Fenwick, CMC, City Clerk,
1000 City Center Circle
Port Orange, Florida 32129

DONADIO LAW OFFICE , LLC

301 Dunlawton Avenue

Port Orange, FL 32127

Telephone: (386) 763-5083

Fax: (386) 763-5085

Raymond M. Donadio, Jr.

E-mail: ray@donadiolaw.com

RAYMOND M. DONADIO, JR.

BIOGRAPHY

Personal:

Ray was born November 10, 1955 in Niles, Ohio. He graduated from Ohio Northern University in 1977 and Ohio Northern University Law School in 1980. He has lived in Greenville, Ohio for the last 26 years and moved to Port Orange on April 5, 2010. He is married to the former Deborah Ann Replogle of Greenville, Ohio and the couple has five grown children between them. Ray loves the beach and loves to read. His other hobbies include playing music (keyboard and bass guitar), singing and traveling.

Rotary:

Ray has been an active Rotarian in the Greenville, Ohio club since 1984. He began under the classification of Attorney- Insurance Defense. He later was classified as a Senior Active. Ray is a Paul Harris Fellow and has served the club as President in 1990-91 and again in 2007-08. He was a member of the Board of Trustees for three years and has enjoyed making up attendance at meetings at various clubs in North Carolina, Florida and Toronto, Canada.

Professional:

Upon graduation from Ohio Northern University School of Law, Ray practiced law with a firm in Mansfield, Ohio for two years, followed by a two year stint as head of the pension trust department of a bank in Youngstown, Ohio which later became a part of National City Bank. He moved his family to Greenville, Ohio to practice law with a local firm in 1984. In 1990 he opened Donadio Law Office with one secretary, and over the next twenty years the firm, now known as Donadio, Wagner & Fliehm, Ltd. grew to three attorneys and six staff persons. In 2008 Ray sat for the Florida Bar Exam and was licensed to practice law in Florida in December, 2008. He and Janet Strickland formed a law partnership in April, 2010 where he currently practices. Ray concentrates his practice in the areas of Estate Planning including Wills and Trusts, Probate, Real estate and Business/Corporate Law. He is also licensed in all state and federal courts in Ohio, as well as the United States Supreme Court. Ray is a member of the Ohio State Bar Association, the Florida Bar, and the Volusia County Bar Association, and a former member of the Darke County, Ohio Bar Association where he served as President. He is a current member of the Port Orange/South Daytona Rotary club where he has served as Secretary, and is a member of the Port Orange/South Daytona Chamber of Commerce where he is legal counsel and is a Past President. In addition, Ray has served on numerous civic and community boards.

Field, Shelby

From: noreply@civicplus.com
Sent: Thursday, January 7, 2021 4:54 PM
To: CityClerk
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Charter Review Board, Civil Service Board, Districting Commission*
--	--

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	1.) Districting Commission 2.) Civil Service Board 3.) Charter Review Board
---------------------	---

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Daniel
------------	--------

Last Name	Antonaccio
-----------	------------

Date of Birth	5/11/1993
---------------	-----------

Telephone	386-527-2095
-----------	--------------

Email Address	dantonaccio93@gmail.com
---------------	-------------------------

Business Telephone	Field not completed.
--------------------	----------------------

Are you a registered voter in Port Orange?	Yes
Address	771 Sterling Chase Drive
City Council District	District 4
How long have you been a resident of Port Orange?	20 years
Are you currently serving on a City Board?	No
If yes, when and which board?	<i>Field not completed.</i>

References

Please list three references (business and / or personal)

Reference 1	Fran Roessler, 774 Sterling Chase Drive. Phone: 386-566-0994
Reference 2	Diana Deming, 12610 Jupiter Road, Dallas Tx 75238. Phone: 386-334-0924
Reference 3	Camila Gonzales, Address: Phone: 386-295-8223

Education

High School	Spruce Creek High School
Date Graduated High School	5/31/2012
College	University of Central Florida
Date Graduated College	12/8/2018
Degree	Political Science

Additional Information

Work Experience	Performed excellent customer service at BJ's Wholesale Club and Pizza City. Other responsibilities included assisted previous managers with food ordering and quality control. The time I spent working at these places gave me valuable experience working with the public.
Interests / Activities	In politics, I've always been interested in limiting the use of gerrymandering, which is one of the reasons I want to serve on the Districting Commission. I firmly believe that who you vote for is one of the most consequential choices citizens' can

make. Your vote is your voice and no one should be able to take it away from you or limit it, for partisan political gain. A personal interest of mine is tennis. I've been a tennis fan for many years, I remember as a young kid going to tennis camp at the Florida Tennis Center over on LPGA Blvd. I enjoy playing tennis with my friends also watching on TV. One year I would love to get tickets and be able to attend the US Open in New York.

Community Involvement

I recently volunteered as a poll worker in the Presidential election. My job was a Poll Deputy and responsibilities included measuring out 150ft from the entrance of the polling place for the Solicitation Boundary line and enforcing all non voters to remain behind that line. I greeted voters approaching the front entrance of the polling place and assisted voters with special needs by opening doors and being familiar with the location of disabled access facilities. I very much enjoyed volunteering for the election and have kept my eyes open for other opportunities to serve my community.

Why do you desire to serve on these boards?

As a Political Science major, helping and serving the community has always been a passion of mine. Something about being an active participant in my community has always appealed to me. To make a difference you can't sit on the sideline, you have to play an active role. My love for the community and desire to make it better wherever I can, is why I want to serve on these boards. In addition to have the opportunity to meet and work along side other passionate members of the community is an experience I would welcome.

Resume / Additional Information

Daniel J. Antonaccio
Port Orange, FL 32128 386-527-2095
dantonaccio93@gmail.com
Recent graduate in Political Science at the University of Central Florida. Quick learner with the ability to juggle multiple priorities and meet deadlines without compromising quality. Adept at working individually or as a member of a team with minimum supervision. Embraces the opportunity to learn new processes and utilize problem solving skills.
=Skills=====

- Communication
- Customer Service
- Time management
- Public Speaking
- Proficient in Microsoft Office-Word, Excel and PowerPoint
- Organization

= Education=====

- Bachelor of Arts – Political Science, Minor – Legal Studies 2018

- University of Central Florida – Orlando, FL
 - UCF GPA 3.835
 - =Relevant coursework=====
 - State Government and Public Policy
 - Government and Business
 - Civil Practice and Procedure
 - Professional Ethics and Liability
 - International Relations Theory
 - =Achievements=====
 - Dean's List
 - President's Honor Roll Certificate
 - =Volunteer=====
 - I recently volunteered as a poll worker in the Presidential election. My job was a Poll Deputy.
-

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Type your name to sign Daniel James Antonaccio

Date 1/7/2021

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Wednesday, August 11, 2021 7:48:02 AM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
--	-------------------------

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Field not completed.
---------------------	----------------------

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	KELLY
------------	-------

Last Name	NIXON
-----------	-------

Date of Birth	6/19/1960
---------------	-----------

Telephone	3863046828
-----------	------------

Email Address	knpofla@yahoo.com
---------------	-------------------

Business Telephone	Field not completed.
--------------------	----------------------

Are you a registered voter in Port Orange?	Yes
--	-----

Address	95 CYPRESS POND ROAD, PORT ORANGE, FL 32128-7502
---------	--

City Council District	ZONE 3
How long have you been a resident of Port Orange?	33 YEARS
Are you currently serving on a City Board?	No
If yes, when and which board?	<i>Field not completed.</i>
References	
Please list three references (business and / or personal)	
Reference 1	Barbara A. Wilsey, 79 Cypress Pond Road, Port Orange, FL 32128-7500 386-788-1211 Neighbor
Reference 2	William T. Roberts, 157 Magnolia Loop, Port Orange, FL 32128 386-405-2843 HOA President
Reference 3	Daniel S.Friebis, 3890 Turtle Creek Drive, Suite B, Port Orange, FL 32127 386-316-9178 Tax Acct/Enrolled Agent
Education	
High School	SEABREEZE HIGH SCHOOL
Date Graduated High School	6/1/1978
College	UNIVERSITY OF CENTRAL FLORIDA
Date Graduated College	6/1/1985
Degree	B.A. ELEMENTARY EDUCATION/MINOR IN BUSINESS
Additional Information	
Work Experience	VOLUSIA COUNTY SCHOOL BOARD ELEMENTARY EDUCATION TEACHER RETIREE
Interests / Activities	CROSSWORD PUZZLES, GYM ROUTINE, GARDENING, COOKING, HELPING NEIGHBORS
Community Involvement	SUMMER TREES WEST HOA BOARD OF DIRECTORS, SECRETARY, STATE OF FLORIDA NOTARY PUBLIC #HH 8098

Why do you desire to
serve on these boards?

When asked, I like to help where I'm most useful.

Resume / Additional
Information

Field not completed.

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Type your name to sign

Kelly Pancratz Nixon

Date

8/11/2021

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

**CITY OF PORT ORANGE
ADVISORY BOARD AND COMMISSION
VOLUNTEER APPLICATION**

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s)/Commission(s) for which you wish to apply. If applying for more than one Board/Commission, please number in the order of preference.

☐ Audit & Budget Advisory Board	☒ Districting Commission
☐ Charter Review Board	☐ Environmental Advisory Board
☐ City Manager Selection Committee	☐ Library Advisory Board
☐ Civil Service Board	☐ Parks and Recreation Board
☐ Code Enforcement Board*	☐ Planning Commission*
☐ Construction Regulation Board*	☐ Youth Advisory Board

CRA Boards

☐ Eastport Community Redevelopment Agency*
☐ Town Center Community Redevelopment Agency*

Pension Boards

☐ General Employees*
☐ Police*
☐ Fire*

ALL OF THE ABOVE ARE SUBJECT TO THE "SUNSHINE LAW"

MEMBERS OF THE BOARDS/COMMISSIONS WITH AN ASTERIK ARE REQUIRED TO FILE FINANCIAL DISCLOSURES WITHIN 30 DAYS OF DATE OF APPOINTMENT.

1. PERSONAL

Name Robert J. (Bobby) Ball Date of Birth 7/2/75

Address 5960 Kendrew Drive, Port Orange, FL

Home Telephone (386) 299-7433

E-Mail Address bball@zevcohen.com

Business Telephone (386) 677-2482

Are you a registered voter in Port Orange? ☒ Yes ☐ No

City Council District 4

How long have you been a resident of Port Orange? 41 Years

Are you currently serving on a City Board? CAC Representative on TPO/Parks and Recreation Board

Have you ever served on a City Board? Yes

If yes, when and which Board? CM Selection, CAC Representative, Parks and Recreation Board

2. **REFERENCES** – Please list three references (business and/or personal)

Debbie Connors, President/CEO, Port Orange/South Daytona Chamber of Commerce – Port Orange, FL – (386) 761-1601

Name, address, and telephone number

Jake Johansson, President, Core Concepts Leadership – Port Orange, FL – (410) 533-2234 – email: jake@coreconceptsleadership.com

Name, address, and telephone number

Dwight DuRant, P.E., President – Zev Cohen & Associates, Inc. - Ormond Beach, FL - (386) 677-2482

Name, address, and telephone number

3. **EDUCATION**

High School Spruce Creek Date Graduated 1993

College USF Date Graduated 1998 Degree BS – Civil Engineering

4. **WORK EXPERIENCE** Currently Vice President – Zev Cohen & Associates, Inc., Total of 23 years

5. **INTERESTS/ACTIVITIES** Anything outdoors – Biking, golfing, fishing, etc. Additionally, I previously served on The Pop Warner Board of Directors and am an active member of Our Lady of Hope church.

6. **COMMUNITY INVOLVEMENT** I have lived in Port Orange all of my life and am always looking to improve our community. My wife, Kim serves on The Family Days Board. Our commitment to Port Orange is a family affair.

7. **WHY DO YOU DESIRE TO SERVE ON THIS/THESE BOARDS?** I have free time and the pay is good!!!

8. **A resume or separate sheet with additional information should be included.**

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.



Signature

August 11, 2021

Date

Note: If you have questions concerning the duties and responsibilities of any of the above Boards/Commissions, please contact the City Clerk's Office at 506-5563.

Return this form to: **Robin Fenwick, CMC, City Clerk,
1000 City Center Circle
Port Orange, Florida 32129**

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Tuesday, August 10, 2021 5:09:10 PM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
--	-------------------------

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Field not completed.
---------------------	----------------------

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Stan
------------	------

Last Name	Schmidt
-----------	---------

Date of Birth	7/1/1954
---------------	----------

Telephone	3864053574
-----------	------------

Email Address	stan@sschmidtcpa.com
---------------	----------------------

Business Telephone	3862388680
--------------------	------------

Are you a registered voter in Port Orange?	Yes
--	-----

Address	5574 Trail Side Drive
---------	-----------------------

City Council District	Port Orange
How long have you been a resident of Port Orange?	Since October 1987
Are you currently serving on a City Board?	Yes
If yes, when and which board?	Planning Commission, Town Center CRA
References	
Please list three references (business and / or personal)	
Reference 1	Matt Gillikin, 808 Whispering Wind Court, Port Orange 32128 386-290-9053
Reference 2	Kim Short, 6089 Spruce Pointe Circle, Port Orange 32128, 386-316-9588
Reference 3	Dave Hallman, 993 Mori Court, Port Orange 32127 386-547-0896
Education	
High School	Melvin Community School, Melvin, IA
Date Graduated High School	5/28/1972
College	Drake University, Des Moines, IA
Date Graduated College	5/13/1977
Degree	BS - Accounting
Additional Information	
Work Experience	Stan Schmidt CPA, PA - 2010 to present Owner Balaban and Schmidt, PA - 1996 to 2010 Shareholder
Interests / Activities	Biking, working out, reading
Community Involvement	Member, 1/2 Cent Project Oversight Committee 2003 - 2006 Member, Volusia County School Board 2006 - 2014 Member, Volusia County Schools Audit Committee 2019 to Present

Member, Port Orange Planning Commission 2019 to Present
President, All Saints Lutheran Church December 2019 - Present

Why do you desire to
serve on these boards?

As a member of the Volusia County School Board I was on the
county's redistricting committee in 2011. I think that experience
would be useful for this committee.

Resume / Additional
Information

Field not completed.

*I understand the responsibilities associated with being a board member, and I
have adequate time to serve if appointed.*

Type your name to sign Stan Schmidt

Date 8/10/2021

*Note: If you have questions concerning the duties and responsibilities of any of
the above Boards / Commissions, please contact the City Clerk's Office at 386-
506-5563.*

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Friday, August 13, 2021 1:41:46 PM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
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Pension Boards*	Field not completed.
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Order of Preference	Field not completed.
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All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Kristine
------------	----------

Last Name	Cunningham
-----------	------------

Date of Birth	1/22/1962
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Telephone	3866317604
-----------	------------

Email Address	krissysjake@gmail.com
---------------	-----------------------

Business Telephone	Field not completed.
--------------------	----------------------

Are you a registered voter in Port Orange?	Field not completed.
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Address	150 SWEETGUM LN
---------	-----------------

City Council District	Port Orange
How long have you been a resident of Port Orange?	25 years
Are you currently serving on a City Board?	Yes
If yes, when and which board?	Environmental Advisory Board
References	
Please list three references (business and / or personal)	
Reference 1	Jennifer Brashier 5252 Plantation Home Way Port Orange Fl 32128 386-366-0404
Reference 2	Jonathan Foley 739 Horseman Dr Port Orange Fl 32129
Reference 3	Jenny Nazak 5 Harvey Dr Daytona Beach Fl 32118
Education	
High School	Berner HS Massapequa Park NY
Date Graduated High School	6/25/1979
College	Hofstra University New York
Date Graduated College	5/21/1983
Degree	Bachelors in Psychology
Additional Information	
Work Experience	Quest Diagnostics 30 yrs GetRSold Mobile Home Sales, Solar Fit
Interests / Activities	16 Yrs with Sierra Club local and state boards, Port Orange Environmental Advisory Board, Environmental education. Civic outreach.
Community Involvement	Port Orange Environmental Advisory Board, volunteer at Sugar Mill Elementary
Why do you desire to	I live in District 1 and I want to assist our residents in their

serve on these boards? representation in Port Orange.

Resume / Additional Information *Field not completed.*

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Type your name to sign Kristine L Cunningham

Date 8/13/2021

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Friday, January 15, 2021 9:33:34 AM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Planning Commission*
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Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Planning Commission
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All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Mark
------------	------

Last Name	Bowling
-----------	---------

Date of Birth	6/28/1962
---------------	-----------

Telephone	3863346126
-----------	------------

Email Address	mmbowling24@gmail.com
---------------	-----------------------

Business Telephone	3863228700
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Are you a registered voter in Port Orange?	Yes
--	-----

Address	816 Pheasant Run Ct. West
---------	---------------------------

City Council District	Port Orange
How long have you been a resident of Port Orange?	30 Years
Are you currently serving on a City Board?	Yes
If yes, when and which board?	Parks & Rec Advisory Board
References	
Please list three references (business and / or personal)	
Reference 1	Ken Burgman 5057 Sanctuary Garden Blvd Port Orange Fl. 386-295-4267
Reference 2	Jake Johansson 6611 Merryville Ln. Port Orange Fl. 410-533-2234
Reference 3	Ray Donadio 6079 Sanctuary Garden Blvd Port Orange Fl. 386-763-5083
Education	
High School	Hermiston High School
Date Graduated High School	5/18/1980
College	Shepherd University
Date Graduated College	5/5/1968
Degree	BS Arts
Additional Information	
Work Experience	Suntrust Bank Sunshine State Community Bank Reunion Bank of Florida Hazen Construction
Interests / Activities	Sports Hiking Travel
Community	Parks & Recreation Advisory Board

Involvement	Dangerous Dog Board Youth Baseball, Soccer & Basketball Coach
Why do you desire to serve on these boards?	I am very passionate about the City of Port Orange. I would like to see responsible growth.
Resume / Additional Information	M. Mark Bowling 816 Pheasant Run Court West Port Orange, FL 32127 386-334-6126 (c) & 386-322-0260 (h) Mmbowling24@gmail.com

EDUCATION

Shepherd University, Shepherdstown, WV Bachelor of Arts
Stonier Graduate School of Banking, University of Pennsylvania
Graduate Degree
LSU Graduate School of Banking, Baton Rouge, LA Graduate
Degree

EMPLOYMENT

Hazen Construction, LLC , New Smyrna Beach, FL 2015 to
present 2008-present
Business Development Manager
• Business Development Officer

Reunion Bank of Florida, Port Orange, FL 2008-2015 2008-
present
Executive Vice President—COO & BSA/AML Officer
• Bank Secrecy Act (BSA) Officer and Compliance Officer
• Deposit Operations Officer and Audit Manager
• Bank Security, OFAC and Safety Officer
• Community Reinvestment Act Officer
• CRCM, ACAP, & AML Certified

Sunshine State Community Bank, Port Orange, FL 2000-2008
Senior Vice President
• Bank Secrecy Act (BSA) Officer and Compliance Officer
• Senior Lender and Loan Operations Officer

SunTrust Bank, Daytona Beach, FL 1994-2000
Vice President, Community Bank President
• Senior Lender / Area Manager
• Branch Manager

COMMUNITY INVOLVEMENT

• Rotary Club of Port Orange/South Daytona Past President /
Board Member
• City of Port Orange, Parks and Recreation Board Board
Chairman

- Port Orange/South Daytona Chamber of Commerce Former Board Member
- American Cancer Society Former Board Member
- American Heart Association Former Board Member
- Volusia Mental Health Association Former Board Member

REFERENCES: Available upon request

I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.

Type your name to sign Mark Bowling

Date 1/15/2021

Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [CityClerk](#)
Subject: [EXT] Online Form Submittal: Advisory Boards and Commissions Volunteer Application
Date: Thursday, August 12, 2021 4:25:00 PM

Advisory Boards and Commissions Volunteer Application

Step 1

Thank you for your interest in serving the City of Port Orange. Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration for your appointment.

Please choose the Board(s) / Commission(s) for which you wish to apply. If applying for more than one Board / Commission, indicate the order of preference in the space below the list.

Check the boards you wish to apply for	Districting Commission*
--	-------------------------

Pension Boards*	Field not completed.
-----------------	----------------------

Order of Preference	Field not completed.
---------------------	----------------------

All of the above boards / commissions are subject to the "Sunshine Law"

** Members of these boards / commissions are required to file financial disclosures within 30 days of date of appointment.*

Personal Information

First Name	Marilyn
------------	---------

Last Name	Strout
-----------	--------

Date of Birth	11/13/1953
---------------	------------

Telephone	386-341-1596
-----------	--------------

Email Address	maineac32129@gmx.com
---------------	----------------------

Business Telephone	Field not completed.
--------------------	----------------------

Are you a registered voter in Port Orange?	Yes
--	-----

Address	3794 Long Grove Lane
---------	----------------------

City Council District	2
How long have you been a resident of Port Orange?	5 years
Are you currently serving on a City Board?	No
If yes, when and which board?	<i>Field not completed.</i>
References	
Please list three references (business and / or personal)	
Reference 1	Natalie Duberow, 3849 Gardenwood Circle, Grant, FL 32949 814.881.4672
Reference 2	Marilyn Hulme, 915 Jamestown Drive, Rockledge, FL 32955 321.632.3647
Reference 3	Melissa Grasso, 1412 Royal Grove, Port Orange, FL 32129 386.444.8336
Education	
High School	CMHS, Calais, Maine
Date Graduated High School	6/13/1971
College	So. Maine Voc-Tech, S.Portland, Maine
Date Graduated College	5/24/1977
Degree	AAS Criminal Justice
Additional Information	
Work Experience	US Census-Maine 2010 Team Leader; 1988-2005 Town of Otisfield Maine- Various clerical positions, Planning Board, Town Clerk, Tax Collector, Board of Appeals; 1982-1993 Westbrook College, Portland, Maine, clerical; 1973-1982 US Treasury, ATF clerical
Interests / Activities	Dog Scent Competition; gardening, reading
Community	Port Orange University 2020; have always volunteered in the

Involvement	town I live in for various committees.
Why do you desire to serve on these boards?	Be a better citizen; understand various processes in city government; help keep Port Orange on the list of great places to live.
Resume / Additional Information	Field not completed.
<i>I understand the responsibilities associated with being a board member, and I have adequate time to serve if appointed.</i>	
Type your name to sign	Marilyn Strout
Date	8/12/2021
<i>Note: If you have questions concerning the duties and responsibilities of any of the above Boards / Commissions, please contact the City Clerk's Office at 386-506-5563.</i>	

Email not displaying correctly? [View it in your browser.](#)



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: No

SUBJECT: (G15) First Reading - Ordinance No. 2021-20 - Seventh Amendment to the Bennett's Hammock Master Development Agreement and Conceptual Development Plan

DEPARTMENT: Community Development

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve Ordinance No. 2021-20, the Seventh Amendment to the Bennett's Hammock Planned Unit Development Master Development Agreement and Conceptual Development Plan.

SUMMARY: Planning Commission Action (7/22/2021): Recommended Approval (6-0)

The applicant, Joey Posey, Storch Law Firm, requests approval of the Seventh Amendment to the Bennett's Hammock Planned Unit Development (PUD) to establish the framework to develop a 6-lot detached single-family subdivision along with associated subdivision improvements on 1.8 acres. The subject property is located within the Bennett's Hammock Subdivision Planned Unit Development (PUD) and the current Master Development Agreement (MDA) allows the subject property to be developed as an assisted living facility (ALF), nursing home, or multi-family housing for seniors. If the Seventh Amendment is approved, the current permitted uses would be removed, and single-family home would be added as the only permitted use on the subject property.

The initial request by the applicant was for an MDA Amendment to allow for the development of 13 townhomes on the subject property. At their March meeting, the Planning Commission recommended denial of the proposed MDA amendment to develop 13 townhomes. After the March Planning Commission meeting, the applicant conducted a second neighborhood meeting with residents from the Bennett's Hammock subdivision and revised the MDA Amendment request to be for a 6-lot single-family subdivision. At their July meeting, the Planning Commission recommended approval of the proposed MDA amendment to develop a 6-lot single-family subdivision.

The proposed 6 single-family lots are generally consistent in size with the existing lots within the Bennett's Hammock subdivision. The lots will directly front Old Hammock Road and connect to City water and sewer. A retention pond will be provided on the subject property to support the 6 single-family lots. The current Future Land Use (FLU) designation of the subject property is *Urban High Density Residential* (8 to 16 units per acre) and the proposed Seventh Amendment to the Bennett's Hammock PUD is in

accordance with the current FLU designation of the property.

The PUD zoning allows the applicant to request flexibility from the standard code requirements. As part of the review of this proposal, the applicant is requesting to waive the requirement to install a 4-foot-wide sidewalk across the front of the subject property that abuts Old Hammock Road, as is typically required for residential subdivisions. In the current Bennett's Hammock subdivision, a sidewalk is not located on the south side of Old Hammock Road for the required sidewalk to connect to. The only sidewalk in the Bennett's Hammock subdivision is located on the north side of Old Hammock Road. There is no requirement within the MDA or any future plans to install sidewalks along the south side of Old Hammock Road or along the other public streets (Little Garden Circle and Meditation Loop) within the subdivision.

The staff report is attached for more detail on the proposed Seventh Amendment to the Bennett's Hammock PUD MDA and CDP.

Project No.: N/A

Funding Account No.: N/A

Presenter: Penelope Cruz, Tim Burman

ATTACHMENTS:

1.	Ordinance 2021-20 with exhibits	Ord 2021-20 Bennetts.pdf
2.	CC Staff Report Bennett's Hammock 7th Amendment	CC Staff Report Bennett's Hammock 7th Amendment.pdf

Penelope Cruz	Created/Initiated - 7/27/2021
Tim Burman	Approved - 7/29/2021
Shannon Balmer	Approved - 8/9/2021
Wayne Clark	Approved - 8/9/2021
Robin Fenwick	Final Approval - 8/10/2021

ORDINANCE NO. 2021-20

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

WHEREAS, the City and Developer desire to enter into the Seventh Amendment to the Bennett's Hammock Planned Unit Development Master Development Agreement ("MDA") and Conceptual Development Plan ("CDP"); (hereinafter referred to as the "Seventh Amendment"); and

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

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

WHEREAS, the Planning Commission has by unanimous vote recommended approval of the proposed Seventh Amendment; and

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

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

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

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

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

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

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

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on first reading on the day of _____, 2021

Passed and adopted on second and final reading on the day of _____,
2021

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

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

**SEVENTH AMENDMENT TO THE
BENNETT'S HAMMOCK
A PLANNED UNIT DEVELOPMENT
MASTER DEVELOPMENT AGREEMENT**

This Agreement, entered into by and between the CITY OF PORT ORANGE, a Florida municipal corporation whose address is 1000 City Center Circle, Port Orange, Florida 32129 (hereinafter referred to as the "City") and RIGA, INC., a Florida corporation, located at 2924 River Point Drive, Daytona Beach, FL 32118 (collectively referenced as the "Developer"), constitutes the Seventh Amendment to the Master Development Agreement for the Bennett's Hammock Planned Unit Development (hereinafter referred to as the "Seventh Amendment"), who hereby agree and covenant as follows:

WHEREAS, the Developer and the City previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled "Development Agreement [for the] Bennett's Hammock Planned Unit Development" dated July 29, 1987, and recorded in Official Records Book 3014, Page 1775, Public Records of Volusia County, Florida ("MDA"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain First Amendment to Master Development Agreement [for the] Bennett's Hammock Planned Unit Development, dated July 5, 1988, and recorded in Official Records Book 3173, Page 935, Public Records of Volusia County Florida ("First Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Second Amendment to Master Development Agreement [for the] Bennett's Hammock Planned Unit Development, dated August 25, 1988, and recorded in Official Records Book 3214, Page 683, Public Records of Volusia County Florida ("Second Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Third Amendment to Master Development Agreement [for the] Bennett's Hammock Planned Unit Development, dated November 23, 1988, and recorded in Official Records Book 3390, Page 1625, Public Records of Volusia County Florida ("Third Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Fifth Amendment to Master Development Agreement [for the] Bennett's Hammock Planned Unit Development, dated September 26, 1995, and recorded in Official Records Book 4045, Page 121, Public Records of Volusia County Florida ("Fifth Amendment"); and

WHEREAS, the Parties and/or their predecessors in interest entered into that certain Sixth Amendment to Master Development Agreement [for the] Bennett's Hammock Planned Unit Development, dated March 20, 1996, and recorded in Official Records Book 4090, Page 1885, Public Records of Volusia County Florida ("Sixth Amendment"); and

WHEREAS, the Developer is the owner of that certain real property referenced as the Property, shown on Exhibit "A" to the Seventh Amendment and made apart hereof by reference, which is the only portion of the Bennett Hammock Planned Unit Development property impacted by this Seventh Amendment; and

WHEREAS, the Developer desires to amend the MDA and the First, Second, Third, Fifth and Sixth Amendments as applied to the Property to allow for the development of residential single family homes on the Property; and

NOW, THEREFORE, the Parties agree as follows:

1. The premises stated above are true and correct and form a material part of this Seventh Amendment.
2. Section B., Paragraph 2 of the Development Agreement is hereby amended by underline and strikethrough to read as follows:

2. The Developer intends for "BENNETT'S HAMMOCK" to be developed with a maximum of ~~Ninety-Two Sixty-Eight (9268)~~ Dwelling Units for residential use. The overall density of "BENNETT'S HAMMOCK" shall not exceed ~~6.06~~ 3.88 E.R.U. per gross acre, including parks, rights-of-way and retention areas. The term "Unit" shall refer to a single-family unit. The placement of dwelling units shall be in accordance with the concept plan attached as "Exhibit G" to the Development Agreement and "Exhibit B" to the Seventh Amendment. The maximum densities for the various tracts are as follows:

TRACT	ACRES	LAND USE DESCRIPTION	DENSITY UPA	MAXIMUM # OF UNITS
I	1.06	Single Family Detached	3.77	4
II	7.66	Single Family	5.22	40
III	2.50 1.84	A.C.L.F./ <u>Single-Family Detached</u> Nursing Home/ Elderly Housing	12.00 <u>3.26</u>	306
IV	1.53	Retention/Park	0.00	0
V	4.75	Single-Family Detached	13.47	18
Total	17.50*		6.057 3.88	92 <u>68</u>

* Total area includes rights-of-way, private streets and drives

3. Section A., Paragraph 3 of the Development Agreement is hereby amended to add a new subsection, 3(a) to read as follows:

3(a) Conceptual Development Plan. Development of the Property shall be controlled by the terms and provisions of this Seventh Amendment and the Conceptual Development Plan ("CDP"), attached hereto as Exhibit "B", for the Property which generally depicts the planned layout of public roads, lots, amenities, and other planned features or improvements to the Property and demonstrates the lot coverage requirements available to lot owners within the Property. In the event of a conflict between the terms and provisions of this Seventh Amendment and the graphic illustrations of the CDP, the Seventh Amendment shall control. If the Seventh Amendment is silent regarding a particular subject or requirement, such silence shall not be construed as a conflict with the CDP. If the CDP and the Seventh Amendment fail to address a particular subject or requirement, the Development Agreement, as amended, shall control. If the Development Agreement, as amended

is silent then the applicable City ordinances in effect at the time of development, as defined by the City of Port Orange Land Development Code (“LDC”) shall control. The parties acknowledge that compliance with the City’s LDC may necessitate modification to the CDP. In the event modification to comply with the LDC is required, and the modifications to the CDP are not in conflict with the textual provisions of this MDA and any City ordinances not superseded by this MDA, the modifications shall be deemed “minor” and may be approved without formal amendment of this MDA. Minor modifications shall require the City Administrative Official’s written approval. If the Owners are not satisfied with the suggested resolution of any problem or the decision by the City Administrative Official categorizing the modification as minor or major, the Owners may appeal the decision to the Planning Commission. Appeals from the Planning Commission may be made to the City Council.

4. Section A., Paragraph 4 of the Development Agreement is hereby amended to add a new subsection, 4(a) to read as follows:
 - (a) Permitted Uses. The Property shall be used for residential purpose and development as a single-family home community with common open space and buffers as specified herein. The Property shall be developed for a maximum of 6 single-family, detached dwelling units, for a maximum density of 3.26 dwelling units per acre.
5. Dimensional Requirements. Lot dimensions and configuration within the Property are generally depicted on the CDP. The lot sizes and configurations shall comply with the minimum dimensional requirements described below. The lot dimensions and areas shown on Exhibit “C” may be adjusted during the final subdivision process.

Site Development for Single-Family Dwelling Units

Minimum Setbacks:

Front:	30 feet
Rear:	20 feet
Side:	5 feet
Side Corner:	n/a

Minimum Lot Size:

Width:	42 feet
Depth:	140 feet
Area:	5,880 square feet

Minimum Living Area	1,200 square feet
Maximum Building	Height: 35 feet (as measured from grade to the mid-point of the trusses)

Minimum Open Space:	40% (Per Lot)
Maximum Impervious Area:	60% (Per Lot)

Maximum Building Coverage:	40%
----------------------------	-----

Site Development Requirements for Overall Property

Maximum Building Coverage:	20%
Minimum Open Space:	60 (20% of which shall be common open space)

Accessory structures shall be permitted in accordance with the City LDC. Any proposed structures for amenities areas will follow the special setback for accessory structures in the LDC.

6. Section A of the Development Agreement is hereby amended to add a new section, 15 to read as follows:

15. Architectural Standards and Review. All colors, materials, building orientation and architectural styles shall be consistent one another and complement the existing homes in the neighborhood in terms of scale and aesthetics.

7. Section A., Paragraph 5 of the Development Agreement is hereby amended to add a new subsection, 5(a) to read as follows:

(a) Phases. Development of the Property is intended to occur in one phase.

8. Section A., Paragraph 8 of the Development Agreement is hereby amended to read as follows:

Sanitary Waste, Stormwater, and Potable Water. In the event of development, the Owners will extend water and sewer lines to serve the Property and the development authorized herein and the water and sewer lines shall be public utilities. If the City desires to extend the water and sewer lines prior to the Owners' need for installation of the Owners' lines, the Owner shall grant the necessary utility easement to the City and the City shall install and pay for such lines. All lines and other necessary infrastructure shall be sized adequately to serve both the adjoining property and the lots within the Property. The Owners shall comply with the City's LDC and the rules and regulations of the St. Johns River Water Management District concerning stormwater drainage.

Irrigation to be provided by the lowest quality water source, surface/storm water, or an irrigation well if available. If a lower quality water source is not available or not deemed feasible pursuant to St. Johns River Water Management District Rule or applicable state law, then irrigation by potable water requires review/approval by City Public Utilities Dept. Upon completion of all infrastructure for utilities, the same will be conveyed to the City of Port Orange.

9. Section B., Paragraph 5 of the Development Agreement is hereby amended to add a Sub-paragraph 5(a) to read as follows:

(a) Maintenance of Common Open Space and Common Facilities. The Owners shall form and incorporate a non-profit homeowners' association (the "HOA") which will operate, maintain and control, subject to other documents of record, the common areas, and common facilities, including but not limited to stormwater drainage systems within the Property.

The general scope and format of the HOA documents, and the covenants and restrictions, will be similar in concept to the documents of similar homeowners' associations in Port Orange. The

covenants and restrictions governing the Property and association responsibility shall be executed and recorded in the Public Records of Volusia County, Florida. The HOA will have a board of directors to legislate and govern the rules and orders of the HOA. The HOA board will have the means and authorization to carry out and regulate the by-laws and restrictions governing the maintenance, operation and repairs of all common areas and facilities. Not only will the board of directors be able to regulate and govern the common area; the board will also regulate each member requiring the maintenance and service of their own individual building site. The HOA rules may be enforced by fines and liens upon the individual building sites and any other remedy available at law. The HOA may charge and collect dues to maintain operate and service all common facilities on the Property. The HOA will have authority to place a lien against individual building sites to collect unpaid HOA dues. The owner of each lot within the Property will automatically become a member of the HOA by virtue of purchasing a building subject to the rules, covenants, and restrictions of the HOA. The HOA will have the authority and means to hire, supervise, and regulate persons employed by them for the maintenance, repair and operation of common areas and facilities. If the association fails to perform the maintenance, repair or replacement, as necessary, of the storm water drainage facility, the City shall have the right to enter upon the common area of the Property and to provide the maintenance, repair, or replacement of the stormwater drainage facility and shall have the right to lien all owners of record in the Property for the cost of such maintenance, repair, and replacement as the City may deem necessary. If requested by the City and as otherwise needed for plat improvements, the Owners will provide easements and grants for the installation, maintenance and upkeep of the public utilities including water, sewer, and electricity. The Owners may from time to time add additional covenants and restrictions or make changes in the Association by-laws as may be required to guarantee that the project will be developed in accordance with the policies outlined in this Agreement.

10. Section B., Paragraph 3 of the Development Agreement is hereby amended to read as follows:

Project Buffers and Landscaping. All landscape and project buffers shall comply with the requirements of the City LDC. All buffers will remain in existing conditions or at time of each lot build out shall be required to install minimum landscape as required in the City LDC. Existing vegetation in the 5-foot perimeter buffers and 10-foot right-of-way buffer that may remain undisturbed shall count toward the landscaping requirements for the buffer. Existing vegetation that is determined by the City to be invasive exotics, diseased/dying and/or interfering with required extension of utilities may be removed, provided that any viable protected or specimen trees shall be mitigated in accordance with the City LDC. The landscape plans required for the final plat shall account for the removal and mitigation of trees within the perimeter buffers. No structures, primary or accessory, will be allowed within perimeter buffers, except for perimeter fencing for the subdivision. The HOA shall establish maintenance standards in the covenants and restrictions for the landscape/buffer easements, and outline the maintenance responsibilities, if any, of the HOA for individual lots. The covenants and restrictions shall provide for procedures to allow the HOA to notice individual lot owners that landscaping is not being maintained in accordance with the standards established in the covenants and restrictions. There also shall be provisions within the covenants and restrictions that allow the HOA to enter the individual lots to conduct maintenance within the landscape buffer to ensure that the minimum maintenance standards are being upheld. The covenants and restrictions shall include provisions for the HOA to charge the individual lot owners for the costs of the HOA maintaining the landscape buffer.

11. Section B., Paragraph 3 of the Development Agreement is hereby amended to add a new subsection, 3(a) to read as follows:

Environmental Considerations. Both during and after construction, the Owners will use reasonable efforts to preserve trees and natural vegetation within the Property and maximize protection of natural drainage pathways. Development of the Property shall comply with the tree preservations of the City's LDC; however, the City shall permit the removal of the 24-inch Elm tree identified on the CDP so long as three (3) upsized replacement trees, as defined by the City LDC, are provided within the common areas as mitigation. The Owners shall comply with all rules, statutes, laws and regulations pertaining to protected wildlife species, including but limited to the rules and permitting requirements of the Florida Game and Freshwater Fish Commission concerning gopher tortoises. Compliance with the City Environmental Preservation Code may necessitate modification of the CDP. Mitigation for the wetland impact shown on the CDP shall be in accordance with the City, Volusia County, and St. John's River Water Management District.

12. Section A. of the Development Agreement is hereby amended to add a new subsection, 14. to read as follows:
 14. Impact Fee Credit. The development of the Property shall comply with the transportation concurrency management requirements established in the City of Port Orange Comprehensive Plan and LDC. Nothing in this Agreement shall be construed as a waiver by the Owners of their right to pursue impact fee credits for any and all work performed by Owners for which impact fee credits can be awarded.
13. This Seventh Amendment shall be effective on the date it is executed by all parties.
14. This Seventh Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense.
15. The MDA, as previously enacted, and the First Amendment, Second Amendment, Third 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.

[SIGNATURES ON FOLLOWING PAGES]

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

WITNESSES:

CITY OF PORT ORANGE, FLORIDA
a Chartered Municipal Corporation

Name: _____

By: _____
Donald O. Burnette, Mayor

Name: _____

Date: _____

Name: _____

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

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20__ by Donald O. Burnette, as Mayor of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledged that he is duly authorized to execute the foregoing agreement on behalf of the city. He is personally known to me.

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

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20__ by Robin L. Fenwick, as City Clerk of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledged that she is duly authorized to execute the foregoing agreement on behalf of the city. She is personally known to me.

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

WITNESSES:

RIGA, INC., a Florida corporation

By: _____

Hamid Toutounchian, President

Name: _____

Date: _____

Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

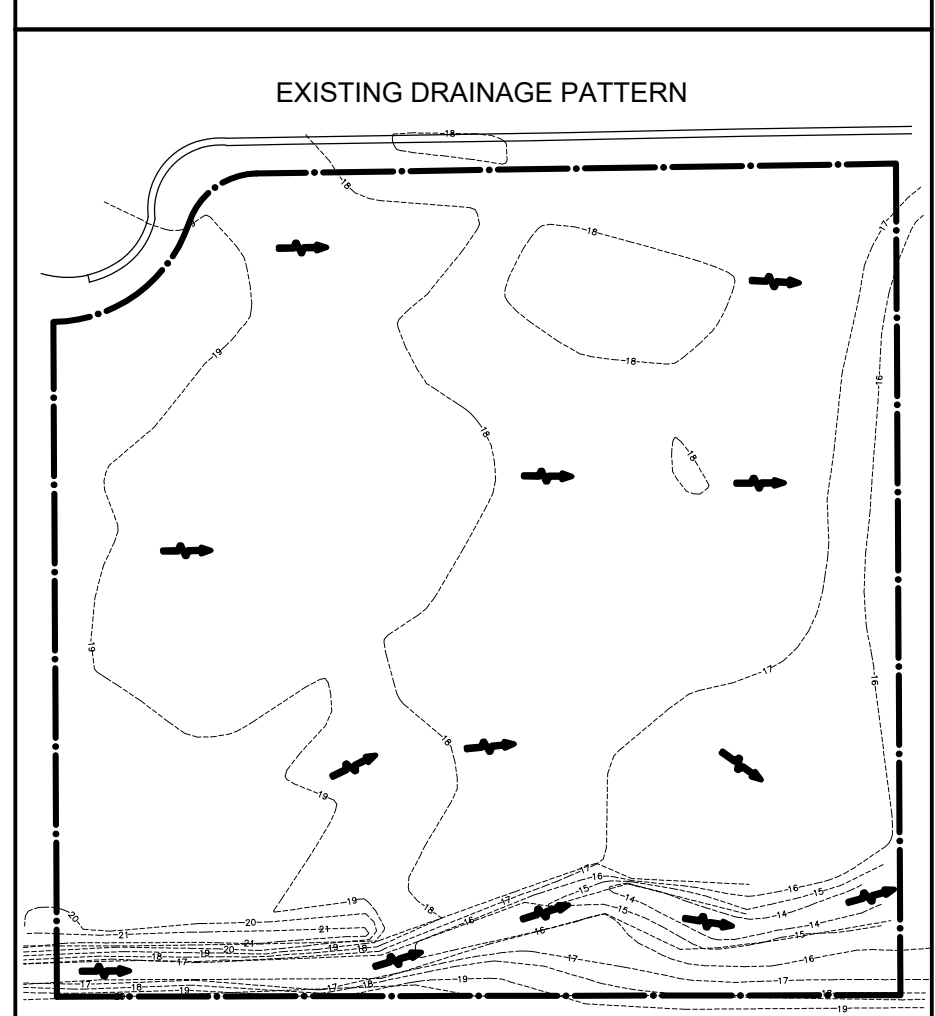
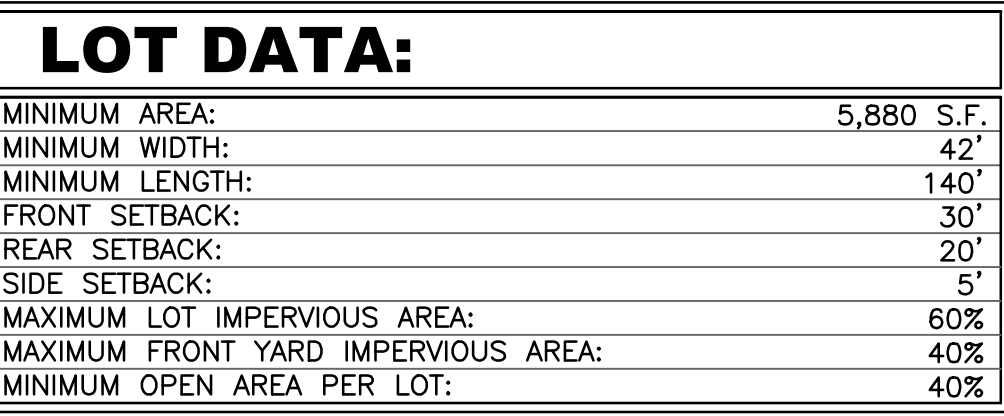
The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____ by Hamid Toutounchian, as President of RIGA, INC., a Florida corporation, who is ☐ personally known to me or ☐ who has produced _____ as identification and who did not take an oath.

Notary Public, State of Florida at Large

Printed name, commission and expiration of commission term:

Exhibit A

**Tract III, LESS AND EXCEPT THE EASTERLY 60 FEET, BENNETT'S HAMMOCK,
ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 42, PAGES
137, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA**





STAFF REPORT - REVISED

Seventh Amendment to the Bennett's Hammock Planned Unit Development Master Development Agreement and Conceptual Development Plan

CASE NO. 20-40000005

REQUEST:	To approve the Seventh Amendment to the Bennett's Hammock Master Development Agreement and Conceptual Development plan
LOCATION:	1143 Old Hammock Road
OWNER:	Riga, Inc.
APPLICANT:	A. Joseph Posey Jr., Storch Law Firm
STAFF CONTACT:	Gwen Perney, Principal Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	Recommended Approval 6-0 (July 22, 2021)
CITY COUNCIL:	August 17, 2021

Introduction

At the March 25, 2021 Meeting, the Planning Commission recommended denial (4-2) of the Seventh Amendment to the Bennett's Hammock Planned Unit Development (PUD) Master Development Agreement (MDA) and Conceptual Development Plan (CDP). At that time, the proposed PUD Amendment was for the development of thirteen (13) townhomes.

Several changes have been made to the proposed MDA and CDP by the applicant based on comments received from residents in the Bennett's Hammock subdivision and feedback from the Planning Commission at their March 2021 meeting relating to overall density of the proposed project and residential unit type. The applicant has made the following modifications to the proposed MDA and CDP:

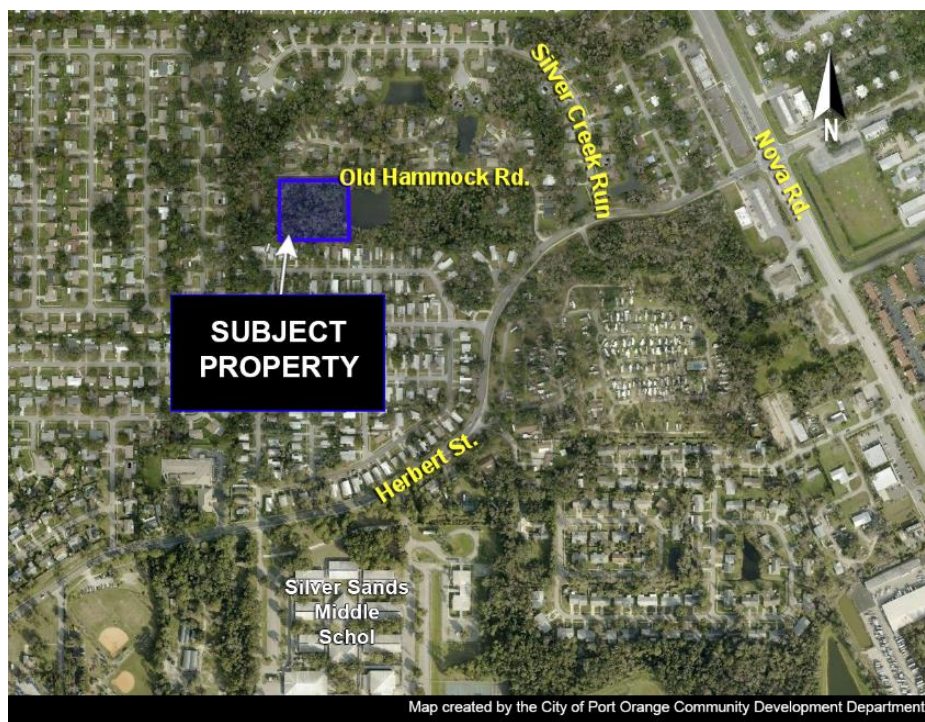
- Changed the residential use type from attached townhomes to detached single-family homes;
- Reduced the number of lots from thirteen (13) to six (6);
- Increase the minimum lot size from 1,800 square feet to 5,880 square feet;
- Increased the minimum lot width from 22 feet to 42 feet;
- Added specific lot dimensional requirements for the detached single-family lots including building setbacks, lot coverage and open space requirements;
- Relocated the proposed retention area behind the single-family lots;
- Revised lot configuration from internal private roadway to fronting directly onto Old Hammock Road, consistent with other existing single-family homes in the area;
- Reduced impervious area by eliminating the private roadway and additional townhome visitor parking and;
- Added common area amenities to the CDP (walking path, benches) for residents of the six (6) single-family lots.

Because of the scope of these modifications, the MDA and CDP for the proposed PUD Amendment must go back before the Planning Commission before being considered by the City Council. The original staff report has been modified to reflect the changes to the MDA and CDP made by the applicant since the March 2021 Planning Commission Meeting.

Discussion

The applicant is proposing the Seventh Amendment to the Bennett's Hammock PUD MDA and CDP for the 1.84-acre subject property. The subject property is a vacant parcel within the Bennett's Hammock PUD subdivision and is located on the south side of Old Hammock Road, north of Herbert Street (Figure 1).

Figure 1. Location Map



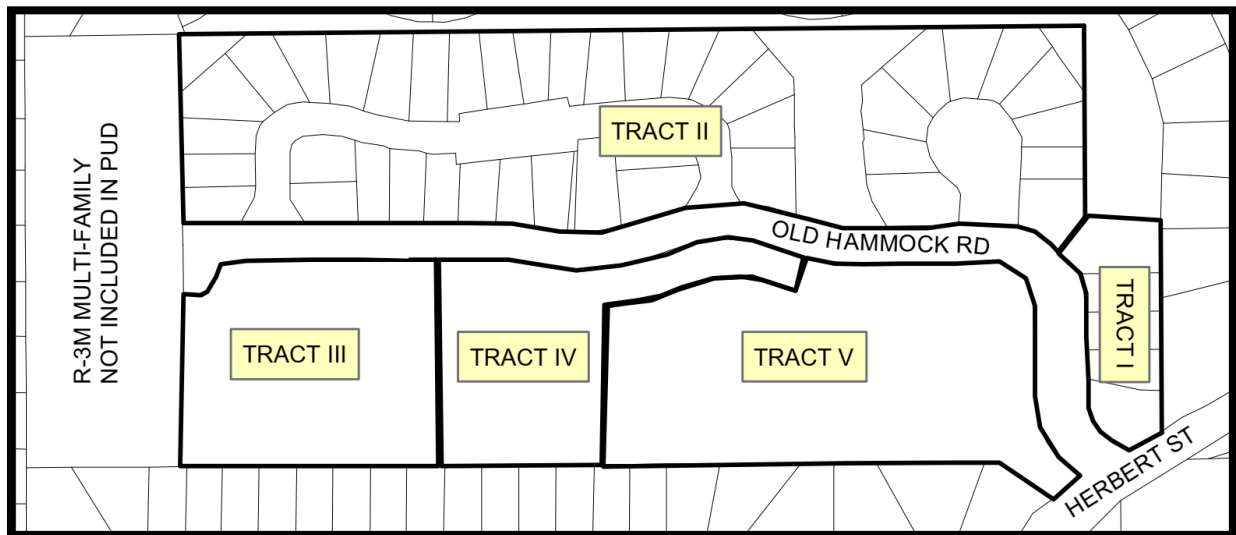
The subject property is identified as Tract III in the Bennett's Hammock PUD. The Bennett's Hammock PUD was approved by the City in 1987 and provided for a mix of uses on five (5) Tracts (Figure 2).

- Tract I: Multi-Family (16 units maximum) or a Child Care Center
- Tract II: Single-Family Homes
- Tract III (Subject Property): Assisted Living Facility (ALF), Elderly Housing, or Nursing Home
- Tract IV: Retention/Park, and
- Tract V: Multi-Family (64 units maximum).

In 1995 and 1996, the PUD was amended to establish single-family homes as the permitted use on Tracts I and V. Currently Tracts III (subject property) and V remain undeveloped Tracts within the PUD. The Bennett's Hammock PUD foreshadowed that

the five (5) tracts would be developed with residential uses with a maximum density of 8.1 units per acre for the combined five (5) tracts. The current maximum density among the five (5) tracts, based on current built units and allowed units on the vacant tracts, is 6.1 units per acre. If the Seventh Amendment is approved, it would decrease the density on Tract III and the overall density of the PUD to 3.9 units per acre.

Figure 2. Bennett's Hammock PUD Tracts

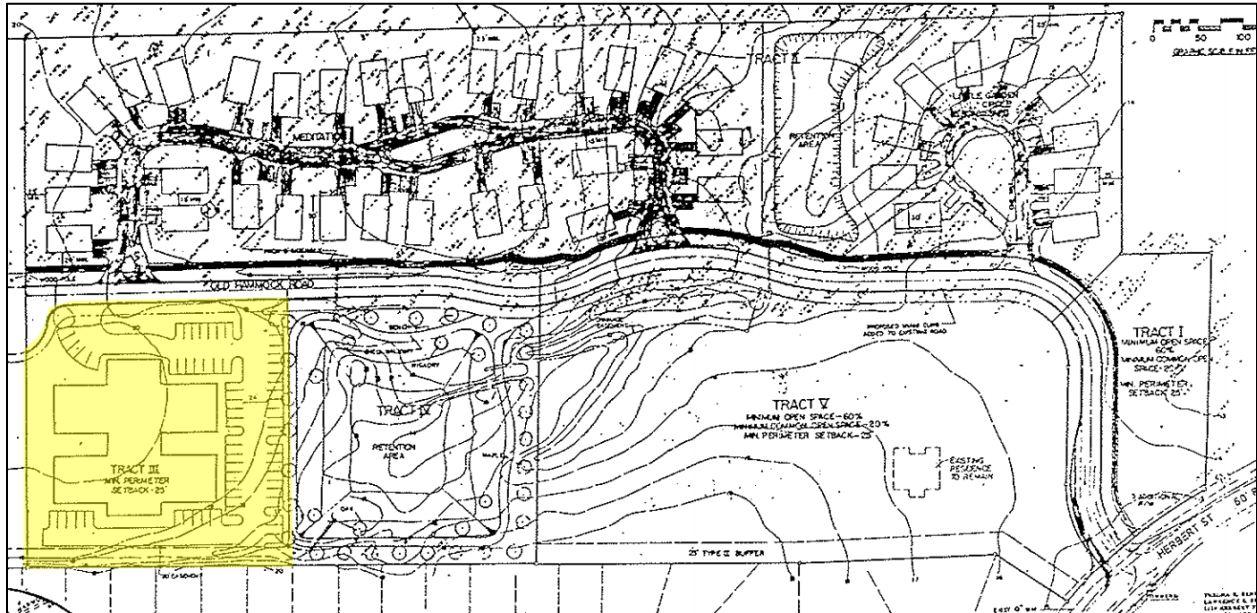


In the Bennett's Hammock PUD, the permitted uses for Tract III are currently Elderly Housing, Assisted Living Facility (ALF), or Nursing Home, at a maximum density of 12 units per acre, which is consistent with the current *Urban High Density Residential* (8-16 units per acre) Future Land Use (FLU) designation on Tract III. Tract III was originally platted at 2.5 acres, which permitted a maximum density of 30 ALF or elderly housing units, or 60 beds maximum; however, in the mid-1990's the east lot line for Tract III was shifted which reduced the size of Tract III to 1.84 acres. The maximum density of 12 units per acre would still need to be applied and the maximum number of ALF units that would currently be permitted on Tract III would be a maximum of 22 units, or 44 beds. The definition of an ALF or elderly housing at the time the MDA was established is, "a residential building designed with individual or group sleeping quarters, designed with or without individual kitchen facilities, where common recreational, social, or dining facilities are also included. However, residents must be ambulatory and shall not be under in-house medical care." The Assisted Living Facilities that have been approved or proposed in Port Orange recently have included a mix of units for residents who are still able to drive and are considered independent as well as units for residents who need full-time care in an assisted or memory care unit. If an ALF was proposed for this property, the residential units could all be independent living units, similar to an age-restricted multi-family development, or they could be full-time care units which are staffed 24 hours a day. Staff has not received any inquiries regarding establishing an ALF, nursing home, or elderly housing (multi-family) project on the subject property.

The applicant is requesting to remove Elderly Housing, Assisted Living Facility (ALF), and Nursing Home as allowed uses on Tract III and establish detached single-family homes

as the only permitted use. The proposed single-family home development will reduce the maximum density previously approved on Tract III from a 22-unit ALF/Nursing Home or senior restricted multi-family development to six (6) detached single-family home lots.

Figure 3. Bennett's Hammock PUD original Conceptual Development Plan

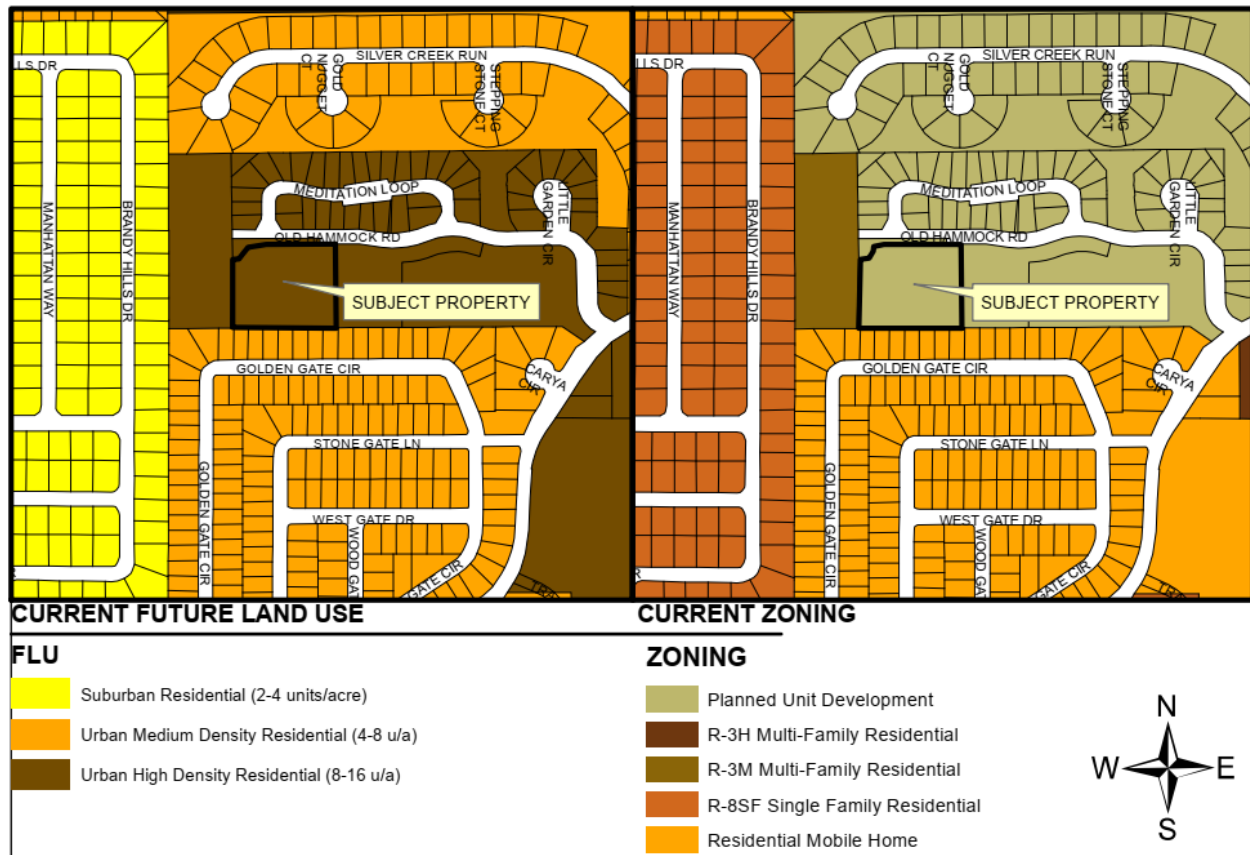


The subject property is currently wooded and undeveloped. The table below summarizes the land use and zoning of the adjacent properties (Table 1). The Future Land Use and zoning maps for the subject property and the adjacent properties are shown in Figure 4. The FLU for Tract III will remain *Urban High Density Residential* (8-16 units per acre) and the zoning for Tract III will remain Planned Unit Development (PUD) which is consistent with the surrounding properties.

Table 1. Surrounding Land Uses and Zoning

Direction	Existing Land Use	FLU Designation	Zoning District
North	Single Family Homes	Urban High Density Residential (8-16 units/acre)	Bennett's Hammock PUD
South	Residential Mobile Home Subdivision (Twin Gates)	Urban Medium Density Residential (4-8 units/acre)	Residential Mobile Home (RMH)
East	Retention Pond	Urban High Density Residential (8-16 units/acre)	Bennett's Hammock PUD
West	Vacant Assisted Living Facility	Urban High Density Residential (8-16 units/acre)	Medium Density Multi-Family Residential (R-3M)

Figure 4. Map of Surrounding Land Uses and Zoning



According to the Land Development Code (LDC), the proposed MDA Amendment constitutes a zoning document for the subject property (Tract III), establishing permitted uses and certain development requirements. An MDA and CDP Amendment does not grant approval of any specific development itself, but rather establishes parameters for how the property can be developed. The CDP is an exhibit to the proposed Seventh Amendment that includes the dimensional requirements, general location of lots, driveways, open space, landscape buffers, utilities, and drainage areas.

Specific subdivision development requirements listed in the MDA and LDC, such as the type and location of trees and shrubs in the landscape buffers, location and size of the stormwater pipes, and water and sewer lines, and other development requirements are finalized with the subdivision plat and plans. The subdivision plat and plans are typically a 20 to 50-page set of technical documents that are signed and sealed by a licensed engineer and contain extensive engineering and construction details. The subdivision plat and plans for the Seventh Amendment property will be required to be designed to meet the requirements of the LDC, the existing MDA, and the proposed MDA Amendment. At this time, subdivision plat and plans have not been submitted.

Consistency with the Comprehensive Plan

The ±1.84-acre subject property is designated *Urban High Density Residential* (8 to 16 units per acre) on the City's Future Land Use Map (Figure 4). The FLU designation for the subject property is not proposed to be changed and will remain consistent with the other Tracts within the Bennett's Hammock PUD that also have the *Urban High Density Residential (8 to 16 units per acre)* FLU designation. In 1985, the Comprehensive Plan adopted by the City anticipated this area being developed with residential uses at a density between 8 to 16 units per acre. Since 1985, there have not been any changes to the FLU designations in this area, but the approved development density of the area has been lower than anticipated. In 1987, the Bennett's Hammock PUD was approved which limited the density within the PUD (combined 5 Tracts) to 8.11 units per acre. The Comprehensive Plan states that the *Urban High-Density Residential* category typically includes townhouses and multi-family housing at densities between 8 to 16 units per acre and should be located in areas designed to accommodate densities/intensities greater than those in the Suburban category. Since the PUD was adopted, subsequent amendments have reduced the overall density of the subdivision, which is currently ±6 units per acre. The density of the proposed development is less than the Future Land Use designation of the property but is consistent with the overall development pattern of the PUD.

DEVELOPMENT PROPOSAL

If approved, the Seventh Amendment to the Bennett's Hammock Master Development Agreement (MDA) and the Conceptual Development Plan (CDP) will provide the regulatory framework for the development of the subject property with a maximum of six (6) detached single-family home lots (Exhibit A) at a density of 3.3 units per acre. The following discussion will focus on the significant aspects of the proposed MDA and CDP such as general site layout, access, dimensional requirements, landscape buffers, utilities, and drainage areas.

The applicant has requested to maintain the Planned Unit Development (PUD) zoning and amend the MDA rather than rezone the subject property to a conventional single-family zoning category to allow for flexibility in dimensional requirements for the lots as well as to be consistent with the existing single-family lots within the PUD. The applicant states that additional flexibility with the proposed Amendment is needed in order to accommodate the existing drainage features on the property and provide the necessary subdivision improvements on the subject property.

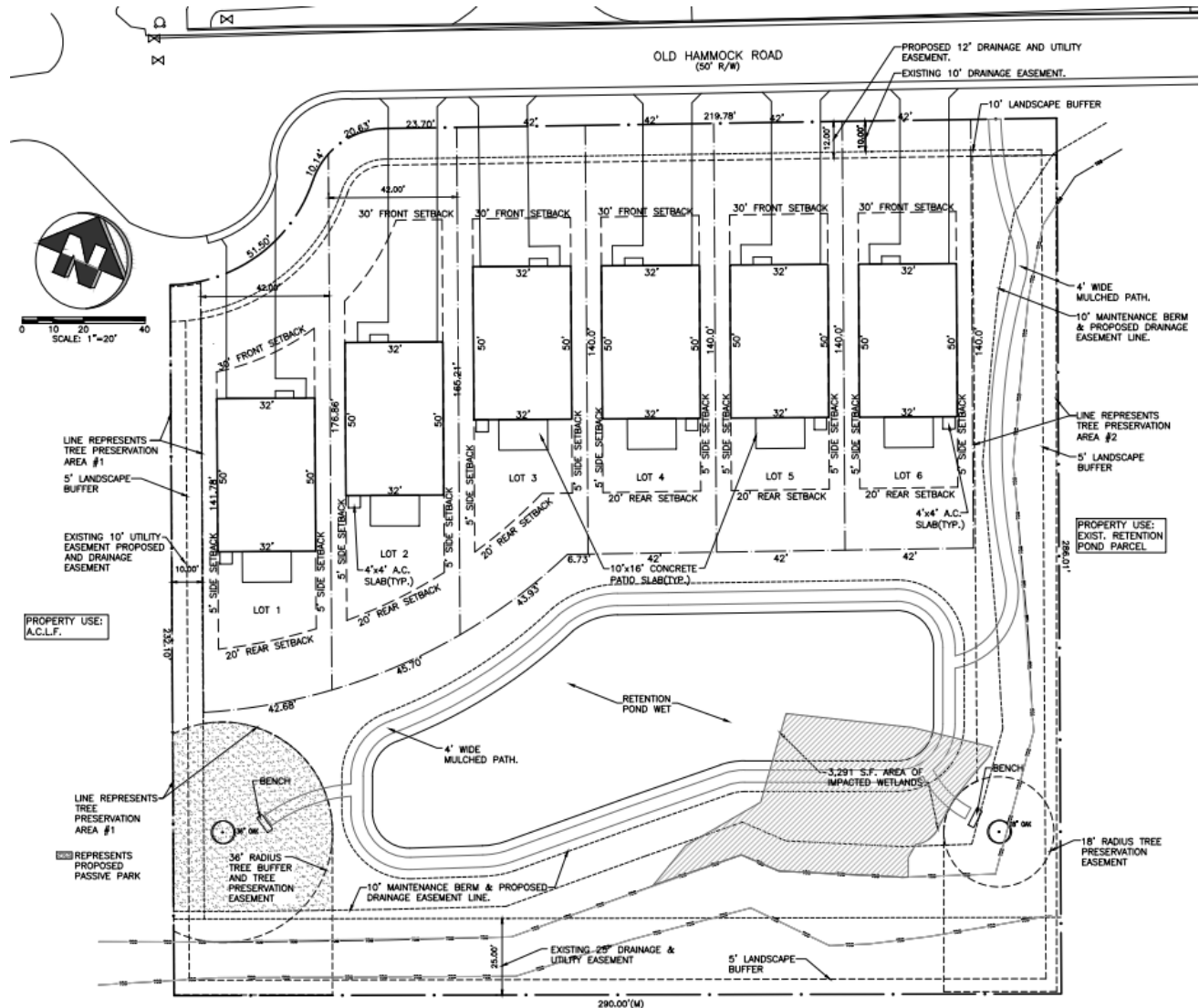
If the proposed amendment is approved, all future development plans submitted will require detailed technical review by the Development Review Committee (SDRC) to determine all requirements in the Land Development Code (LDC) and the Bennett's Hammock Seventh Amendment are met. As with all development, specific site development proposals for the subject property are subject to concurrency regulations at the time of development requiring transportation facilities to be provided or for the developer to enter into a mitigation agreement for their impacts.

General Layout

The Conceptual Development Plan (CDP) included with the proposed Amendment shows the general layout of the single-family lots, stormwater improvements, open space,

common open space, tree preservation areas, general footprint of the single-family homes, and driveways (Figure 5 and Exhibit B of the MDA). If the Seventh Amendment is approved, the subdivision layout of the plat and plans will be based on the CDP and required to meet the requirements in the MDA and Land Development Code.

Figure 5. Proposed Conceptual Development Plan



Dimensional Requirements

The proposed Amendment revises the dimensional requirements currently established for Tract III of the PUD to support the proposed single-family lots. The proposed building setbacks, building height, and lot width and area requirements for the proposed six (6) detached single-family lots are generally based on the dimensional requirements of the existing developed single-family home lots in the Bennett's Hammock subdivision.

The six (6) detached single-family lots are proposed to be subdivided with the lots fronting directly onto Old Hammock Road. There is an existing 10-foot utility easement along the west side of the property and a retention pond that encroaches onto the property along

the east side. A ±25-foot wide common area is proposed along the east side of the property that will accommodate the required drainage and maintenance easement for the pond as well as tree preservation and open space. According to the applicant, to avoid altering the location of the existing pond on the east side of the property and to accommodate the existing 10-foot easement on the west side of the property, the lots are to be platted at 42 feet wide, which is generally consistent with the existing developed lots in the Bennett's Hammock PUD. The CDP shows the 42-foot wide lots are able to accommodate the footprint of a single-family home and meet the proposed building setback, lot coverage, and open space requirements which are generally comparable to other single-family lots in the Bennett's Hammock Subdivision.

Traffic

If the PUD zoning amendment is approved, the proposed subdivision will be required to comply with the City's Concurrency Management requirements in the LDC. Similar to other developments within the City, the developer may be required to enter into a Transportation Fair-Share and Concurrency Agreement with the City to pay for part of the scheduled improvements for any critically impacted area as defined in the LDC.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, the proposed six (6) detached single-family homes are anticipated to have a lower trip generation than the current permitted uses on the property. Based on the ITE Trip Generation Manual 10th Edition, the proposed six (6) detached single-family homes could generate approximately 57 daily trips. According to the ITE Trip Generation Manual, a 22-unit Elderly Housing (Senior Adult Housing) development could generate 63 daily trips, a 44-bed Assisted Living Facility could generate 114 trips per day, and a Nursing Home could generate 58 daily trips, assuming a staffing level of 20 employees.

Table 3. Trip Generation Table

	ITE Code	Daily Trips	AM Peak	PM Peak
Single-Family Homes (6 units)	210	57	4	6
Senior Adult Housing (22 units)	252	63	4	8
Assisted Living Facility (44 beds)	254	114	8	11
Nursing Home (20 employees)	620	58	7	6

Source: ITE Trip Generation Manual 10th Edition

The Institute of Transportation Engineers (ITE) Trip Generation Manual is nationally recognized by transportation professionals including, transportation engineers, transportation planners, consultants, educators, technologists, and researchers for conducting vehicle trip generation rate analysis studies, determining on-site circulation patterns, performing access management studies, and determining traffic signal timing.

According to the latest traffic counts for Herbert Street, there is capacity for the vehicular traffic estimated to be generated by the proposed development of Tract III (subject property) (Table 4). The segment of Herbert Street between Nova Road and Clyde Morris Boulevard is defined by the City's Comprehensive Plan as a collector roadway and has

an adopted roadway capacity of 12,744 vehicles per day. The actual traffic count in 2019 for this segment was 8,195 vehicles per day and in 2020 it was 7,173 vehicles per day. The 2020 Traffic Counts were completed in October 2020 and are anticipated to increase in 2021 to a volume similar to 2019 as schools and businesses return to regular operations as a result of COVID-19.

Table 4. Roadway Capacity for Herbert Street

Roadway Segment	Maximum Capacity Vehicles per day	2019 volume per day	2020 volume per day	Remaining Capacity Vehicles per day	V/C Ratio*
Herbert Street Clyde Morris Blvd to City Center Dr.	12,744	7,585	6,710	6,034	0.53
Herbert Street City Center Dr. to Nova Rd.	12,744	8,805	7,173	5,571	0.56

Source: City of Port Orange, Traffic counts conducted by Traffic Engineering Data Solutions, Inc. (TEDS)

*Volume/Capacity (V/C) Ratio - Volume-Demand-to-Capacity Ratio compares roadway demand (vehicle volumes) with roadway supply (carrying capacity). A V/C ratio of 1.00 indicates the roadway is operating at its capacity.

The city conducts traffic counts during the school year to capture all daily traffic along streets. Although Herbert Street is currently operating below its adopted level of service, Staff has identified improvements that could be made in the future to increase capacity at the signalized intersection of Herbert Street and Nova Road signalized intersection that is in the vicinity of the proposed project. In 2017 the City submitted a request to the Volusia-Flagler River-To-Sea Transportation Planning Organization (TPO) for a feasibility study to evaluate possible improvements at the Herbert Street and Nova Road intersection to potentially add turn lanes to improve capacity and flow at this intersection. The City has also collected right-of-way from adjacent properties near this signalized intersection as those properties were being redeveloped.

Access and Parking

The site is accessed from Old Hammock Road, which is a public right-of-way maintained by the City of Port Orange. The CDP is designed with the six (6) detached single family lots fronting along Old Hammock Road. The lots are proposed to accommodate a double-car driveway that will be a minimum of 30 feet long from the right-of-way line and the homes will be built with a garage, which together will support the minimum number of two (2) parking spaces per unit for a one, two or three bedroom home or three (3) parking spaces for a four or more bedroom home.

There is one policy issue for the proposed Seventh Amendment. The applicant is requesting to eliminate the required 4-foot wide sidewalk along the south side of Old Hammock Road. According to the applicant, there is room along the frontages of the lots to construct a 4-foot sidewalk, but there is no existing sidewalk on the south side of Old Hammock Road to connect the sidewalk to. Eliminating the 4-foot sidewalk from Old Hammock Road is consistent with the previous Tract II subdivision phase that also does

not have sidewalks along the street. The sidewalk requirement was waived in the Sixth Amendment for Tract V which is also located on the south side of Old Hammock Road. Currently, the only sidewalk within the Bennett's Hammock PUD boundary is a shared sidewalk/bike path on the north side of Old Hammock Road that connects to Herbert Street and serves as the main pedestrian corridor.

Tree Preservation, Landscaping, and Buffers

The proposed development will comply with the landscaping and tree preservation requirements of the LDC, including perimeter landscape buffers and tree preservation. A formal review of the landscaping and tree preservation will occur with the review of the subdivision plat and plans to verify compliance with the proposed MDA and LDC.

Perimeter landscape buffers a minimum five (5) foot wide are proposed along the east, west, and south sides of the property which are either proposed to remain natural or will be supplemented with additional plantings, and a ten (10) foot wide right-of-way buffer will be provided along Old Hammock Road outside of the single-family lots. The south buffer is included within an existing 25-foot wide drainage easement to the south and will remain natural. Three (3) specimen trees were identified on site. The 36" historic live oak and 18" specimen oak tree are proposed to be preserved and incorporated into the site design and a 24" elm tree is proposed to be removed and mitigated as per the requirements of the LDC.

The proposed MDA requires any proposed development of the subject property to comply with the City, County, State, or Federal regulations that pertain to protected wildlife species and wetlands, along with the City's tree preservation and mitigation requirements. There is an area identified as wetlands at the southeast corner of the site. According to the applicant's environmentalist, the wetland area is isolated and has been impacted by construction of the adjacent drainage ditch and pond. The overall quality of the wetlands is poor and contains exotic vegetation. Approximately ±3,300 square feet is proposed to be impacted and will need to be mitigated as part of the subdivision plat and plans review, as per current Volusia County and LDC mitigation requirements.

Potable Water and Sanitary Sewer

The proposed subdivision will be served by City potable water and sanitary sewer and will comply with the requirements of the City's Land Development Code (LDC) and proposed MDA for improvements related to potable water and sanitary sewer. Irrigation will be provided by a private well and will comply with the requirements of the City's LDC.

Stormwater Management

The stormwater drainage infrastructure for this project will be provided as generally depicted on the CDP. The existing drainage ditch within the southern 25-foot drainage easement and stormwater retention pond to the east are not proposed to be modified. The Seventh Amendment project area will be served by a new retention pond toward the south side of the subject property with a berm between the new and existing drainage areas. The stormwater drainage design will be reviewed with the submittal of the subdivision plans. Per the City's Land Development Code, the applicant will be required to construct on-site stormwater facilities, designed to accommodate and treat the 25 year,

24-hour storm event, without causing flooding to adjacent properties or polluting the receiving water bodies.

Architecture

The MDA proposes that the proposed single-family homes will be designed to be compatible with the existing single-family homes in Bennett's Hammock which are a mix of one-story and two-story detached residences. The proposed development does not have a specific builder at this time to provide proposed architectural renderings. The LDC exempts single-family homes from specific aesthetic requirements, but the homes will be required to be designed to be consistent and compatible with one another in terms of design as well as meet the provisions in the Florida Building Code.

Schools

Single-family subdivisions which are less than 10 lots are exempt from School Concurrency review. However, using the Volusia County School District's student generation rate, a total of two (2) students are anticipated to be generated by the proposed development.

Public Notice

A Public Notice sign was posted on the site on November 25, 2020. As of July 27, 2021, staff has received (9) phone calls or office visits requesting general information regarding the proposed PUD Amendment. Concerns included traffic, drainage, and increased density.

A neighborhood meeting was held by the applicant on February 23, 2021 at The Lakeside Center. According to the applicant's summary of the neighborhood meeting, questions from the residents that attended were regarding drainage, traffic, and the project's effect on their quality of life. 26 attendees were listed on the sign-in sheet. According to the applicant, the applicant and project engineer met with the residents that attended the March 2021 Planning Commission meeting to further discuss their concerns and reviewed the revised development plan. Staff was not included in this meeting as it was not required by the LDC.

Recommendation

Staff recommends approval of the Seventh Amendment to the Bennett's Hammock PUD Master Development Agreement and Conceptual Development Plan, subject to approval of the policy issue discussed in the staff report as requested by the applicant:

- Eliminate the required 4-foot wide sidewalks along the south side of Old Hammock Road.

Attachments

Exhibit 1 – Bennett's Hammock Seventh Amendment Master Development Agreement and Conceptual Development Plan (See Ordinance Exhibit 1)

Exhibit 2 – February 2021 Neighborhood Meeting Summary

EXHIBIT 2

SUMMARY OF NEIGHBORHOOD MEETING FOR SEVENTH AMENDMENT TO THE BENNETT'S HAMMOCK PLANNED UNIT DEVELOPMENT

A neighborhood meeting was held on February 23 at 6:00PM at the Lakeside Community Center to discuss a proposed amendment to the existing Bennett's Hammock Planned Unit Development for Parcel No. 6305-08-00-0030. The proposed amendment would allow for thirteen (13) townhomes in lieu of the existing assisting living entitlements. In attendance at the meeting were A. Joseph Posey of Stoch Law Firm, attorney for the developer; and Rick Dixon of Anderson-Dixon, LLC, engineer for project. Approximately 25 area residents and neighbors were in attendance. A sign-in sheet was provided, and a copy is enclosed with this summary.

Mr. Posey began by giving a presentation that explained existing conditions and entitlements for the property, and then proceeded to explain the proposed changes to the Bennett's Hammock Planned Unit Development. The highlights included the reduction of density and traffic, and the need for new construction in the areas. A full-size concept plan was on display before, during and after the meeting so that attendees could see a graphic depiction of the development. After finishing the presentation of the project, Mr. Posey opened the meeting to questions. The residents raised concerns about the drainage and traffic, and the project's effect on their quality of life. The questions included:

- How can you address the traffic situation on Herbert during school hours? What traffic improvements options are available? How will this project help the traffic situation?
- How are you ensuring that this project is compatible with the existing community?
- How are you addressing the drainage situation in the area? Will the project connect to the existing pond adjoining the development?
- Will the project have an HOA? How will enforcement be controlled? Will the project be contributing to the existing HOA?
- How will visual impacts be addressed?
- Why are you proposing townhomes as part of the project?
- How is this project an improvement versus what is currently entitled on the property?
- What is the process for approval and how many hearings will there be on this project?
- How much will individual townhomes cost?
- How will the existing wildlife be affected? What areas of the project are being preserved?
- What is the construction timeline for this project?
- How much buffer will be provided along Old Hammock Road?

Mr. Dixon addressed the design questions related to drainage and traffic. The question-and-answer session for the project continued for about an hour. All attendees were encouraged to contact Mr. Posey's office if they had any follow up questions or comments. Mr. Posey stated that he will investigate options to address concerns raised by the residents. The meeting ended approximately at 8:00 PM.



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: No

SUBJECT: (G16) First Reading - Ordinance No. 2021-21 - Third Amendment to the Riverwalk Amended and Restated Master Development Agreement (Case No. 21-40000001)

DEPARTMENT: Community Development

GOAL: 4 - Economic Development

RECOMMENDED MOTION: Move to approve Ordinance No. 2021-21, approving the Third Amendment to the Riverwalk Amended and Restated Master Development Agreement, as recommended by the Planning Commission.

SUMMARY: Planning Commission Action (7/22/2021): Recommended Approval (4-2)

The property owner, Halifax River Partners, LLC (HRP), is requesting approval of the proposed Third Amendment to the Riverwalk Amended and Restated Master Development Agreement (MDA) to defer the completion date of the Riverwalk Phase 1 site improvements and the Fysh Bar and Grill restaurant until March 21, 2022. The current MDA requires all Phase 1 site improvements and the restaurant to be completed by September 20, 2021. If approved, the Third Amendment also extends the completion date of the Economic Development Incentive Agreement (EDIA) between the City and HRP for the Phase 1 site improvements and the restaurant. According to the EDIA, if the Phase 1 site improvements and the restaurant are not completed by the required date, the EDIA will terminate and HRP will not be eligible to receive 50% of the property tax increment revenue (TIF) attributed to the public improvements installed in Phase 1 and remaining credit for building and development permit fees.

According to the applicant, the proposed Third Amendment is to extend the completion date for the construction of Phase 1 site improvements (parking lot, landscaping, sidewalk, stormwater, and turn lanes) that serve the private development in Phase 1 and the restaurant. According to the applicant, the additional 6-months requested to complete the project is due to building material shortages and delays in the delivery of materials. The applicant states that the shortage of building materials and delivery delays is not limited to this project but is also affecting construction projects throughout the state and country.

As of early August, the contractor for the Riverwalk Fysh Bar and Grill Restaurant at Riverwalk finished the construction of the concrete masonry unit (CMU) block walls for the first floor of the restaurant and is setting the structural steel for the second floor. The steel for the second floor is anticipated to be set by the middle of August, then

construction of the concrete masonry unit (CMU) block walls for the second floor, along with the roof, will be completed. Once the exterior building walls and roof are completed, interior plumbing, electrical, and mechanical work will begin. The contractor is also actively working on the grading for the parking lot and retention ponds and installing the underground stormwater infrastructure in the parking lot.

The proposed Third Amendment provides the following:

1. Defer the completion date for the permanent on-site and off-site improvements in Phase 1 and the restaurant from September 20, 2021 to March 21, 2022.
2. Require HRP to demolish the non-residential structures on the City-owned "Dave's Pest Control" property (3641 Ridgewood Avenue) and removal of ground vegetation, invasive species and dead or diseased trees on the property by December 30, 2021.
3. Allow the applicant the ability to establish off-site overflow parking areas, if necessary, for the Fysh Bar and Grill restaurant, according to the off-site overflow parking standards in the Third Amendment.

There are no specific criteria to be used as a basis for staff recommendations for the requested deviations from the timeline in the original Riverwalk Amended and Restated Master Development Agreement. Staff recommendations on zoning matters are generally based on consideration of compatibility with adjacent uses, availability of adequate infrastructure and consistency with adopted plans (such as Comprehensive Plan, City Vision, budget, etc.). The proposed timing to complete the Phase 1 site improvements is different than originally planned in the Riverwalk Amended and Restated MDA and requires Planning Commission, CRA and Council direction on whether the specific deviation to the completion date will be acceptable.

The staff report is attached for more details.

Project No.: N/A

Funding Account No.: N/A

Presenter: Tim Burman

ATTACHMENTS:

1.	Ordinance 2021-21 with exhibit	Ord 2021-21 Riverwalk.pdf
2.	Final Staff Report - Riverwalk 3rd_Amendment	Final Staff Report - Riverwalk 3rd_Amendment.docx

Tim Burman	Created/Initiated - 7/29/2021
Tim Burman	Approved - 7/29/2021
Shannon Balmer	Approved - 8/10/2021
Wayne Clark	Approved - 8/11/2021
Robin Fenwick	Final Approval - 8/11/2021

ORDINANCE NO. 2021-21

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

WHEREAS, the City and Developer desire to further amend the Riverwalk Amended and Restated Master Development Agreement (“MDA”) recorded in Official Records Book 7306, Page 1188, as amended by the First Amendment to the Riverwalk Amended and Restated Master Development Agreement recorded in Official Records Book 7750, Page 1657, and as further amended by Second Amendment to the Riverwalk Amended and Restated Master Development Agreement recorded in Official Records Book 7912, Page 2562 all in Public Records of Volusia County, Florida; and

WHEREAS, the City and Developer desire to enter into the Third Amendment to the Riverwalk Amended and Restated Master Development Agreement (hereinafter referred to as the (“Third Amendment”)); and

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

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

WHEREAS, the Planning Commission has by unanimous vote recommended approval of the proposed Third Amendment; and

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

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

Section 1. The City Council of the City of Port Orange does hereby approve the Third Amendment to the Riverwalk Amended and Restated Master Development Agreement (attached hereto as **Exhibit “1”**).

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

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

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

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

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on second reading on the day of _____, 2021

Passed and adopted on second and final reading on the day of _____, 2021

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

EXHIBIT "1"

Prepared By:

Jeffrey P. Brock, Esq
Smith Bigman Brock, P.A.
444 Seabreeze Blvd. – Suite 900
Daytona Beach, FL 32118

Return Recorded Document to:

Records Clerk
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

THIRD AMENDMENT TO THE RIVERWALK AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT

THIS THIRD AMENDMENT TO THE RIVERWALK AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT (the “Third Amendment”), is entered into by and between HALIFAX RIVER PARTNERS, LLC, a Florida limited liability company, (“Owner/Developer”) Josif Atanasoski, Manager, having a mailing address of 1800 No. U.S. Highway 1, Ormond Beach, FL 32174 and the CITY OF PORT ORANGE, a Florida municipal corporation, having a mailing address of 1000 City Center Circle, Port Orange, FL 32129 (the “City”), (collectively the “Parties”), who hereby agree and covenant as follows:

WHEREAS, the Parties previously entered into that certain Riverwalk Amended and Restated Master Development Agreement dated September 20, 2016 and recorded in Official Records Book 7306, Page 1188, Public Records of Volusia County, Florida (the “MDA”); and

WHEREAS, the Parties amended the MDA under the First Amendment To The Riverwalk Amended and Restated Master Development Agreement dated September 17, 2019 and recorded in Official Records Book 7750, Page 1657 of the Public Records of Volusia County Florida; and

WHEREAS, the Parties amended the MDA under the Second Amendment To The Riverwalk Amended and Restated Master Development Agreement dated September 15, 2020 and recorded in Official Records Book 7912, Page 2562 of the Public Records of Volusia County, Florida and

WHEREAS, the Parties desire to further amend the MDA as more particularly set forth below.

NOW THEREFORE, the Parties hereby agree as follows;

1. The recitals stated above are true and correct and are incorporated herein by reference.

2. Paragraph 6 of the MDA, “Phasing” is hereby amended to revise subparagraph “g.” as follows: The improvements listed as iii, iv, v, and viii were timely constructed and accepted by the City and the remaining improvements shall be completed on or before March 21, 2022:

- i. All the improvements on Lot 4 of the proposed subdivision plat referenced herein, also referred to as the "point", including a restaurant and the associated site improvements, extending into the intracoastal river within the mixed-use area except for the 2 multi-purpose marina buildings and the 58-slip marina.
- ii. The shared permanent parking facilities as shown on the CDP, located on Lot 9 of the proposed subdivision plat.
- iii. The Public Trail and Park (PTP), including landscaping within the utility corridor, lights, stormwater, benches, trash receptacles, and other amenities.
- iv. Off-site work on the portion of Ocean Avenue to complete the PTP to the north side of the Ocean Avenue right-of-way where the PTP continues into the City’s Riverwalk Park.
- v. Necessary utilities to service all proposed lots indicated on the Conceptual Replat, incorporated herein by reference on the CDP (Exhibit “ E”) and utilities to maintain service to off-site property currently served with laterals on the Project Area Property.
- vi. All stormwater improvements serving all phases except for structures and dry retention that specifically only serve the two condominium tower parking areas in Phase 2 and Phase 3.
- vii. Landscaping, except around the condominium tower footprints and condominium parking areas.
- viii. Demolition of Cardwell structures, including the building and all subsurface structures and soils.
- ix. Temporary parking for the existing marina as described in this amendment
- x. An Eight (8) foot pedestrian pathway on Lot 4. the subject of the pedestrian easement referenced in subsection 3.e.x, of this Agreement and as generally shown on Exhibit 1. attached hereto and made apart hereof by reference.
- xi. Demolition of the structures and associated concrete pads and pavement on the Dave’s Pest Control property, more particularly identified as Parcels 630316000014 and 630310020050, including but not limited to the removal of all ground vegetation, invasive species and dead or diseased trees on the property prior to the issuance of the Certificate of Occupancy for the Restaurant on the Point or by December 30, 2021 whichever occurs first. Applicant shall obtain a building permit to demolish the structures and comply with all City requirements for demolition.

4. Paragraph 12 of the MDA, “Bonding” is hereby amended to revise subparagraph “b.” as follows:

- b. Prior to the close of escrow, a separate bond, letter of credit or cash deposit shall be provided by the Owner/Developer to the City, to be held in escrow, guaranteeing the completion of the demolition and construction of the Public Trail and Park (PTP) and associated PTP utilities, stormwater and landscaping as set forth on plans stamped “Approved for Construction,” in the amount of two (2) years of the net income for the Cardwell property along with a timing requirement that the PTP and the associated PTP improvements shall be complete within 14 months from the commencement of

construction. The remaining Phase I improvements, as set forth in paragraph 6.g. of the MDA, as amended herein, shall be complete on or before March 21, 2022. The bond, letter of credit or cash deposit shall be released to Owner/Developer upon the timely completion of the Phase I improvements otherwise it shall be forfeited.

6. Paragraph 18 of the MDA, “Parking” is hereby amended to revise subparagraph “d.” as follows:

d. Prior to the issuance of a certificate of occupancy for any use in Phase I or March 21, 2022, whichever date is earlier, Owner/Developer shall complete the permanent parking facilities as required in subparagraph 6.g as set forth in the MDA, as amended, and as otherwise required by the City’s LDC.

7. Paragraph 18 of the MDA, “Parking: is hereby amended to revise subparagraph, “e.”, as follows:

f. The Owner/Developer may use the Cardwell Parcel to comply with the parking requirement if the former 39 slip marina is re-opened. Prior to use of this parcel for parking, the demolition of Cardwell structures, including the building and all subsurface structures and soils shall be completed, and work approved by the City. If the City still owns the parcel at the time the marina is re-opened and parking is required, a license agreement approved by the City Council between the City, Owner/Developer, and marina tenant is required prior to use of parcel for parking. The temporary parking on this parcel or in the Project Area for the Marina shall comply with the following.

- i. The temporary parking lot shall be constructed in conformance with the standards set forth herein and as approved by the City, requiring a paved, stabilized shell or gravel parking lot with stormwater facilities, and an ADA compliant walkway from the temporary parking to the marina facilities as shown on the approved subdivision construction plans.
- ii. Landscaping for the temporary parking facilities, as required by the LDC and this Agreement shall not be required during the period of time set forth in this section.
- iii. Temporary lighting for the temporary parking area and designated pedestrian crosswalk and pathway to the marina shall be required
- iv. The allowance of the temporary parking may require a site plan or building permit and shall expire upon completion of the Phase I improvements on or before March 21, 2022

8. Paragraph 18 of the MDA, “Parking” is hereby amended to add a new subparagraph, “g”. as follows:

g. The Owner/Developer may establish overflow parking in areas within Phase 2 and Phase 3 as indicated in the CDP if the minimum parking spaces on Phase 1 complies with the Land Development Code (LDC) and this MDA. The overflow parking shall be

approved according to the LDC through a site plan or site plan modification and comply with the requirements in the LDC. Screening of the overflow parking perimeter shall be provided where it is visible from any public or private street or right-of-way or public trail and shall be screened with any combination of hedge, fence, walls or berms which provide a minimum three-foot high visual barrier. Landscaping buffers and internal parking lot landscape required in Chapter 13 of the LDC may be waived by the administrative official as part of the site plan or site plan modification, but the screening (combination of hedge, fence, walls or berms) around the overflow parking perimeter shall not be waived.

8. Paragraph 21 of the MDA, “Effective Date/Expiration” is hereby amended to revise subparagraph (a) as follows:

a. The effective date of this Agreement shall be upon the recording of the Agreement, and the recording shall occur within 30 days of the City Council approval. If all PTP improvements and associated PTP utilities, stormwater drainage, and landscaping are not commenced by September 20, 2018 and completed by November 20, 2019, then this Agreement shall expire, except as amended by City Council. Except as otherwise provided herein, the remaining Phase I improvements, as set forth in paragraph 6.g. of this Agreement, including but not limited to the completion of the restaurant, shall be completed on or before Five and one-half (5 1/2) years from the date of approval of this Agreement, said date being March 21, 2022. The Owner/Developer, their successors or assigns, shall not be relieved of the prior obligations to develop infrastructure, landscaping, or any other common features required to serve the existing marina. Prior to the issuance of a Certificate of Occupancy and/or Letter of Completion being issued to allow the marina to re-open, all parking and site improvements required by the Land Development Code are to be completed as provided in Paragraph 18 of this Agreement. This obligation shall survive and shall not terminate in the event that this Agreement expires.

b. The Phase I improvements set for in Paragraph 6.g. of this Agreement are required to be completed on or before March 21, 2022 in accordance with Subsection 21.a. herein. In the event the Owner/Developer does not complete the required Phase I improvements set forth in Paragraph 6.g. of this Agreement on or before March 21, 2022, then the Owner/Developer entitlements under this Agreement shall lapse and this Agreement shall be of no further force and effect.

9. This Third Amendment shall be effective upon recording in the public records of Volusia County, Florida.

10. All the provisions of the MDA, First Amendment and Second Amendment, not in conflict herewith shall remain in full force and effect and shall be supplemented for the matters specifically amended herein by this Third Amendment. The MDA, the First Amendment, and Second Amendment, shall survive the execution of this Third Amendment.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the Parties have executed this Third Amendment to the Riverwalk Amended and Restated Master Development Agreement, by and through their duly authorized representatives, on the respective dates shown below.

WITNESSES (as to both):

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

Signature

By: _____
Donald O. Burnette, Mayor

Printed Name

Signature

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

Printed Name

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged by before me by means of **[XX]** physical presence or **[]** online notarization this _____ day of _____, 2021, by DONALD O. BURNETTE, as Mayor of the CITY OF PORT ORANGE, FLORIDA, a Florida municipal corporation, on behalf of the City. He is personally known to me and did not take an oath.

Notary Public, State of Florida at Large
My Commission Expires:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged by means of **[XX]** physical presence or **[]** online notarization before me this _____ day of _____, 2021, by ROBIN L. FENWICK, as 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, State of Florida at Large
My Commission Expires:

HALIFAX RIVER PARTNERS, LLC

WITNESSES:

Signature

Printed Name

Signature

Printed Name

By: _____
Josif Atanasoski, Manager

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged by physical presence before me this _____ day of _____, 2021, by JOSIF ATANASOSKI, Manager of HALIFAX RIVER PARTNERS, LLC. He is personally known to me or has produced _____ as identification.

Notary Public, State of Florida at Large

My Commission Expires:



STAFF REPORT

Third Amendment to the Riverwalk Amended and Restated Master Development Agreement
CASE NO. 21-40000001

REQUEST:	Approve the Third Amendment to the Riverwalk Amended and Restated Master Development Agreement (MDA)
LOCATION:	East of Ridgewood Avenue, south of Ocean Avenue, north of Herbert Street (see Figure 1).
APPLICANT:	Josif Atanasoski, Manager, Halifax River Partners, LLC
OWNER:	Halifax River Partners, LLC; Port Orange Town Center
STAFF CONTACT:	Tim Burman, Community Development Director (386) 506-5675
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	July 22, 2021 - Recommended Approval (4-2)
CITY COUNCIL:	August 17, 2021

DISCUSSION

The proposed Third Amendment to the Riverwalk Amended and Restated Master Development Agreement (MDA) is to extend the required completion date for the Riverwalk Phase 1 site improvements and the Fysh Bar & Grill Restaurant to March 21, 2022. The current MDA requires all Phase 1 on-site and off-site improvements (parking lots, turn lanes, stormwater, landscaping, parking lot lights and walk lights, utilities, sidewalks, etc.) and the restaurant to be completed by September 20, 2021. According to the applicant, the additional 6-months requested to complete the project is due to building material shortages and delays in the delivery of materials. The applicant states that the shortage of building materials and delivery delays is not only limited to this project but are affecting construction projects throughout the state and country.

As of August 4, the contractor for the Riverwalk Fysh Bar and Grill Restaurant at Riverwalk finished the construction of the concrete masonry unit (CMU) block walls for the first floor of the restaurant and is setting the structural steel for the second floor. The steel for the second floor is anticipated to be set by the middle of August, then construction of the concrete masonry unit (CMU) block walls for the second floor, along with the roof, will be completed. Once the exterior building walls and roof are completed, interior plumbing, electrical, and mechanical work will begin. The contractor is also actively working on the grading for the parking lot and the retention area, installing the underground stormwater infrastructure in the parking lot, and completing the new seawall around the perimeter of the point property (Figure 1).



Figure 1. Riverwalk Fysh Bar and Grill Restaurant and Site Work

The overall HRP Riverwalk project is still expected to be completed in five phases (Figure 2), with each phase being required to have adequate access and infrastructure to support development. The 23-foot-wide public trail and park and associated site improvements, burying of the FPL power lines, and underground utilities improvements in the former Halifax Drive right-of-way were completed and accepted by the City of Port Orange by November 20, 2019. The remaining on-site and off-site improvements to support the Fysh Bar and Grill restaurant on the point property are to be completed with Phase 1. The

residential condominium buildings are expected to be constructed in Phases 2 and 3 and additional marina boat slips constructed in Phases 4 and 5.

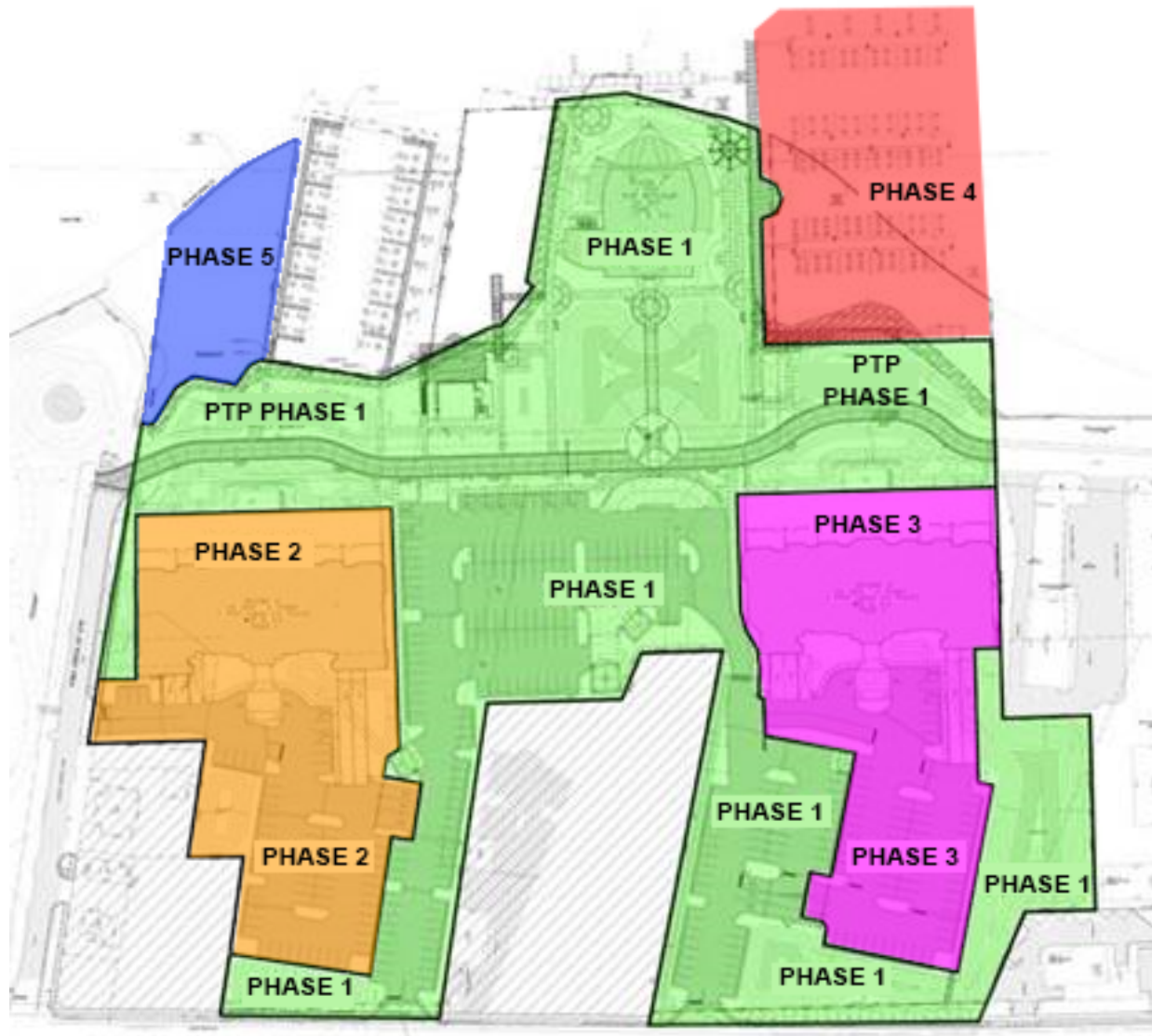


Figure 2. Concept and Phasing Plan for the Riverwalk Amended and Restated Master Development Agreement (MDA).

If approved, the proposed Third Amendment to the MDA will provide or require the following:

1. Extends the completion and acceptance date for the Phase 1 on-site and off-site improvements and the issuance of the Certificate of Occupancy for the Fysh Bar and Grill restaurant from September 20, 2021 to March 21, 2022.
2. Requires the applicant to submit a building permit application along with all necessary documentation required to obtain a building permit to demolish the non-residential structures on the City-owned “Dave’s Pest Control” property (3641 Ridgewood Avenue) by December 30, 2021, along with the removal of debris associated with the

demolishing of the two buildings and any required erosion control measures prior to or after demolishing. Along with demolishing the two buildings, the applicant will also remove ground vegetation, invasive species and dead or diseased trees on the City-owned "Dave's Pest Control" property. Prior to issuance of the building permit to demolish the two buildings, a temporary construction easement will need to be executed between the Port Orange Town Center (POTC) Community Redevelopment Agency (CRA) and the contractor the applicant selects to perform the work.

3. Allow the ability to establish off-site overflow parking areas, if necessary, for the Fysh Bar and Grill restaurant on property located within Phase 2 and Phase 3, according to the standards in the Third Amendment and the Land Development Code. The overflow parking areas would be required to comply with the requirements in the Land Development Code for on-site overflow parking areas, which include, the overflow parking areas being shown on an approved site development plan, the overflow parking spaces being delineated, and the overflow spaces cannot become rutted, uneven, unable to drain properly, unsightly, or unmaintained.

The Riverwalk Amended and Restated Master Development Agreement (MDA) was approved by the City Council in September 2016 and established a phasing plan along with specific timeframes for completion of on-site and off-site improvements (parking lots, turn lanes, stormwater, landscaping, and sidewalks) for Phase 1 of the Riverwalk development and completion of the restaurant (Fysh Bar and Grill) on the point. The MDA was amended in September 2019 to extend the timeframe to complete the required Phase 1 site improvements and restaurant from September 2019 to September 2020, and in 2020 the MDA was amended to extend the timeframe to complete the required Phase 1 site improvements and restaurant from September 2020 to September 2021. If the Third Amendment is approved, the date to complete the Phase 1 site improvements and restaurant would be extended from September 20, 2021 to March 21, 2022.

If approved, the Third Amendment also extends the completion date of the Economic Development Incentive Agreement (EDIA) between the City and HRP for the Phase 1 site improvements and the restaurant. According to the EDIA, if the Phase 1 site improvements and the restaurant are not completed by the required date, the EDIA will terminate and HRP will not be eligible to receive 50% of the property tax increment revenue (TIF) attributed to the public improvements installed in Phase 1 and remaining credit for building and development permit fees.

There are no specific criteria to be used as a base for staff recommendation for the requested time extension to the completion date for the remaining Phase 1 on-site and off-site improvements and the Fysh Bar and Grill restaurant from the original MDA. Staff recommendations on zoning matters are generally based on consideration of compatibility with adjacent uses, availability of adequate infrastructure and consistency with adopted plans (such as Comprehensive Plan, City Vision, budget, etc.). The proposed timing of developing Phase 1 is different than originally planned in the Riverwalk Amended and Restated Master Development Agreement (MDA) and amendments to the original MDA and will require Planning Commission and Council direction on whether the extension to the completion date for the remaining Phase 1 on-site and off-site improvements and the Fysh Bar and Grill restaurant will be acceptable.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject property is designated *Planned Community-Riverwalk* on the City's Future Land Use (FLU) Map. The original MDA was found to be consistent with the City's Comprehensive Plan when it was approved in 2016. The proposed Third Amendment does not change the FLU designation for the property and is consistent with the general intent of the Comprehensive Plan.

PUBLIC NOTICE

On July 12, 2021, staff posted the property notifying the public of the proposed MDA amendment. As of the time this agenda item was prepared, there has been zero (0) phone calls regarding the proposed MDA.

RECOMMENDATION

Staff recommends approval of the Third Amendment to the Riverwalk Amended and Restated Master Development Agreement (MDA).

ATTACHMENT

Exhibit 1 - Third Amendment to the Riverwalk Amended and Restated Master Development Agreement



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: No

SUBJECT: (H17) First Reading - Ordinance No. 2021-19 - Code of Ordinance Amendment/Chapters 18 and 58 - Sidewalk Sales and Special Events

DEPARTMENT: Community Development

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve Ordinance No. 2021-19, amending Chapter 18, Article IV and Chapter 58, Article III, of the Code of Ordinances.

SUMMARY: The proposed text amendments to the Code of Ordinances are to clarify the requirements for sidewalk sale events and Special Events, modify the criteria for a Major Special Event, establish a 100-day limit on the number of days in a calendar year that a property larger than 14-acres can have special events, add requirements to permit neighborhood block parties on local streets within a subdivision as a Minor Special Event. The proposed amendments include:

Amendment #1: Clarifies what a sidewalk sale event is and the proximity of the display items associated with a sidewalk sale to the business holding the sidewalk sale. There are no changes to the current requirements on the maximum number of days for a sidewalk sale, the number of sidewalk sales a business can have per calendar year, or the permitting process for a sidewalk sale as part of the proposed amendment. The proposed amendment also removes a reference to a code section removed from the Code of Ordinances as part of a prior amendment.

Amendment #2: Removes outdoor amplified music beyond 7:00 P.M. as a criterion to determine if a special event is a Minor or Major Special Event. Currently, all special events must comply with the City noise ordinance which regulates sound level between the special event and an adjacent residential or non-residential area, regardless of when amplified music is played. The proposed amendment is intended to make the process of applying for a special event more efficient and cost effective for non-residential users wanting to hold a special event on their property with amplified music beyond 7 P.M., while still ensuring compliance with the sound level limit in the Code of Ordinances. The proposed amendment does not change the requirement for special events held during race weeks or bike weeks or exceed 7 consecutive days from having to go before the City Council for approval.

Amendment #3: Establishes a 100-day limit per calendar year for special events on a parcel that is equal to or greater than fourteen (14) acres in size. The 40-day limit is

typically not an issue for most non-residential properties. However, for some larger properties that can hold special events in addition to their normal business operations (e.g. Walmart, Target, Lowes, Home Depot, Pavilion at Port Orange, etc.) the 40-day limit restricts the number of special events and/or the duration of the special events that can be hosted. For example, a Christmas tree sale event at Lowes and Home Depot typically lasts 35 days and under the current 40-day limit these businesses would only have 5 days for other special events throughout the calendar year. The proposed amendment does not change the 40-day limit for properties less than fourteen (14) acres.

Amendment #4: Adds requirements and establishes the review process to allow a subdivision or neighborhood group to hold a block party within a local street. Over the last year and half, staff have received requests from representatives of Homeowners Associations (HOA) and/or neighborhood groups requesting to hold a block party on a local street in their subdivision. According to those that have inquired, the intent of the block party is to meet other neighbors, build friendships, and develop a sense of belonging and security among residents. Currently, the Code of Ordinances classifies these events as a Major Special Event because the event requires the closure of a local road. Therefore, for a Homeowners Associations (HOA) or neighborhood group to request approval for a block party, a \$300 application fee and a \$250 surety bond is to be provided, the application must be submitted at least 45 days prior to the date of the block party, and the request has to be placed on a City Council agenda for approval. The concerns from the groups inquiring about holding a block party are: 1) the cost associated; and 2) the length of time required to submit their request to the City prior to holding the block party.

Staff reviewed ordinances from other cities in Florida as to how they permit block parties and determined that most have a review process similar to the City's current Minor Special Event review process. The City's Minor Special Event review process requires City staff (Fire, Police, Public Works, Community Development, and Code Enforcement) to review a request for compliance with all City regulations and a Minor Special Event only requires a \$100 application fee, a 7-day review period, and approval is at the staff level. The proposed amendment is to allow block parties to be permitted through the Minor Special Event review process to reduce cost and the application review time, along with the addition of requirements specific for a block party to mitigate impacts on adjacent areas. The proposed requirements for a block party have been reviewed by City staff (Police, Fire, Risk Management, and Legal).

Project No.: N/A

Funding Account No.: N/A

Presenter: Tim Burman, Penelope Cruz

ATTACHMENTS:

1.	Ordinance 2021-19	Ord 2021-19 Sidewalk Sales.pdf
2.	Staff Report - 2021 CoO amendment - Special Events	Staff Report - 2021 CoO amendment - Special Events .pdf

Penelope Cruz	Created/Initiated - 6/29/2021
Tim Burman	Approved - 8/3/2021
Shannon Balmer	Approved - 8/10/2021
Wayne Clark	Approved - 8/11/2021
Robin Fenwick	Final Approval - 8/11/2021

ORDINANCE NO. 2021-19

AN ORDINANCE OF THE CITY OF PORT ORANGE,
VOLUSIA COUNTY, FLORIDA AMENDING CHAPTER 18,
ARTICLE IV, CLARIFYING WHAT IS A SIDEWALK SALES
EVENT AND PROXIMITY REQUIREMENTS TO
BUSINESS; AND CHAPTER 58, ARTICLE III, MODIFYING
CRITERIA FOR MAJOR SPECIAL EVENTS AND ADDING
REQUIREMENTS TO PERMIT NEIGHBORHOOD BLOCK
PARTIES AS MINOR SPECIAL EVENTS; PROVIDING FOR
REPEAL OF CONFLICTING ORDINANCES; PROVIDING
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.

WHEREAS, it is the City Council's intent to clarify what is a sidewalk sales event and establish proximity requirements to the business; and

WHEREAS, it is the City Council's intent to modify the criteria for major special events and add requirements to permit neighborhood block parties as minor special events; 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 18, Article IV of the Code of Ordinances, City of Port Orange, to read as follows:

Chapter 18 – BUSINESSES
ARTICLE IV. - SIDEWALK, GARAGE, YARD SALES

[No changes to Sec. 18-76. Garage and yard sales.]

Sec. 18-77. - Sidewalk ~~and outdoor~~ sales.

Sidewalk sales ~~and other outdoor sales~~ events may be conducted in any nonresidential zoning district subject to the following regulations:

- (1) No more than four ~~outdoor sidewalk~~ sales events shall be permitted for any one business in any calendar year. Sales events shall not exceed seven consecutive days.
- (2) ~~Except as provided in subsection (3) of this section, s~~Sales shall be located on the sidewalk directly in front of the business establishment or retail store conducting the sale. Sales shall not impede pedestrian traffic or create a public safety hazard as determined by the ~~city manager~~Administrative Official or their designee.
- ~~(3) Requests for use of parking areas or vacant commercial parcels for sales events may be permitted by the city council. Such requests shall include site plans specifying the limits of the sales area, pedestrian access, traffic patterns, location of merchandise, barricades, special signage, and other requirements necessary to maintain through traffic patterns and public safety in and around the sales area.~~
- (4) Displays by any business establishment or retail store of seasonal or holiday items, such as Christmas trees and Halloween pumpkins, or items which may not easily be displayed indoors shall be exempt from this section, provided that such displays do not impede pedestrian traffic and the display area is located ~~on the sidewalk outside parking and traffic areas in front of adjacent to~~ the business ~~establishment or retail store~~ selling such items. Seasonal items do not include garden supplies and equipment, landscape materials, bicycles, children's pools, lawn furniture, fireworks, and other merchandise associated with spring and summer.
- (5) Bake sales, cookie sales, car washes, charitable solicitation, temporary drop-off boxes used for four weeks or less, and other such sales and fundraising events conducted by or on behalf of a charitable organization ~~as defined in section 18-171~~ shall be exempt from subsection (1) of this section, provided that such sales or fundraising events do not impede pedestrian traffic or create a public safety hazard as determined by the ~~city manager~~Administrative Official or their designee. However, such sales and fundraising events shall comply with all other applicable requirements of this section ~~and article VI of chapter 18.~~
- (6) No ~~outdoor sidewalk~~ sales event shall be conducted unless a permit has been obtained from the ~~City of Port Orange community development director or the director's designee.~~ Site plans ~~or scaled drawing~~ specifying the limits of the sales area, pedestrian access, traffic patterns, location of merchandise, barricades, special signage and other requirements necessary to maintain public safety shall be submitted with each permit application and reviewed by the affected departments. The city may, as a condition of permit approval, require the applicant to provide police officers at the expense of the applicant to help ensure public safety. ~~The city may, as a condition of permit approval, require the applicant to post a good and sufficient surety bond or cash bond conditioned upon the removal of any garbage, waste, trash, and debris from the property within 48 hours after the outdoor sales event.~~ The permit shall be issued upon written application, subject to compliance with the requirements of this section and any conditions of approval and upon payment of the prescribed fee. A permit fee shall be required for each ~~outdoor sidewalk~~ sales event.

Sec. 18-78. - Certain businesses exempt from requirements.

The businesses listed below shall be exempt from the requirements for outdoor sales and displays ~~set out in section 18-77~~. No business listed below shall expand beyond the areas described for existing outdoor sales or displays, unless such expansion complies with the applicable requirements of this article and the land development code of the city (~~Ord. No. 1990-33~~). Any business not listed below may apply to the administrative official, as defined in the land development code, for inclusion on the list within one year after the effective date of the ordinance from which this amended section is derived. The administrative official shall make recommendations to the city council concerning each application, and the city council shall approve or deny the recommendations of the administrative official for inclusion on the list below. In reviewing an application, the administrative official and the city council shall consider the length of time and the extent that the business has used the site for outdoor sales and displays which are not part of an approved site plan prior to the effective date of the ordinance from which this amended section is derived.

[No changes to existing table of businesses below above text]

[No changes to remaining sections of Article IV]

SECTION 2: The City Council of the City of Port Orange hereby amends Chapter 58, Article III of the Code of Ordinances, City of Port Orange, to read as follows:

Chapter 58 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE III. - SPECIAL EVENTS

Sec. 58-51. - Definitions.

[no change to subsection (1)]

- (2) *Major special event* means a special event which meets any one of the following criteria:
- a. Affects area(s) beyond the City of Port Orange.
 - b. Requires one or more roadway closures, except as specified for block parties below;
 - c. Hours of operation beyond 11:00 p.m.; or
 - d. ~~Outdoor amplified music beyond 7:00 p.m.; or~~
 - e. Held in conjunction with a regional event.

(3) *Minor special event* means any special event other than a major special event.

(4) *Block party event* means a neighborhood social event sponsored by a Home Owner's Association, or all affected property owners, of residential subdivision, taking place in whole or in part on a public or private road in a residential area, and which obstructs vehicular traffic in a manner described in F.S. § 316.2045(1).

[no changes to subsections (4) through (11) other than renumbering accordingly as (5) through (12)]

[no changes to Section 58.52 – Permits required.]

Sec. 58-53. - Limitations on number and duration of special events.

- (a) Special events held in conjunction with a regional event shall not exceed the duration of the regional event.
- (b) All other special events shall not exceed seven consecutive calendar days unless waived or modified by the city council.
- (c) ~~No A~~ lot or parcel less than fourteen (14) acres in size shall~~may~~ serve as a location of a special event, or any part of a special event, including parking, up to 40 days per calendar year for more than 40 days per calendar year. The 40-day limitation applies to all special events, including major special events and minor special events as defined in this article, and sidewalk ~~and outdoor~~ sales events as provided in section 18-77 of this Code, unless waived or modified by the city council.
- (d) A lot or parcel equal to or greater the fourteen (14) acres may serve as a location of a special event, or any part of a special event, including parking, up to 100 days per calendar year. The 100-day limitation applies to all special events, including major special events and minor special events as defined in this article, and sidewalk sales events as provided in section 18-77 of this Code, unless waived or modified by the city council.
- (e) All approved special events shall have 72 hours prior to the event for set up and 72 hours after the event for take down of the event.
- (f) Addition set up and take down time/days beyond the limitation established above can be approved by the City Council.

Sec. 58-54. - Permit application.

(a) Minor special events or block party events. An application to hold a minor special event or block party event shall be made in writing to the director of community development, or the director's designee, using such forms and including such information as deemed necessary to determine compliance with the requirements of this article. At a minimum, the application shall include the following:

- (1) The applicant's name, proposed location and description of the special event, and days and hours proposed.
- (2) Proof that the applicant has a legal right to occupy the sponsoring property (e.g., through ownership, written lease or written authorization). Authorization to occupy City rights-of-way for block party events shall be considered approved through the submittal and approval of the required permit for the event.
- (3) A site sketch specifying the location of the special event area including pedestrian access points. If applicable, the sketch shall include access points, the number and location of designated merchant display areas, barricades, special signage and other devices necessary to maintain public safety, indicating traffic circulation and parking patterns.
- (4) The special event permit fee as established by resolution of the city council. Repeat minor special events which have no material changes to the previously approved event plan are eligible for a discounted permit fee.
- (5) The application shall be submitted at least seven business days before the special event commences to allow for sufficient staff review.
- (6) ~~Requests for banner signs and small tents (no larger than ten feet by ten feet) do not require a separate permit.~~ A separate building permit is required if a tent greater than 10

feet by 10 feet is to be installed and signage shall be permitted as allowed in Chapter 15 of the Land Development Code.

[No changes to subsection (b) regarding major special event]

(c) Block party event. An application to hold a block party shall be made in writing to the Administrative Official or their designee, using such forms and including such information as deemed necessary to determine compliance with the requirements of this article. At a minimum, the application shall include the following:

(1) Applicant must provide a legible site plan or map with each application. Routes for emergency vehicles, private vehicles and pedestrian traffic must be shown on the site plan/map.

(2) Notification of residents. Applicant shall submit a petition signed by every property owner whose property connects to the affected street that they are agreeable to the event, as well as the Home Owner's Association (HOA) if applicable. The petition shall include each property owner's name and address clearing printed along with their signature acknowledging they are aware and agree to the street closing for the block party

(3) Street closure(s) shall not impact intersections or entrances to subdivisions and half of the roadway's width shall remain clear of objects to accommodate emergency and public safety vehicles as well as resident private vehicles accessing their property.

(4) Street closure(s) shall require one barricade per lane shall be placed at the end of a closed street. Events scheduled after dark shall have lighted or illuminated barricades.

(5) The block party shall not be open to the general public.

(6) The anticipated attendance of the block party shall not equal or exceed one hundred (100) persons at any point in time.

(7) The block party shall begin no earlier than 10:00 a.m. and shall end no later than 10:00 p.m. on Friday and Saturday and shall begin no earlier than 10:00 a.m. and shall end no later than 8:00 p.m. other days of the week.

(8) The following structures and activities shall not be allowed in the public rights-of-way during the event: sales of merchandise or services, inflatable amusements such as bounce houses or other games, tents, grills, and any other similar objects that could damage the pavement or obstructs emergency vehicles.

(9) An admission fee shall not be charged or solicited to attend the block party.

(10) Fireworks shall be prohibited, unless a permit is approved in accordance with Chapter 30 of the City's Code of Ordinances.

(11) Alcohol shall not be permitted within the public rights-of-way.

(12) Block Party shall be subject to the City's Noise Ordinance.

(13) The local street that is used for the block party shall not be disturbed or damaged, and structures shall not be affixed to it.

(14) The block party shall be subject to the conditions of the block party permit, if any.

(15) The special event permit fee is as established by resolution of the city council. Repeat minor special events which have no material changes to the previously approved event plan are eligible for a discounted permit fee

[No changes to remaining sections of Article III]

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

SECTION 4: The provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Port Orange and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention. The code codifier is granted liberal authority to codify the provisions of this ordinance.

SECTION 5: 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 6: This Ordinance shall take effect immediately upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on first reading on the _____ day of _____

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

Reviewed and Approved: _____

Shannon K. Balmer, Assistant City Attorney



STAFF REPORT

CASE NO. 21-25000005

Sidewalk Sales and Special Events

Code of Ordinances Amendment/Chapter 18, Article IV and Chapter 58, Article III

REQUEST:	Amendments to Chapter 18, Article IV and Chapter 58, Article III, of the Code of Ordinances, relating to sidewalk sales and special events
APPLICANT:	City of Port Orange
STAFF RECOMMENDATION:	Approval
STAFF CONTACT:	Penelope Cruz, Planning Manager (386) 506-5671
CITY COUNCIL DATE:	August 17, 2021

Introduction:

The proposed amendments to the Code of Ordinances include clarifications and minor changes that are simple clean-up items to the sidewalk sales requirements, modifies the criteria for a Major Special Event, establish a 100-day limit on the number of days in a calendar year that a property larger than 14-acres can have special events, add requirements to permit neighborhood block parties on local streets within a subdivision as a Minor Special Event. The proposed amendments do not affect events held at City Center and park facilities, which are processed through the Parks and Recreation Department's special event process.

Sidewalk Sales [Chapter 18, Article IV]:

The current sidewalk sales regulations were established in 1990, with amendments in 1991, 1994, and 1996. Regulations for sidewalk sales are intended to allow for limited special sales to occur on the private sidewalk directly in front of the business establishment or retail store conducting the sale for a limited period of days.

1. Sidewalk Sale Event: The proposed amendment is to clarify what a sidewalk sale is, and the proximity of the display items associated with a sidewalk sale to the business holding the sidewalk sale. The proposed amendment adds and removes text to clarify that a sidewalk sale is to be located on a sidewalk directly in front of the business holding the sidewalk sale and not impede pedestrian traffic or create a public safety hazard. There are no changes to the current requirements on the length of a sidewalk sale, the number of sidewalk sales a business can have per year, or the permitting process for a sidewalk sale as part of the proposed amendment. The proposed amendment also removes a reference to a code section removed from the Code of Ordinances as part of a prior amendment.

Special Events [Chapter 58, Article III]

The current special event regulations were established in 1998, with amendments in 2001, 2011, and 2013. Regulations for special events are intended to mitigate the impact of special events on adjacent residences and businesses. Detailed information regarding a proposed special event must be provided with the special event application. Staff from several departments (and City Council for major events) review special event applications to verify that adequate parking, noise mitigation, traffic control, sanitation

facilities, and security will be provided before approving a special event permit. The proposed amendments to this section include:

1. Criteria for Major Special Event: The Code of Ordinances currently states that if a non-residential use is holding a special event on private property, for less than 7 days, and does not require a public road closure but will have outdoor amplified music beyond 7:00 P.M., the special event is considered a major special event. A major special event requires approval by the City Council, a \$300 dollar application fee, and submittal of a special event application at least 45-days prior to the event. The proposed amendment would remove outdoor amplified music beyond 7:00 P.M. as a criterion when determining if an event is a minor or major special event. Currently, all special events (minor or major) are required to comply with the City noise ordinance which regulates sound level (decibels) by time and location (adjacent to residential or non-residential areas) regardless of the time amplified music is played. According to Chapter 42 of the Code of Ordinances, sound or noise projecting from a non-residential use into a residential district shall not exceed 60 decibels between 7:00 a.m.—10:00 p.m. and 50 decibels between 10:00 p.m.—7:00 a.m.

The proposed amendment is intended to make the special event process more efficient and cost effective for local businesses or churches wanting to hold a special event on their property with amplified music beyond 7 P.M., while still ensuring compliance with the sound level limit in the Code of Ordinances. The proposed amendment does not change the requirement for special events held during race weeks or bike weeks or special events that exceed 7 consecutive days from going before the City Council for approval, regardless if amplified music is part of the special event.

2. Limit on Number of Special Event Days in Calendar Year: The Code of Ordinances currently limits the number of days a non-residential property can hold a special event (minor or major) to 40-days in a calendar year. The 40-day limit is typically not an issue for most of the non-residential properties in the city. However, for some larger properties that have the infrastructure to hold special events in addition to their normal business operations (e.g. Pavilion at Port Orange, Walmart, Target, Lowes, etc.), the 40-day limit restricts the number of special events and duration of special events that can be held. For example, the Christmas tree sale events held in the parking lot of Lowes and Home Depot typically last 35 days, and under the current code, these businesses would only have 5 days in a calendar year remaining for other special events. The proposed amendment provides a 100-day limit per calendar year for special events on parcels that are equal to or greater than fourteen (14) acres in size to provide more flexibility for scheduling special events. The amendment also allows a business to request approval from City Council for additional special event days if they exceed the 100-day limit per calendar year. There is no change to the 40-day limit for properties less than fourteen (14) acres in size as part of the proposed amendment.
3. Neighborhood Block Party: The proposed amendment adds criteria/requirements for a subdivision or neighborhood to hold a block party within a local street and

establishes the process to review the request for a block party. Over the last year and half, staff have received requests from representatives of Homeowners Associations (HOA) and/or neighborhood groups requesting to hold a block party on a local street in their subdivision. According to those that have inquired, the intent of the block party is to meet other neighbors, build friendships, and develop a sense of belonging and security among residents. Currently, the code classifies these events as a Major Special Event because the event requires the closure of a local road. Therefore, for a Homeowners Associations (HOA) or neighborhood group to request approval for a block party, a \$300 application fee and a \$250 surety bond is to be provided, a request submitted at least 45 days prior to the date of the block party and goes before City Council for approval. The feedback/questions asked by the groups inquiring about holding a block party are: 1) the cost associated; and 2) the length of time required to submit their request to the City prior to holding the block party.

Staff reviewed ordinances from other cities in Florida as to how they permit block parties and determined that most have a review process similar to the City's current Minor Special Event review process. The City's Minor Special Event review process requires City staff (Fire, Police, Public Works, Community Development, and Code Enforcement) to review a request for compliance with all City regulations. However, a Minor Special Event only requires a \$100 application fee, a 7-day review period, and approval is at the staff level. The proposed amendment is to allow block parties to be permitted through the Minor Special Event review process and add requirements specific for a block party to reduce impacts on adjacent areas. The proposed requirements for a block party have been reviewed by City staff (Police, Fire, Risk Management, and Legal) and address the following items (see Exhibit I for more detail):

- Documentation signed by all property owners whose property abuts to the street is closed for the block party and acknowledges their support for the block party.
- The closure of a local street shall not impact intersections or entrances to the subdivisions and half of the roadway's width shall remain clear of objects to accommodate emergency and public safety vehicles.
- Barricades shall be placed at the end of a closed street.
- The number of people that can attend is limited to 100.
- The block party shall end no later than 10:00 p.m. on Friday and Saturday and no later than 8:00 p.m. on other days of the week.
- Fireworks during the event, admission fees, sales of merchandise or service are prohibited.
- Grills, inflatable bounce houses, etc. are not allowed in the public right-of-way.
- Alcohol in the public rights-of-way is prohibited.
- Requires compliance with the City's Noise Ordinance.

RECOMMENDATION

Approval of the amendments to Chapter 18, Article IV and Chapter 58, Article III of the Code of Ordinances.

ATTACHMENTS

Exhibit 1 – Proposed Amendments



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/17/2021

Consent item: No

SUBJECT: (H18) Discussion item on Legislative Priorities

DEPARTMENT: City Manager

GOAL: 1 - Public Safety 2 - Infrastructure 3 - Quality of Life 4 - Economic Development
5 - Fiscal Sustainability

RECOMMENDED MOTION: No motion needed.

SUMMARY: Staff will briefly present possible priorities for legislative appropriation requests for Council feedback and discussion. The staff is working with the Pittman Law Group as our lobbyist for the requests.

Project No.: N/A

Funding Account No.: N/A

Presenter: Jamie Miller

ATTACHMENTS:

Robin Fenwick	Created/Initiated - 8/3/2021
Jamie Miller	Approved - 8/10/2021
Wayne Clark	Approved - 8/10/2021
Robin Fenwick	Final Approval - 8/11/2021
