



REGULAR CITY COUNCIL MEETING

6:30 PM – COUNCIL CHAMBERS – CITY HALL

NOVEMBER 15, 2022

AGENDA

ALL CITIZENS DESIRING TO ADDRESS THE PORT ORANGE CITY COUNCIL DURING PUBLIC PARTICIPATION SHOULD COMPLETE THE 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 Father Karl Bergin of Epiphany Catholic Church
2. Pledge of Allegiance
3. Roll Call

B. RECOGNITION AND PROCLAMATIONS

4. Lung Cancer Awareness Month

C. CONSENT AGENDA

5. Public Comments on Consent Agenda Items Only
6. Agenda Approval
7. Approval of Minutes
 - a. November 1, 2022 - Regular City Council Meeting
8. Resolution No. 22-37 - Budget Amendment - FY2021 - 2022 Final Year End True-Up
9. Resolution No. 22-38 - Capital Encumbrance and Project Balance Roll forward Budget Amendment for Fiscal Year 2022-2023
10. Resolution No. 22-39 - Accepting \$95,122 for 2022-2023 Victims of Crime Act (VOCA) Grant
11. Resolution No. 22-40 - Accepting the grant award from the U.S. Department of Justice FY 22 Patrick Leahy Bulletproof Vest Partnership Project in the amount of \$17,278.50
12. Resolution No. 22-41 - Partial Drainage & Utility Easement Vacation on Lot 14, Sugar Mill Subdivision (3574 Sugarplum Lane)

13. Historic Tree Removal (After the Fact Emergency Removal) - 1041 Dunlawton Avenue, Halifax Medical Center
14. Approval of the 2023 Public Hearing and Development Review Calendars
15. Approval of Proportionate Fair-Share Agreement for Thrive Community Church Phase II Site Plan (Case No. 22-82000002)
16. Approval of Memorandum of Understanding (MOU), Article 15, with the Coastal Florida Police Benevolent Association Lieutenants (PBA LTs)
17. Approval of Memorandum of Understanding (MOU), Article 16, with the International Union of Police Associations (IUPA)

D. HURRICANE UPDATE

E. PUBLIC PARTICIPATION (Agenda)

18. Cops for Christmas - Officer Wayne Jean
19. Zee Goalkeeping Academy Fee Discussion

F. PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

G. COUNCIL COMMENTS

20. Comments/Concerns from Council Members

H. SPECIAL REPORTS

21. Comprehensive Plan Update Presentation

I. BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

22. Citizen Advisory Committee for TPO

J. PUBLIC HEARING

23. First Reading - Ordinance No. 2022-28 - Ninth Amendment to the Crystal Lake Planned Unit Development Master Development Agreement
24. First Reading - Ordinance No. 2022-29 - Consent to Assignment of the Franchise of TECO Energy, Inc to Peoples Gas System, Inc.

K. ADDITIONAL ITEMS

25. City Attorney
26. City Manager

L. COUNCIL COMMITTEE REPORTS

27. City Council Committee Reports

- a. Port Orange/South Daytona Chamber of Commerce - Mayor Don Burnette
- b. Roundtable of Elected Officials

M. ADJOURNMENT

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



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



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

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY 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
NOVEMBER 1, 2022

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.

Invocation by Pastor Joshua Owen of Spruce Creek Presbyterian Church

Pledge of Allegiance

Roll Call	Present:	Council Member Reed Foley Council Member Chase Tramont Council Member Drew Bastian Mayor Donald Burnette
	Absent:	Vice Mayor Scott Stiltner
	Also Present:	City Manager Wayne Clark City Attorney Matthew Jones City Clerk Robin Fenwick

CONSENT AGENDA

4. Public Comments on Consent Agenda Items Only

There were none.

5. Agenda Approval

There were no changes requested by Council.

Motion to approve the Agenda as presented was made by Council Member Chase Tramont and Seconded by Council Member Reed Foley. Motion carried unanimously by voice vote.

6. Approval of Minutes

- a. October 18, 2022 - Regular City Council Meeting
- b. October 25, 2022 - City Council Workshop

7. Bid Awards and Contract Items

- a. Approval of Task Authorization No. 17 to Zev Cohen and Assoc., Inc. for the Down Under Special Character District Master Plan
- b. Approval of Task Authorization No. 5 under the Master Contract for Professional Engineering Services (CA7763) with Kimley Horn for Design and Bidding Assistance Services for the Water Treatment Plant Facility Plan Project

c. Approval of Change Order No. 2 to TEDS for additional specific design work to Task Authorization No. 9 for SJR2C Loop Trail (SUN Trail - Spruce Creek Road)

d. Approval of Task Authorization No. 1 to Hall & Ogle Architects Master Contract for the Parks Office Building (QPC 202)

e. Approval of Agreement with Florida Health Care Plans (FHCP) for Employee Health Insurance Coverage

f. Approval of Agreements with Metlife Insurance for Ancillary Insurance for Employees

g. Approval of Low-Income Home Water Assistance Program (LIHWAP) Agreement with Volusia County

8. Resolution No. 22-36 - Establishing Law Enforcement Special Detail Rates

Motion to approve the Consent Agenda as presented was made by Council Member Chase Tramont and Seconded by Council Member Reed Foley. Motion carried unanimously by roll call vote.

HURRICANE IAN UPDATE

John McKinney, Finance Director, discussed the emergency purchase orders issued in the amount of \$2.6 million due to Hurricane Ian. A budget resolution will come before Council on November 15th for an additional \$6 million of emergency purchases.

Lynn Stevens, Public Works/Utilities Director, discussed the debris removal that has been completed so far and what is to come. Wayne Clark, City Manager, provided information on the intent for picking up debris from private roads and subdivisions. As soon as FEMA approves the request, the contractor will be able to pick up from those private areas.

Tim Burman, Community Development Director, spoke regarding the substantial damage letters that were sent out to approximately 700 residents. Employees from Miami Dade County are here to help reach out to those affected with damage of more than 50% of the home's value. Mr. Burman and staff are available and encouraged residents to meet with them to discuss options if they received a letter.

Residents discussed their concerns regarding flooding in Willow Run Subdivision during Hurricane Ian and previously. They would like to see a permanent repair to the street drain/sewer system failure to prevent flooding in the future.

Joseph Adazzio, resident, thanked staff for their quick response after his last appearance at Council, as well as the decision with the School Board to pump water out of Southwinds Subdivision. He suggested the soccer field in the neighborhood being used as a dry pond during emergencies.

PUBLIC PARTICIPATION (Non-Agenda – 20 minutes)

COUNCIL COMMENTS

9. Comments/Concerns from Council Members

Council Member Drew Bastian thanked Council Member Chase Tramont for his service, as did Council Member Reed Foley. Mayor Don Burnette echoed his appreciation for Council Member Chase Tramont and his service to Port Orange. Council Member Chase Tramont expressed his thanks for the opportunity to serve the City and the support he has received over the years. Council presented Council Member Tramont with a plaque for his service.

BOARD APPOINTMENTS, INTERVIEWS, AND REPORTS

10. Environmental Advisory Board Report

Kris Cunningham, Chair, provided details from their recent meetings and apologized for missing the previous meeting.

REGULAR AGENDA

11. Harbor Oaks Neighborhood Group request to paint a mural on the Port Orange Main Street Bridge

Marias Rodriguez and Matthew Fisher, on behalf of the Harbor Oaks neighborhood group, requested City Council's approval to allow members of the Harbor Oaks neighborhood group to paint a mural on the Main Street Bridge. Council supported the idea but had some concerns about future maintenance. When the residents have completed the mural rendering, they will bring it back to Council for consideration.

ADDITIONAL ITEMS

12. City Attorney - There was nothing further.

13. City Manager - There was nothing further.

COUNCIL COMMITTEE REPORTS

14. City Council Committee Reports

a. River to Sea TPO - Council Member Reed Foley provided an update from their recent meeting.

b. Police Pension Plan - Council Member Drew Bastian had nothing to report. Their next meeting is November 21.

ADJOURNMENT - 7:40 p.m.

Mayor Donald O. Burnette

Attest:

Robin Fenwick, MMC
City Clerk



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C8) Resolution No. 22-37 - Budget Amendment - FY2021 - 2022 Final Year End True-Up

DEPARTMENT: Finance

GOAL: 5 - Fiscal Sustainability

RECOMMENDED MOTION: Move to approve Resolution No. 22-37.

SUMMARY: At the end of the fiscal year, staff must review and recognize all revenues affecting the funds and the allocations established based on the revenues. The major funds affected will include the impact fee funds, internal service funds, capital improvement funds, enterprise funds, special revenue funds, and general funds. Allocations are established during the budget process, so a true-up is performed on an annual basis, and the true-up must be performed according to F.S. 166.241(7). Florida Statute 166.241(7) The governing body of each municipality at any time within a fiscal year or within 60 days following the end of the fiscal year may amend a budget for that year as follows: (a) Appropriations for expenditures within a fund may be decreased or increased by motion recorded in the minutes if the total appropriations of the fund is not changed. (b) The governing body may establish procedures by which the designated budget officer may authorize budget amendments if the total appropriation of the fund is not changed. (c) If a budget amendment is required for a purpose not specifically authorized in paragraph (a) or paragraph (b), the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the municipality's charter.

The exhibits attached to the Resolution for consideration explain the changes being requested.

PRESENTER: John McKinney

ATTACHMENTS:

1.	Resolution No. 22-37 with exhibit	Resolution No. 22-37 with exhibit.pdf
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John McKinney

Created/Initiated - 10/27/2022

John McKinney	Approved - 11/9/2022
Matthew Jones	Approved - 11/9/2022
Wayne Clark	Approved - 11/9/2022
Robin Fenwick	Final Approval - 11/9/2022

RESOLUTION NO. 22-37

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, PERTAINING TO FINAL YEAR END BUDGET ADJUSTMENTS FOR FISCAL YEAR 2021-22; PROVIDING APPROVAL FOR ADJUSTMENTS OF 2021-2022 BUDGET ADJUSTMENTS; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 22, 2021, the City of Port Orange, adopted Resolution 21-46, 21-47, 21-49 and 21-51, approving the City's total operating and capital budgets for Fiscal Year 2021-22; and

WHEREAS, the City of Port Orange adopted Resolution 21-58 and 21-60, on October 19, 2021; Resolution 21-61, on November 2, 2021; Resolution 21-65, on November 16, 2021; and Resolution 21-68 and 21-69, on December 7, 2021; Resolution 22-1 on January 18, 2022; Resolution 22-6 and 22-7 on February 15, 2022; Resolution 22-14 on May 17, 2022; Resolution 22-18 on August 2, 2022, each amending the total operating budget for Fiscal Year 2021-22; and

WHEREAS, in order to finalize the fiscal year-end budget to actual revenues and expenditures, it is necessary to make final adjustments to the City's 2021-22 operating budget.

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

Section 1. Approval of 2021-2022 Budget Adjustments. The City's 2021-22 Operating Budget is hereby adjusted as set forth in **Exhibit "A"** attached hereto. As applicable, the transfer of funds may be made from any legally acceptable source.

Section 2. The budget items adopted in the preceding section shall govern the expenditures relating to such items for the City during the ensuing fiscal year effective October 1, 2021 through September 30, 2022.

Section 3. Supplemental appropriations, reductions of appropriations, emergency appropriations, and interdepartmental transfers of appropriations may be affected 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. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

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

MAYOR DONALD O. BURNETTE

ATTEST:

Robin Fenwick, MMC, City Clerk

Adopted on the _____ day of _____

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



Exhibit "A"

AMENDED BUDGET FISCAL YEAR 2021 - 2022

Fund	Description	Resolution 21- 46; 21-47; 21- 49; 21-51	Resolution 21- 58	Resolution 21- 60	Resolution 21- 61	Resolution 21-65	Resolution 21- 68	Resolution 21- 69	Resolution 22- 1	Resolution 22- 6	Resolution 22- 7	Resolution 22- 14	Resolution 22- 18	Resolution 22- 37	Amended Budget
001	General	45,196,872				(190,427)			922,699		(90,712)	3,951,346	1,958,579	3,783,553	55,531,910
019	Federal Disaster Funds	-										9,981,987			9,981,987
102	Tax Increment - Eastport	250,171												41,567	291,738
103	Tax Increment - Town Center	493,633												37,014	530,647
106	Recreational Facilities	59,500								37,824	1,212			137,164	235,700
109	Building Special Revenue	2,563,529				70,000			1,319,858		110,000		50,000	(923,000)	3,190,387
110	CDBG Special Revenue	398,763							470,170		100				869,033
199	Grant Special Revenue	5,087,136					20,041	13,486	1,196,055			(5,000,000)			1,316,718
214	Debt Svc GO	903,269													903,269
217	Debt Svc Eastport Tax Note	235,101													235,101
218	Debt Svc Town Center Bonds	402,069													402,069
220	Debt Svc Bonds	1,153,675													1,153,675
301	Capital Projects	1,747,083							2,235,535			100,650			4,083,268
306	Transp Cap Projects	150,250												190,000	340,250
311	Fire Impact Fee	222,782		80,000					369,833					(220,028)	452,587
312	Transp Impact Fee	740,150							440,630		30,001		4,000		1,214,781
317	General Cap Rplcmnt	1,500,500							5,026,536			1,303,540	1,740,574	3,783,553	13,354,703
401	Water / Sewer	33,872,093	55,000		40,000	(5,000)			4,536,693			2,151,327	32,360	(315,513)	40,366,960
403	W / S R&R	7,178,576							10,642,463		160,678		4,425,330		22,407,047
405	W / S Impact Fee	412,000							5,036,988		845,807	100,000			6,394,795
410	Solid Waste	8,549,436				500									8,549,936
412	Drainage	5,244,458				102,691			4,714,865		46,800				10,108,814
414	Drainage Bond Sinking	702,504													702,504
416	Wetland Mitigation	94,942				500								1,260,000	1,355,442
417	Water/Sewer Bond Debt Svc	4,173,388													4,173,388
418	SRF Debt Service	1,698,982													1,698,982
420	Forestry	423,382				4,500			69,356						497,238
450	Golf Course Operating	1,552,873				(1,618)			20,781				1,878,279	(20,781)	3,429,534
501	Information Technology	2,691,004				(3,000)			35,883					92,051	2,815,938
503	Vehicle Maintenance	1,210,833				3,000								(78,698)	1,135,135
504	Risk Management	1,958,597				2,000			702,336		(665,464)				1,997,469
505	Lease & Replacement	2,092,760							1,333,207			561,345	2,053,872	32,400	6,073,584
506	Building Maint	3,299,551				(5,000)			216,774				20,318	(274,318)	3,257,325
508	Loan Pool	294,885				(1,618)							3,700,000		3,993,267
606	Police Benefit Trust	4,900													4,900
607	Police Forfeiture	67,000									234,642				301,642
611	Recreation Impact Fee	17,700							1,917,823			22,540			1,958,063
615	Police Education Trust	7,000													7,000
621	Recreation Scholarship	27,300												2,300	29,600
625	Federal Police Forfeiture	50,000													50,000
Grand Total:		136,728,647	55,000	80,000	40,000	(23,472)	20,041	13,486	41,208,485	37,824	673,064	13,172,735	15,863,312	7,527,264	215,396,386

**Exhibit "A" DETAIL FOR RES. 22-37
STAFF RECOMMENDED ADJUSTMENTS**

FUND	ACCOUNT DESCRIPTION	PROPOSED ADJUSTMENT	Description
GENERAL FUND - 001			
	PRIOR YEAR FUND BALANCE	3,783,553	TO FUND THE PROJECT ROLL FORWARD
	REVENUES	3,783,553	
	PARKS & RECREATION - OTHER SUPPLIES AND EXPENSES	(2,300)	QPC059 - R PARKS FOUNDATION CREATION
	TRANSFER OUT - FUND 621	2,300	QPC059 - R PARKS FOUNDATION CREATION
	TRANSFER OUT - FUND 317	3,783,553	TO FUND THE PROJECT ROLL FORWARD
	EXPENDITURES	3,783,553	
EASTPORT CRA - 102			
	PRIOR YEAR FUND BALANCE	41,567	MISCELLANEOUS ADJUSTMENT - INCREASED REVENUES
	REVENUES	41,567	
	OTHER FINANCING USES	44,959	MISCELLANEOUS ADJUSTMENT
	COMMUNITY REDEVELOPMENT - CAPTIAL	(3,392)	MISCELLANEOUS ADJUSTMENT
	EXPENDITURES	41,567	
TOWN CENTER CRA - 103			
	TAX INCREMENT FUND REVENUE	(10,102)	INTEREST PAYMENTS
	PRIOR YEAR FUND BALANCE	(1,170)	MISCELLANEOUS ADJUSTMENT
	MISCELLANEOUS REVENUE	48,286	INTEREST PAYMENTS
	REVENUES	37,014	
	COMMUNITY REDEVELOPMENT - INTEREST PAYMENTS	37,014	INTEREST PAYMENTS
	EXPENDITURES	37,014	

RECREATIONAL FACILITIES - 106

PRIOR YEAR FUND BALANCE	137,164	TO FUND THE PROJECT ROLL FORWARD
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	REVENUES	137,164
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PARKS & RECREATION - MAINTENANCE AND REPAIRS	20,000	YMCA POOL LIGHTS
OTHER FINANCING USES	117,164	MISCELLANEOUS ADJUSTMENT

	EXPENDITURES	137,164
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COMMUNITY DEVELOPMENT BUILDING - 109

PRIOR YEAR FUND BALANCE	(1,168,000)	MISCELLANEOUS ADJUSTMENT - REVENUES LESS THAN ANTICIPATED
PERMITS, FEES AND SPECIAL ASSESSMENTS	245,000	MISCELLANEOUS ADJUSTMENT

	REVENUES	(923,000)
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COMMUNITY DEVELOPMENT - CONTRACTUAL SERVICES	(619,000)	MISCELLANEOUS ADJUSTMENT - EXPENSES LESS THAN ANTICIPATED
COMMUNITY DEVELOPMENT - MAINTENANCE AND REPAIRS	(74,000)	MISCELLANEOUS ADJUSTMENT - EXPENSES LESS THAN ANTICIPATED
COMMUNITY DEVELOPMENT - OTHER SUPPLIES AND EXPENSES	(30,000)	MISCELLANEOUS ADJUSTMENT - EXPENSES LESS THAN ANTICIPATED
COMMUNITY DEVELOPMENT - PERSONNEL SERVICES	(123,000)	MISCELLANEOUS ADJUSTMENT - EXPENSES LESS THAN ANTICIPATED
COMMUNITY DEVELOPMENT - CAPITAL	(77,000)	MISCELLANEOUS ADJUSTMENT - EXPENSES LESS THAN ANTICIPATED

	EXPENDITURES	(923,000)
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TRANSPORTATION CAPITAL PROJECTS - 306

SPECIAL ASSESSMENTS - CAPITAL IMPROVEMENT	190,000	MISCELLANEOUS ADJUSTMENT - INCREASED REVENUES
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	REVENUES	190,000
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OTHER FINANCING USES	190,000	MISCELLANEOUS ADJUSTMENT
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	EXPENDITURES	190,000
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FIRE IMPACT - 311

PRIOR YEAR FUND BALANCE	(143,482)	MISCELLANEOUS ADJUSTMENT - REVENUES LESS THAN ANTICIPATED
GENERAL REVENUES - RESIDENTIAL PUBLIC SAFETY IMPACT FEES	(76,546)	MISCELLANEOUS ADJUSTMENT - REVENUES LESS THAN ANTICIPATED

	REVENUES	(220,028)
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FIRE SERVICES - ADMIN FEES & ISF TRANSFERS	(1,546)	MISCELLANEOUS ADJUSTMENT
OTHER FINANCING USES	(218,482)	MISCELLANEOUS ADJUSTMENT

	EXPENDITURES	(220,028)
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GENERAL CAPITAL REPLACEMENT - 317

PRIOR YEAR FUND BALANCE	3,783,553	TO FUND THE PROJECT ROLL FORWARD
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	REVENUES	3,783,553
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OTHER FINANCING USES	3,783,553	TO FUND THE PROJECT ROLL FORWARD
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	EXPENDITURES	3,783,553
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WATER AND SEWER - 401

COMMERICAL WATER IMPACT FEES	(34,158)	MISCELLANEOUS ADJUSTMENT - REVENUES LESS THAN ANTICIPATED
PRIOR YEAR FUND BALANCE	(281,355)	MISCELLANEOUS ADJUSTMENT - REVENUES LESS THAN ANTICIPATED
REVENUES	(315,513)	
WATER & SEWER - ADMIN FEES & ISF TRANSFERS	(34,158)	MISCELLANEOUS ADJUSTMENT - EXPENSES LESS THAN ANTICIPATED
OTHER FINANCING USES	(281,355)	MISCELLANEOUS ADJUSTMENT - EXPENSES LESS THAN ANTICIPATED
EXPENDITURES	(315,513)	

WETLAND MITIGATION CREDIT - 416

PREMITS, FEES, AND SPECIAL ASSESSMENTS	1,260,000	MISCELLANEOUS ADJUSTMENT - REVENUES MORE THAN ANTICIPATED
REVENUES	1,260,000	
OTHER FINANCING USES	1,260,000	MISCELLANEOUS ADJUSTMENT
EXPENDITURES	1,260,000	

GOLF COURSE - 450

PRIOR YEAR FUND BALANCE	(20,781)	MISCELLANEOUS ADJUSTMENT - REVENUES LESS THAN ANTICIPATED
REVENUES	(20,781)	
OTHER FINANCING USES	(20,781)	MISCELLANEOUS ADJUSTMENT
EXPENDITURES	(20,781)	

DATA PROCESSING - 501

TRANSFER IN - FUND 505	92,051	ZMI016 - IT MAINTAIN HARDWARE INFRASTRUCTURE
REVENUES	92,051	
CAPITAL - INFORMATION TECHNOLOGY	92,051	ZMI016 - IT MAINTAIN HARDWARE INFRASTRUCTURE
EXPENDITURES	92,051	

VEHICLE MAINTENANCE - 503

PRIOR YEAR FUND BALANCE	(78,698)	MISCELLANEOUS ADJUSTMENT
REVENUES	(78,698)	
OTHER FINANCING USES	(78,698)	MISCELLANEOUS ADJUSTMENT
EXPENDITURES	(78,698)	

LEASE & REPLACEMENT - 505

PRIOR YEAR FUND BALANCE	32,400	TO FUND THE PROJECT ROLL FORWARD
REVENUES	32,400	
TRANSFER OUT - FUND 001	32,400	TO FUND THE PROJECT ROLL FORWARD
CAPITAL - INFORMATION TECHNOLOGY	(92,051)	ZMI016 - IT MAINTAIN HARDWARE INFRASTRUCTURE
TRANSFER OUT - FUND 501	92,051	ZMI016 - IT MAINTAIN HARDWARE INFRASTRUCTURE
EXPENDITURES	32,400	

BUILDING MAINTENANCE - 506

PRIOR YEAR FUND BALANCE	(274,318)	MISCELLANEOUS ADJUSTMENT - LESS THAN ANTICIPATED
REVENUES	(274,318)	
BUILDING MAINTENANCE - MAINTENANCE AND REPAIRS	(200,000)	MISCELLANEOUS ADJUSTMENT - LESS THAN ANTICIPATED
BUILDING MAINTENANCE - CONTRACTUAL SERVICES	(54,000)	MISCELLANEOUS ADJUSTMENT - LESS THAN ANTICIPATED
BUILDING MAINTENANCE - OTHER FINANCING USES	(20,318)	MISCELLANEOUS ADJUSTMENT - LESS THAN ANTICIPATED
EXPENDITURES	(274,318)	

RECREATION SCHOLARSHIP - 621

TRANSFER IN - FUND 001	2,300	QPC059 - R PARKS FOUNDATION CREATION
REVENUES	2,300	
PARKS & RECREATION - OTHER SUPPLIES AND EXPENSES	2,300	QPC059 - R PARKS FOUNDATION CREATION
EXPENDITURES	2,300	

REVENUES
7,527,264

EXPENDITURES
7,527,264

VARIANCE
-



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C9) Resolution No. 22-38 - Capital Encumbrance and Project Balance Roll forward Budget Amendment for Fiscal Year 2022-2023

DEPARTMENT: Finance

GOAL: 5 - Fiscal Sustainability

RECOMMENDED MOTION: Move to approve Resolution No. 22-38.

SUMMARY: This is the Capital Encumbrance and Project Balance Roll forward budget amendment from Fiscal Year 2022. In addition, a review of departmental operating needs was performed to see if adjustments were needed.

Staff requests the Council amend the Fiscal Year 2022-2023 budget by revising the budget in total pursuant to itemization contained in Exhibit "A" of the Resolution.

Highlights of the budget amendments include:

1. Capital Encumbrances balance roll such as

- Radios
- Vehicles
- Generators
- Software
- Utility Vehicles

2. Prior Year Project Balance Roll such as

- Public Works Maintenance Building
- Down Under Revitalization
- REC Center Remodel (Gym)
- Water Reclamation Operations Building Expansion
- Sewer System Rehab Force Main River Crossing

3. Includes additional monies for Hurricane Ian debris removal and monitoring. The funding is reimbursement from FEMA.

PRESENTER: John McKinney

ATTACHMENTS:

1.	Resolution No. 22-38 with exhibits	Resolution No. 22-38 with exhibits.pdf
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John McKinney	Created/Initiated - 10/27/2022
John McKinney	Approved - 11/9/2022
Matthew Jones	Approved - 11/9/2022
Wayne Clark	Approved - 11/9/2022
Robin Fenwick	Final Approval - 11/9/2022

RESOLUTION NO. 22-38

A RESOLUTION OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, PERTAINING TO BUDGET ADJUSTMENTS FOR FISCAL YEAR 2022-23; PROVIDING APPROVAL FOR ADJUSTMENTS OF 2022-2023 BUDGET ADJUSTMENTS; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 21, 2022, the City of Port Orange, adopted Resolution 22-30 approving the City's total operating and capital budgets for Fiscal Year 2022-23; and

WHEREAS, the City of Port Orange adopted Resolution 22-32 on October 4, 2022; amending the total operating budget for Fiscal Year 2022-23; and

WHEREAS, in order to recognize unanticipated revenues and expenditures, it is necessary to make adjustments to the City's 2022-23 operating budget.

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

Section 1. Approval of 2022-2023 Budget Adjustments. The City's 2022-23 Operating Budget is hereby adjusted as set forth in **Exhibit "A"** attached hereto. As applicable, the transfer of funds may be made from any legally acceptable source.

Section 2. The budget items adopted in the preceding section shall govern the expenditures relating to such items for the City during the ensuing fiscal year effective October 1, 2022 through September 30, 2023.

Section 3. Supplemental appropriations, reductions of appropriations, emergency appropriations, and interdepartmental transfers of appropriations may be affected 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. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

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

MAYOR DONALD O. BURNETTE

ATTEST:

Robin Fenwick, MMC, City Clerk

Adopted on the _____ day of _____

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



Exhibit "A"

AMENDED BUDGET FISCAL YEAR 2022 - 23

Fund	Description	Resolution 22-30	Resolution 22-32	Resolution 22-38	Amended Budget
001	General	48,601,261	2,000,000	2,117,105	52,718,366
019	Federal Disaster Funds	9,981,987	2,000,000	5,500,000	17,481,987
102	Tax Increment - Eastport	416,282	-	-	416,282
103	Tax Increment - Town Center	430,819	-	-	430,819
106	Recreational Facilities	235,700	-	1,212	236,912
109	Building Special Revenue	2,999,775	-	1,053,089	4,052,864
110	CDBG Special Revenue	777,846	-	300,000	1,077,846
199	Grant Special Revenue	286,379	-	285,838	572,217
214	Debt Svc GO	901,154	-	-	901,154
217	Debt Svc Eastport Tax Note	236,885	-	-	236,885
218	Debt Svc Town Center Bonds	402,609	-	-	402,609
220	Debt Svc Bonds	1,150,525	-	-	1,150,525
301	Capital Projects	2,826,909	-	2,957,971	5,784,880
306	Transp Cap Projects	150,250	-	150,250	300,500
311	Fire Impact Fee	448,000	-	-	448,000
312	Transp Impact Fee	551,696	-	770,717	1,322,413
317	General Cap Rplcmnt	11,037,097	-	4,719,501	15,756,598
401	Water / Sewer	29,135,000	-	8,435,902	37,570,902
403	W / S R&R	15,560,000	-	31,996,147	47,556,147
405	W / S Impact Fee	165,000	-	5,830,838	5,995,838
410	Solid Waste	9,187,000	-	-	9,187,000
412	Stormwater	5,703,074	-	2,391,601	8,094,675
413	Stormwater Capital	-	-	2,467,796	2,467,796
414	Drainage Bond Sinking	2,110,640	-	-	2,110,640
416	Wetland Mitigation	699,004	-	-	699,004
417	Water/Sewer Bond Debt Svc	53,945	-	-	53,945
418	SRF Debt Service	1,698,982	-	-	1,698,982
420	Forestry	397,004	-	135,000	532,004
450	Golf Course Operating	1,898,806	-	42,031	1,940,837
501	Information Technology	2,686,580	-	48,728	2,735,308
503	Vehicle Maintenance	1,296,831	-	-	1,296,831
504	Risk Management	2,419,833	-	-	2,419,833
505	Lease & Replacement	2,893,815	-	1,846,545	4,740,360
506	Building Maint	2,620,347	-	554,858	3,175,205
508	Loan Pool	179,509	-	-	179,509
606	Police Benefit Trust	4,900	-	-	4,900
607	Police Forfeiture	62,000	-	232,772	294,772
611	Recreation Impact Fee	27,000	-	384,462	411,462
615	Police Education Trust	10,000	-	-	10,000
621	Recreation Scholarship	27,300	-	2,300	29,600
625	Federal Police Forfeiture	50,000	-	-	50,000
Grand Total:		160,321,744	4,000,000	72,224,663	236,546,407

**Exhibit "A" DETAIL FOR RES. 2022-38
STAFF RECOMMENDED ADJUSTMENTS SUMMARY**

FUND	ACCOUNT DESCRIPTION	PROPOSED ADJUSTMENT	DESCRIPTION
GENERAL FUND - 001			
	Appropriated Fund Balance (001)	2,001,730	
	Interfund Transfer Revenue from Fund 317	70,002	
	Interfund Transfer Revenue from Fund 401	1,515	
	Interfund Transfer Revenue from Fund 506	43,858	
	REVENUES	2,117,105	
	Operating Expenditures	372,710	
	Capital Outlay	1,223,305	
	Transfer to Fund 301	13,000	
	Transfer to Fund 317	505,790	
	Transfer to Fund 621	2,300	
	EXPENDITURES	2,117,105	
FEDERAL DISASTER - 019			
	Transfer in from Fund 001	5,500,000	Hurricane Ian Storm Damage - Debris
	REVENUES	5,500,000	
	Budget Contingency - Hurricane Ian	5,500,000	Hurricane Ian Storm Damage - Debris
	EXPENDITURES	5,500,000	
RECREATION FACILITIES - 106			
	Appropriated Fund Balance (106)	1,212	
	REVENUES	1,212	
	Operating Expenditures	1,212	
	EXPENDITURES	1,212	
BUILDING INSPECTIONS - 109			
	Appropriated Fund Balance (109)	1,053,089	
	REVENUES	1,053,089	
	Operating Expenditures	205,267	
	Capital Outlay	847,822	
	EXPENDITURES	1,053,089	
COMMUNITY DEVELOPMENT BLOCK GRANT - 110			
	Appropriated Fund Balance (110)	300,000	
	REVENUES	300,000	
	Transfer to Fund 301	300,000	
	EXPENDITURES	300,000	
GRANT FUND - 199			
	Appropriated Fund Balance (199)	285,838	
	REVENUES	285,838	
	Transfer to Fund 317	285,838	
	EXPENDITURES	285,838	
CAPITAL FUND - 301			
	Appropriated Fund Balance (301)	1,748,004	
	Interfund Transfer Revenue from Fund 001	13,000	
	Interfund Transfer Revenue from Fund 110	300,000	
	Interfund Transfer Revenue from Fund 306	150,250	
	Interfund Transfer Revenue from Fund 312	746,717	
	REVENUES	2,957,971	
	Operating Expenditures	491,142	
	Capital Outlay	2,466,829	
	EXPENDITURES	2,957,971	

TRANSPORTATION CAPITAL PROJECTS - 306

Appropriated Fund Balance (306)	150,250
REVENUES	150,250
Transfer to Fund 301	150,250
EXPENDITURES	150,250

TRANSPORTATION IMPACT - 312

Appropriated Fund Balance (312)	770,717
REVENUES	770,717
Transfer to Fund 301	746,717
Transfer to Fund 317	24,000
EXPENDITURES	770,717

GENERAL CAPITAL REPLACEMENT - 317

Appropriated Fund Balance (317)	3,058,411
Interfund Transfer Revenue from Fund 001	505,790
Interfund Transfer Revenue from Fund 199	285,838
Interfund Transfer Revenue from Fund 312	24,000
Interfund Transfer Revenue from Fund 506	511,000
Interfund Transfer Revenue from Fund 611	334,462
REVENUES	4,719,501
Operating Expenditures	122,311
Capital Outlay	4,428,188
Budget Contingency	99,000
Transfer to Fund 001	70,002
EXPENDITURES	4,719,501

WATER & SEWER - 401

Appropriated Fund Balance (401)	8,340,002
Interfund Transfer Revenue from Fund 505	95,900
REVENUES	8,435,902
Operating Expenditures	87,356
Capital Outlay	2,207,881
Transfer to Fund 403	6,014,150
Transfer to Fund 413	125,000
Transfer to Fund 001	1,515
EXPENDITURES	8,435,902

W/S R&R - 403

Appropriated Fund Balance (403)	20,151,159
Interfund Transfer Revenue from Fund 401	6,014,150
Interfund Transfer Revenue from Fund 405	5,830,838
REVENUES	31,996,147
Operating Expenditures	45,646
Capital Outlay	31,950,501
EXPENDITURES	31,996,147

W/S IMPACT FEES - 405

Appropriated Fund Balance (405)	5,830,838
REVENUES	5,830,838
Transfer to Fund 403	5,830,838
EXPENDITURES	5,830,838

STORMWATER UTILITY - 412

Appropriated Fund Balance (412)	2,391,601
REVENUES	2,391,601
Capital Outlay	48,805
Transfer to Fund 413	2,342,796
EXPENDITURES	2,391,601

STORMWATER UTILITY CAPITAL PROJECTS - 413

Interfund Transfer Expenses from Fund 412	2,342,796
Interfund Transfer Expenses from Fund 401	125,000
REVENUES	2,467,796
Capital Outlay	2,467,796
EXPENDITURES	2,467,796

FORESTRY MANAGEMENT - 420

Appropriated Fund Balance (420)	135,000
REVENUES	135,000
Capital Outlay	135,000
EXPENDITURES	135,000

GOLF COURSE - 450

Appropriated Fund Balance (450)	42,031
REVENUES	42,031
Operating Expenditures	2,031
Capital Outlay	40,000
EXPENDITURES	42,031

INFORMATION TECHNOLOGY - 501

Appropriated Fund Balance (501)	48,728
REVENUES	48,728
Operating Expenditures	23,000
Capital Outlay	25,728
EXPENDITURES	48,728

LEASE & REPLACEMENT - 505

Appropriated Fund Balance (505)	1,846,545
REVENUES	1,846,545
Operating Expenditures	1,750,645
Capital Outlay	95,900
EXPENDITURES	1,846,545

BUILDING MAINTENANCE - 506

Appropriated Fund Balance (506)	554,858
REVENUES	554,858
Transfer to Fund 317	511,000
Transfer to Fund 001	43,858
EXPENDITURES	554,858

POLICE FORFEITURE TRUST - 607

Appropriated Fund Balance (607)	232,772
REVENUES	232,772
Operating Expenditures	232,772
EXPENDITURES	232,772

RECREATION IMPACT FEE - 611

Appropriated Fund Balance (611)	384,462
REVENUES	384,462
Capital Outlay	50,000
Transfer to Fund 317	334,462
EXPENDITURES	384,462

RECREATION SCHOLARSHIP - 621

Interfund Transfer Revenue from Fund 001	2,300
REVENUES	2,300
Operating Expenditures	2,300
EXPENDITURES	2,300

REVENUES	72,224,663
EXPENDITURES	72,224,663
VARIANCE	-

FY 2023: Roll Forward
 PREPARED: General Fund 001
 November 15th, 2022
 Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (001)	1,480,640	
Appropriated Fund Balance (001)	13,000	IMI002 Street Striping
Appropriated Fund Balance (001)	39,768	AIO200 Down Under Revitalization
Appropriated Fund Balance (001)	408,000	OBM200 Fire Station 74 Ceiling and HVAC Replacement
Appropriated Fund Balance (001)	18,473	QPC067 Fence, Dugout, Backstop Replacement
Appropriated Fund Balance (001)	17,644	QPC074 Playground Replacement
Appropriated Fund Balance (001)	16,905	QPC087 ADA Ballfield Walkways
Appropriated Fund Balance (001)	5,000	QPC200 Coraci Park North
Appropriated Fund Balance (001)	2,300	Recreation Scholarship
Interfund Transfer Revenue from Fund 317	70,002	ZMI003 City Television Station
Interfund Transfer Revenue from Fund 401	1,515	ZMI075 Finance Conference Room Rehab
Interfund Transfer Revenue from Fund 506	43,858	OBM014 Standby Power Generator Rebuild/Replacement
TOTAL REVENUES:	2,117,105	

EXPENDITURES:

Operating Expenditures	25,058	FIR017 Paramedics Training Program
Operating Expenditures	21,000	FIR019 Stress Test for Firefighters
Operating Expenditures	8,411	FIR024 Confined Space Training Props
Operating Expenditures	5,058	QPC046 Veteran's Park Brick/Trees Program
Operating Expenditures	111,703	ZCV002 Historic Tree Mitigation
Operating Expenditures	2,515	ZMI075 Finance Conference Room Rehab
Operating Expenditures	9,829	ZMI200 Police Recruiting
Operating Expenditures	115,300	ZMI201 Community Development Comprehensive Plan Update 2021
Operating Expenditures	59,528	ZMI202 Maximus Cost Allocation Study
Operating Expenditures	14,308	ZMI203 Fire Station Furniture
Capital Outlay	1,043,858	OBM014 Standby Power Generator Rebuild/Replacement
Capital Outlay	97,500	QIO201 Re-sod and Renovations to Sports Fields
Capital Outlay	76,946	ZMI003 City Television Station
Capital Outlay	5,001	ZMI075 Finance Conference Room Rehab
Transfer to Fund 301	13,000	IMI002 Street Striping
Transfer to Fund 317	39,768	AIO200 Down Under Revitalization
Transfer to Fund 317	408,000	OBM200 Fire Station 74 Ceiling and HVAC Replacement
Transfer to Fund 317	18,473	QPC067 Fence, Dugout, Backstop Replacement
Transfer to Fund 317	17,644	QPC074 Playground Replacement
Transfer to Fund 317	16,905	QPC087 ADA Ballfield Walkways
Transfer to Fund 317	5,000	QPC200 Coraci Park North
Transfer to Fund 621	2,300	Recreation Scholarship
TOTAL EXPENDITURES:	2,117,105	

EXHIBIT "A" Federal Disaster Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward

**Federal Disaster Fund 019
November 15th, 2022
Finance Staff**

**PROPOSED
BUDGET**

REVENUES:

Transfer from Fund 001

5,000,000

TOTAL REVENUES:

5,000,000

EXPENDITURES:

Budget Contingency - Hurricane Ian

5,000,000 ZEM203 Hurricane Ian

TOTAL EXPENDITURES:

5,000,000

EXHIBIT "A" Recreation Facilities Fund Details

Resolution Number: 22-38 Exhibit "A" Details

**FY 2023: Roll Forward Recreation Facilities Fund 106
November 15th, 2022
Finance Staff**

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (106)	1,212
TOTAL REVENUES:	<u>1,212</u>

EXPENDITURES:

Operating Expenditures	1,212	QPC020 YMCA Repairs
TOTAL EXPENDITURES:	<u>1,212</u>	

EXHIBIT "A" Community Development Building Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward

Community Development Building Fund 109

November 15th, 2022

Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (109) 1,053,089

TOTAL REVENUES: 1,053,089

EXPENDITURES:

Operating Expenditures 109,347 ZMI057 Community Development Digital Plan Review

Operating Expenditures 50,000 ZMI065 Community Development City Hall Repurposing

Operating Expenditures 45,920 ZMI204 Community Development Fee Study

Capital Outlay 847,822 ZMI057 Community Development Digital Plan Review

TOTAL EXPENDITURES: 1,053,089

EXHIBIT "A" Community Development Block Grant Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward

Community Development Block Grant 110

November 15th, 2022

Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (110) **300,000** OMI200 City Center Circle Sidewalk

TOTAL REVENUES: **300,000**

EXPENDITURES:

Transfer to Fund 301 **300,000** OMI200 City Center Circle Sidewalk

TOTAL EXPENDITURES: **300,000**

EXHIBIT "A" Grant Fund Details**Resolution Number: 22-38 Exhibit "A" Details****FY 2023: Roll Forward****Grant Fund 199
November 15th, 2022
Finance Staff**

**PROPOSED
BUDGET**

REVENUES:**Appropriated Fund Balance (199)****218,500** QPC082 REC Center Remodel and Expansion**Appropriated Fund Balance (199)****67,338** XSG200 SUNTrail St. Johns River-to-Sea Loop**TOTAL REVENUES:**

285,838

EXPENDITURES:**Transfer to Fund 317****218,500** QPC082 REC Center Remodel and Expansion**Transfer to Fund 317****67,338** XSG200 SUNTrail St. Johns River-to-Sea Loop**TOTAL EXPENDITURES:**

285,838

EXHIBIT "A" Capital Project Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward Capital Project Fund 301
November 15th, 2022
Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (301)	1,748,004	
Interfund Transfer Revenue from Fund 001	13,000	IMI002 Street Stripping
Interfund Transfer Revenue from Fund 110	300,000	OMI200 City Center Circle Sidewalks
Interfund Transfer Revenue from Fund 306	150,250	
Interfund Transfer Revenue from Fund 312	746,717	

TOTAL REVENUES:	2,957,971
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EXPENDITURES:

Operating Expenditures	48,141	IMI001 Signage
Operating Expenditures	114,655	IMI002 Street Stripping
Operating Expenditures	145,462	IMI014 Curb & Guardrail Replacement
Operating Expenditures	4,166	IMI200 APS & Sidewalk Gaps (Dunlawton & Nova Corridors)
Operating Expenditures	14,677	OMI001 Oak St Railroad Crossing
Operating Expenditures	5,790	OMI002 Charles St Railroad Crossing
Operating Expenditures	2,001	OMI035 Madeline Ave West Sidewalk/Trail
Operating Expenditures	2,000	OMI037 Taylor Rd/Clyde Morris Blvd Intersection Improvement
Operating Expenditures	150,250	PNC015 Yorktowne North Segment
		PNC025 Spruce Creek Elem School East Bound Taylor Rd Right Turn
Operating Expenditures	2,000	Lane & Ped. Improvement
Operating Expenditures	2,000	PNC201 Madeline Ave Widening - Clyde Morris to Nova
 Capital Outlay	 159,800	 IMI014 Curb & Guardrail Replacement
Capital Outlay	549,803	OMI007 Sidewalk Maintenance
Capital Outlay	23,000	OMI032 Madeline Ave East and Bruner Rd Trail/Sidewalk
Capital Outlay	28,000	OMI035 Madeline Ave West Sidewalk/Trail
Capital Outlay	413,716	OMI036 Sidewalk Gap Project
Capital Outlay	37,000	OMI037 Taylor Rd/Clyde Morris Blvd Intersection Improvement
Capital Outlay	350,000	OMI200 City Center Circle Sidewalks
Capital Outlay	52,000	PNC015 Yorktowne North Segment
Capital Outlay	2,000	PNC016 East & West Bound Herbert St Turn Lanes @ Nova Rd.
Capital Outlay	5,834	PNC024 Clyde Morris Turn Lane Bundle
Capital Outlay	726,708	PNC200 Yorktowne & Dunlawton Turn Lane Bundle
Capital Outlay	118,968	POL204 Paving Program FY22

TOTAL EXPENDITURES:	2,957,971
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EXHIBIT "A" Transportation Capital Project Fund Details**Resolution Number: 22-38 Exhibit "A" Details****FY 2023: Roll Forward****Transportation Capital Projects 306****November 15th, 2022****Finance Staff**

**PROPOSED
BUDGET**

REVENUES:**Appropriated Fund Balance (306)** **150,250** PNC015 Yorktowne North Segment**TOTAL REVENUES:** **150,250****EXPENDITURES:****Transfer to Fund 301** **150,250** PNC015 Yorktowne North Segment**TOTAL EXPENDITURES:** **150,250**

EXHIBIT "A" Transportation Impact Fees Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward Transportation Impact Fees 312
November 15th, 2022
Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (312)	770,717
TOTAL REVENUES:	770,717

EXPENDITURES:

Transfer to Fund 301	23,000	OMI032 Madeline Ave East and Burner Rd Trail/Sidewalks
Transfer to Fund 301	30,001	OMI035 Madeline Ave West Sidewalk/Trail
Transfer to Fund 301	413,716	OMI036 Sidewalk Gap Project
Transfer to Fund 301	39,000	OMI037 Taylor Rd/Clyde Morris Blvd Intersection Improvements
Transfer to Fund 301	52,000	PNC015 Yorktowne North Segment
Transfer to Fund 301	187,000	PNC200 Yorktowne & Dunlawton Turn Lane Bundles
Transfer to Fund 301	2,000	PNC201 Madeline Ave Widening - Clyde Morris to Nova
Transfer to Fund 317	24,000	XSG200 SunTrail St. Johns River-to-Sea Loop
TOTAL EXPENDITURES:	770,717	

EXHIBIT "A" General Capital Replacement Fund Details

Resolution Number: 22-38 Exhibit "A" Details

**FY 2023: Roll Forward General Capital Replacement Fund 317
November 15th, 2022
Finance Staff**

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (317)	2,988,409	
Appropriated Fund Balance (317)	70,002	ZMI003 City Television Station
Interfund Transfer Revenue from Fund 001	505,790	
Interfund Transfer Revenue from Fund 199	285,838	
Interfund Transfer Revenue from Fund 312	24,000	
Interfund Transfer Revenue from Fund 506	511,000	
Interfund Transfer Revenue from Fund 611	334,462	
TOTAL REVENUES:	4,719,501	

EXPENDITURES:

Operating Expenditures	39,768	AIO200 Down Under Revitalization
Operating Expenditures	5,000	QPC200 Coraci Park North
Operating Expenditures	77,543	ZMI076 ADA Transition Plan
Capital Outlay	7,729	AIO032 I-95 Signage
Capital Outlay	24,155	CNE200 Public Works Workshop/Maintenance Building
Capital Outlay	25,000	FIR100 Station Based Alerting System
Capital Outlay	88,000	OBI200 Roof Repair - Fleet Building
Capital Outlay	325,000	OBI201 Public Works Facility Mold and Remediation
Capital Outlay	200,000	OBM012 Public Works Administration Building Rehab
Capital Outlay	506,000	OBM200 Fire Station 74 Ceiling and HVAC Replacement
Capital Outlay	50,000	OIO201 Police Department Impound Yard
Capital Outlay	170,000	ORE200 City Center Walkway Enclosure Reglazing
Capital Outlay	302,000	POL200 Resurface Parking Lots - City Parks
Capital Outlay	70,000	POL202 Resurfacing City Facilities - Public Works
Capital Outlay	125,000	POL203 Resurfacing Parking Lots - City Facilities
Capital Outlay	39,567	QPC067 Fence, Dugout, Backstop Replacement
Capital Outlay	47,522	QPC074 Playground Replacements
Capital Outlay	1,008,612	QPC082 REC Center Remodel and Expansion
Capital Outlay	16,905	QPC087 ADA Ballfield Walkways
Capital Outlay	34,630	QPC201 Ballfield Lamp Replacements
Capital Outlay	990,000	QPC202 Parks and Recreation Office Building FY23
Capital Outlay	68,962	QPI202 Parks and Recreation Maintenance Building
Capital Outlay	31,204	TIP200 Police Dept Surveillance System
Capital Outlay	93,338	XSG200 SUNTrail St. Johns River-to-Sea Loop
Capital Outlay	132,566	ZMI076 ADA Transition Plan
Capital Outlay	71,998	ZMI205 Police Radio Compatibility Purchase & Upgrades
Budget Contingency	99,000	QPC202 Parks and Recreation Office Building FY23
Transfer to Fund 001	70,002	ZMI003 City Television Station
TOTAL EXPENDITURES:	4,719,501	

EXHIBIT "A" Water & Sewer System Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward Water & Sewer System 401
 November 15th, 2022
 Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (401)	6,014,150	
Appropriated Fund Balance (401)	2,003,992	WIP200 Customer Service ERP System
Appropriated Fund Balance (401)	87,356	ZMI068 Water/Sewer/Reclaim Rate Analysis
Appropriated Fund Balance (401)	125,000	DIP202 City Center Improvements
Appropriated Fund Balance (401)	1,515	ZMI075 Finance Conference Room Rehab
Appropriated Fund Balance (401)	101,516	PO-001981
Appropriated Fund Balance (401)	6,473	PO-002345

Interfund Transfer Revenue from Fund 505	95,900	WIP200 Customer Service ERP System
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TOTAL REVENUES:	8,435,902	
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EXPENDITURES:

Operating Expenditures	87,356	ZMI068 Water/Sewer/Reclaim Rate Analysis
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Capital Outlay	2,099,892	WIP200 Customer Service ERP System
Capital Outlay	101,516	PO-001981
Capital Outlay	6,473	PO-002345

Transfer to Fund 403	119,000	CIP200 Customer Service Remodel
Transfer to Fund 403	290,138	EUR000 Emergency Utility Repairs
Transfer to Fund 403	213,111	MME003 Telemetry I & C Wastewater Treatment
Transfer to Fund 403	170,140	MME004 Telemetry I & C Water Production
Transfer to Fund 403	747,889	SLS004 Lift Station Rehab Herbert & Nova
Transfer to Fund 403	43,447	SSP002 Water Reclamation Facility - R&R
Transfer to Fund 403	405,508	SSP015 Water Reclamation Operations Building Expansion
Transfer to Fund 403	3,767	UBO011 Field Operations New Facility
Transfer to Fund 403	258,702	UET023 Sewer System Expansion
Transfer to Fund 403	857,400	URH001 Sewer System Rehab
Transfer to Fund 403	146,485	URL007 Utility Coordination and Relocation
Transfer to Fund 403	1,770,959	URP001 Water System Replacement
Transfer to Fund 403	63,455	URP011 Water Main Replacement Prior to PW Improvements
Transfer to Fund 403	128,837	WRP200 Water System Rehab - 16" Water Main River Crossing
Transfer to Fund 403	489,374	WWP003 Water Treatment Plant R&R Equipment
Transfer to Fund 403	206,000	WWP200 Garnsey Water Plant Exterior Painting
Transfer to Fund 403	99,938	WWW002 Wastewater Repairs and Maintenance

Transfer to Fund 413	125,000	DIP202 City Center Improvements
Transfer to Fund 001	1,515	ZMI075 Finance Conference Room Rehab

TOTAL EXPENDITURES:	8,435,902	
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EXHIBIT "A" Water and Sewer R&R Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward Water and Sewer R&R 403
 November 15th, 2022
 Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (403)	20,151,159
Interfund Transfer Revenue from Fund 401	6,014,150
Interfund Transfer Revenue from Fund 405	5,830,838
TOTAL REVENUES:	<u>31,996,147</u>

EXPENDITURES:

Operating Expenditures	45,646	SLS002 Water Reclamation Facility - Replace Existing Lift Stations
Capital Outlay	119,000	CIP200 Customer Service Remodel
Capital Outlay	290,138	EUR000 Emergency Utility Repairs
Capital Outlay	432,826	MME003 Telemetry I & C Wastewater Treatment
Capital Outlay	170,140	MME004 Telemetry I & C Water Production
Capital Outlay	257,955	MPL001 Utilities Master Plan
Capital Outlay	622,936	SLS002 Water Reclamation Facilities - Replace Existing Lift Stations
Capital Outlay	1,072,889	SLS004 Lift Station Rehab Herbert & Nova
Capital Outlay	691,175	SLS200 Ocean Lift Station Rehab
Capital Outlay	838,464	SLS201 Christianity Lift Station Rehab
Capital Outlay	794,131	SSP002 Water Reclamation Facility - R&R
Capital Outlay	1,501,992	SSP012 Water Reclamation Facility Electric System Repair/Replacement
Capital Outlay	405,508	SSP015 Water Reclamation Facility Operations Building Expansion
Capital Outlay	500,000	SSP016 Water Reclamation Facility Nutrient Removal Process Improvements
Capital Outlay	300,000	SSP017 Water Reclamation Facility Water Reuse Program
Capital Outlay	7,128,145	SSP018 Generator Replacement
Capital Outlay	616,667	SSP200 Water Reclamation Facility Filter Rehabilitation
Capital Outlay	3,937,136	UBO011 Field Operations New Facility
Capital Outlay	433,030	UCP001 Engineering - City Cost Participation Project
Capital Outlay	271,445	UET001 Engineering - Water System Extensions/Upsizing
Capital Outlay	1,872,847	UET023 Sewer System Expansion
Capital Outlay	857,400	URH001 Sewer System Rehabilitation
Capital Outlay	842,782	URH003 Sewer System Rehab Force Main River Crossing
Capital Outlay	146,485	URL007 - Utility Coordination and Relocation
Capital Outlay	4,438,725	URP001 Water System Replacement
Capital Outlay	113,455	URP011 Water Main Replacement Prior to Public Works Improvements
Capital Outlay	145,000	WIP001 Water Treatment Plant Softener Replacement
Capital Outlay	760,000	WRP001 City-wide Class Pipe Replacement
Capital Outlay	335,811	WRP002 Ridgewood Ave Water Main Replacement
Capital Outlay	128,837	WRP200 Water System Rehab - 16" Water Main River Crossing
Capital Outlay	994,644	WWP003 Water Treatment Plant R&R Equipment
Capital Outlay	300,000	WWP007 Water Treatment Plant 1M Gallon Water Storage Tank
Capital Outlay	300,000	WWP008 Water Treatment Plant Raw Water Main Replacement
Capital Outlay	206,000	WWP200 Garnsey Water Plant Exterior Painting
Capital Outlay	99,938	WWW002 Wastewater Repairs/Maintenance
Capital Outlay	25,000	WWW005 Production Well Replacement
TOTAL EXPENDITURES:	<u>31,996,147</u>	

EXHIBIT "A" Water & Sewer Impact Fees Fund Details**Resolution Number: 22-38 Exhibit "A" Details**

FY 2023: Roll Forward
Water & Sewer Impact Fees 405
November 15th, 2022
Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (405)	5,830,838
TOTAL REVENUES:	<u>5,830,838</u>

EXPENDITURES:

Transfer to Fund 403	151,227	MPL001 Utilities Master Plan
Transfer to Fund 403	8,145	SSP002 Water Reclamation Facility R&R
Transfer to Fund 403	500,000	SSP016 Water Reclamation Facility Nutrient Removal Process Improvements
Transfer to Fund 403	300,000	SSP017 Water Reclamation Facility Water Reuse Program
Transfer to Fund 403	433,030	UCP001 Engineering - City Cost Participation Project
Transfer to Fund 403	271,445	UET001 Engineering - Water System Extension/Upsizing
Transfer to Fund 403	1,614,145	UET023 Sewer System Expansion
Transfer to Fund 403	765,522	URH003 Sewer System Rehab Force Main River Crossing
Transfer to Fund 403	1,151,513	URP001 Water System Replacement
Transfer to Fund 403	335,811	WRP002 Ridgewood Ave Water Main Replacement
Transfer to Fund 403	300,000	WWP007 Water Treatment Plant 1M Gallon Storage Tank
TOTAL EXPENDITURES:	<u>5,830,838</u>	

EXHIBIT "A" Stormwater Utility Fund Details**Resolution Number: 22-38 Exhibit "A" Details**

FY 2023: Roll Forward Stormwater Utility 412
November 15th, 2022
Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (412)	2,342,796	
Appropriated Fund Balance (412)	6,583	PO-002008
Appropriated Fund Balance (412)	42,222	PO-002344
TOTAL REVENUES:	2,391,601	

EXPENDITURES:

Capital Outlay	6,583	PO-002008
Capital Outlay	42,222	PO-002344
Transfer to Fund 413	176,800	DIP068 Halifax River Outfall Replacements
Transfer to Fund 413	382,280	DIP073 Stormwater Master Plan Phase II
Transfer to Fund 413	668,716	DIP075 Drainage Pipe R&R
Transfer to Fund 413	45,000	DIP200 Southwinds Stormwater Pond Outfall Retrofit
Transfer to Fund 413	140,000	DIP201 White Pl & Riverside Dr Drainage Improvement
Transfer to Fund 413	325,000	DIP202 City Center Improvements
Transfer to Fund 413	155,000	DIP203 Delmar & Palmas Dr. Drainage Improvements
Transfer to Fund 413	450,000	DIP204 Jackson & Oak St. Drainage Improvements
TOTAL EXPENDITURES:	2,391,601	

EXHIBIT "A" Stormwater Utility Capital Project Fund Details**Resolution Number: 22-38 Exhibit "A" Details****FY 2023: Roll Forward****Stormwater Utility Capital Project 413****November 15th, 2022****Finance Staff**

**PROPOSED
BUDGET**

REVENUES:

Interfund Transfer Expenses from Fund 412	2,342,796
Interfund Transfer Expenses from Fund 401	125,000
TOTAL REVENUES:	<u>2,467,796</u>

EXPENDITURES:

Capital Outlay	176,800	DIP068 Halifax River Outfall Replacement
Capital Outlay	382,280	DIP073 Stormwater Master Plan Phase II
Capital Outlay	668,716	DIP075 Drainage Pipe R&R
Capital Outlay	45,000	DIP200 Southwinds Stormwater Pond Outfall Retrofit
Capital Outlay	140,000	DIP201 White Pl & Riverside Dr. Drainage Improvement
Capital Outlay	450,000	DIP202 City Center Improvements
Capital Outlay	155,000	DIP203 Delmar & Palmas Dr. Drainage Improvement
Capital Outlay	450,000	DIP204 Jackson & Oak Str Drainage Improvements
TOTAL EXPENDITURES:	<u>2,467,796</u>	

EXHIBIT "A" Forestry Management Fund Details**Resolution Number: 22-38 Exhibit "A" Details**

FY 2023: Roll Forward Forestry Management 420
November 15th, 2022
Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (420)	135,000
TOTAL REVENUES:	<u>135,000</u>

EXPENDITURES:

Capital Outlay	135,000	CNE201 Storage Barn for Forestry Management Equipment
TOTAL EXPENDITURES:	<u>135,000</u>	

EXHIBIT "A" Golf Course Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward
Golf Course 450
November 15th, 2022
Finance Staff

PROPOSED
BUDGET

REVENUES:

Appropriated Fund Balance (450) 42,031

TOTAL REVENUES: 42,031

EXPENDITURES:

Operating Expenditures 2,031 QPC072 CHGC Restroom and Clubhouse Maintenance

Capital Outlay 40,000 QIP203 CHGC Restroom Renovation FY23

TOTAL EXPENDITURES: 42,031

EXHIBIT "A" Data Processing Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward

Data Processing 501
November 15th, 2022
Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (501) 48,728

TOTAL REVENUES: 48,728**EXPENDITURES:****Operating Expenditures**

Capital Outlay 23,000 TIP201 Cybersecurity Improvements

Capital Outlay 25,728 ZMI016 IT Maintain Hardware Infrastructure

TOTAL EXPENDITURES: 48,728

EXHIBIT "A" Lease & Replacement Fund Details**Resolution Number: 22-38 Exhibit "A" Details**

FY 2023: Roll Forward
Lease & Replacement 505
November 15th, 2022
Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (505)	559,694	
Appropriated Fund Balance (505)	1,190,951	
Appropriated Fund Balance (505)	95,900	WIP200 Customer Service ERP System
TOTAL REVENUES:	1,846,545	

EXPENDITURES:**Operating Expenditures**

Capital Outlay	8,896	FIR021 Radios - Replacement Portable
Capital Outlay	453,526	PDVEH_WIP Police Vehicles
Capital Outlay	50,963	ZMI015 IT Municipal Network
Capital Outlay	46,309	ZMI032 Public Safety Technology Refresh
Capital Outlay	1,190,951	PO's
Transfer to Fund 401	95,900	WIP200 Customer Service ERP System
TOTAL EXPENDITURES:	1,846,545	

EXHIBIT "A" Building Maintenance Fund Details

Resolution Number: 22-38 Exhibit "A" Details

FY 2023: Roll Forward

Building Maintenance 506
November 15th, 2022
Finance Staff

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (506)	554,858
TOTAL REVENUES:	554,858

EXPENDITURES:

Transfer to Fund 317	88,000	OBI200 Roof Repair - Fleet Building
Transfer to Fund 317	325,000	OBI201 Public Works Facility Mold and Remediation
Transfer to Fund 317	98,000	OBM200 Fire Station 74 Ceiling and HVAC Replacement
Transfer to Fund 001	43,858	OBM014 Standby Power Generator Rebuild/Replacement
TOTAL EXPENDITURES:	554,858	

EXHIBIT "A" Police Forfeiture Trust Fund Details

Resolution Number: 22-38 Exhibit "A" Details

**FY 2023: Roll Forward Police Forfeiture Trust 607
November 15th, 2022
Finance Staff**

**PROPOSED
BUDGET**

REVENUES:

Appropriated Fund Balance (607)	232,772
TOTAL REVENUES:	<u>232,772</u>

EXPENDITURES:

Operating Expenditures	232,772	CNE607 Reserved for Education Awareness - Police Forfeiture Trust
TOTAL EXPENDITURES:	<u>232,772</u>	



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C10) Resolution No. 22-39 - Accepting \$95,122 for 2022-2023 Victims of Crime Act (VOCA) Grant

DEPARTMENT: Finance

GOAL: 1 - Public Safety

RECOMMENDED MOTION: Move to approve Resolution No. 22-39 ratifying and accepting grant funds from the State of Florida Office of the Attorney General in the amount of \$95,122 for the Victims of Crime Act (VOCA) Grant program and authorize the Mayor to execute all award documents when received.

SUMMARY: The Police Department was awarded \$95,122 from the Victims of Crime Act (VOCA) Grant program. The 2022-2023 funding cycle will continue to assist victims of crime. The Grant Fund FY 2022-2023 Adopted Budget will be amended to reflect the \$95,122 from VOCA . This award amount is consistent with the award our agency received for the 2021-2022 grant cycle. There will be no changes made to the expenditure line items within the Police department budget and there is no required match.

PRESENTER: John McKinney

ATTACHMENTS:

1.	Resolution No. 22-39	11-15 Resolution No 22-39 VOCA grant.pdf
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John McKinney	Created/Initiated - 10/24/2022
Manuel Marino	Approved - 10/24/2022
John McKinney	Approved - 10/26/2022
Matthew Jones	Approved - 11/4/2022
Wayne Clark	Approved - 11/8/2022
Robin Fenwick	Final Approval - 11/8/2022

RESOLUTION NO. 22-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA; RATIFYING THE APPLICATION FOR AND AUTHORIZING THE MAYOR AND CITY CLERK TO APPROVE THE ACCEPTANCE OF GRANT FUNDS FROM THE STATE OF FLORIDA IN THE AMOUNT OF \$95,122.00 FOR THE VICTIMS OF CRIME ACT (VOCA) GRANT PROGRAM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AGREEMENTS OR CONTRACTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Port Orange Police Department has been awarded \$95,122.00 from the State of Florida Department of Legal Affairs Office of the Attorney General to assist victims of crime; and

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

Section 1. The Mayor and City Clerk of the City of Port Orange hereby ratify the application for and authorize acceptance of the grant funds from the State of Florida award of the Victims of Crime Act grant in the amount of \$95,122.00.

Section 2. The Mayor and City Clerk are hereby authorized to execute all documents between the City of Port Orange and the State of Florida necessary to implement this Resolution.

Section 3. Matching funds have been waived for this grant award.

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: _____
Shannon K. Balmer, Assistant City Attorney



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C11) Resolution No. 22-40- Accepting the grant award from the U.S. Department of Justice FY 22 Patrick Leahy Bulletproof Vest Partnership Project in the amount of \$17,278.50

DEPARTMENT: Finance

GOAL: 1 - Public Safety
5 - Fiscal Sustainability

RECOMMENDED MOTION: Move to approve Resolution No 22-40, accepting the grant award from U.S. Department of Justice FY22 Patrick Leahy Bulletproof Vest Partnership in the amount of \$17,278.50 and authorize Mayor and City Clerk to execute all necessary documents.

SUMMARY: The U.S. Department of Justice has approved the City's grant application for the FY22 Patrick Leahy Bulletproof Vest Partnership Project, awarding \$17,278.50 to fund 50% of the costs to purchase 25 bulletproof vests for the Police Department. The cost share for this project is an equal amount of \$17,278.50 that has been budgeted as part of the FY23 budget for the Police Department. The total cost to purchase 25 vests is \$34,557.00.

PRESENTER: John McKinney

ATTACHMENTS:

1.	Resolution No. 22-40	11-15 Resolution No. 22-40 DOJ Patrick Leahy Grant for Bulletproof vests.pdf
2.	Application Details and Approval	Application Details and Approval.pdf
3.	FY2022 BVP Awards	FY2022 BVP Awards.pdf

Robin Fenwick	Created/Initiated - 10/27/2022
John McKinney	Approved - 10/27/2022
Matthew Jones	Approved - 11/4/2022
Wayne Clark	Approved - 11/4/2022
Robin Fenwick	Final Approval - 11/4/2022

RESOLUTION NO. 22-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ACCEPTING FINANCIAL GRANT ASSISTANCE FROM THE U.S. DEPARTMENT OF JUSTICE PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS AND CONTRACTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Port Orange Police Department applied for a U.S. Department of Justice Patrick Leahy Bulletproof Vest Partnership (BPV) 2022 Grant for the purchase of bulletproof vests; and

WHEREAS, the U.S. Department of Justice 2022 Patrick Leahy Bulletproof Vest Partnership (BVP) approved the grant application in the amount of \$17,278.50 to fund 50% of the cost of the bulletproof vests.

WHEREAS, the City Council of the City of Port Orange desires to accept the financial grant assistance from the U.S. Department of Justice BVP.

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

Section 1. The City Council of the City of Port Orange hereby accepts the U.S. DOJ 2022 Patrick Leahy Bulletproof Vest Partnership Grant in the amount of \$17,278.50.

Section 2. The Mayor and the City Clerk of the City of Port Orange are hereby authorized to execute agreements or contracts necessary to implement this Resolution.

Section 3. This Resolution shall become effective immediately upon adoption.

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MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Adopted on the _____ day of _____, 2022

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

APPLICATION DETAILS

APPLICATION PROFILE

Participant	PORT ORANGE CITY
Fiscal Year	2022
Number of Agencies Applied	0
Total Number of Officers for Application	96
Number of Officers on Approved Applications	96

APPLICATION PROFILE

Fiscal Year		2022
Vest Replacement Cycle 		5
Number of Officers		96
Number of Emergency Replacement Needs 	Number of Stolen or Damaged	0
	Number of Officer Turnover	5

APPLICATION DETAILS

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
HW-2019-01-SB	25	\$1,382.24	\$34,556.00	\$1.00	\$34,557.00
Grand Totals	25		\$34,556.00	\$1.00	\$34,557.00

AWARD SUMMARY FOR FY2022 REGULAR FUND

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$34,557.00	\$17,278.50	09/21/22	Approved by BVP
Grand Totals:	\$34,557.00	\$17,278.50		

RETURN

FL	LARGO CITY	\$16,483.50
FL	LAUDERHILL CITY	\$21,811.00
FL	LEESBURG CITY	\$11,004.00
FL	LIGHTHOUSE POINT CITY	\$7,488.00
FL	LIVE OAK CITY	\$6,178.26
FL	LONGWOOD CITY	\$4,765.00
FL	MANALAPAN TOWN	\$1,450.00
FL	MARGATE CITY	\$7,647.45
FL	MARIANNA CITY	\$703.50
FL	MELBOURNE BEACH TOWN	\$1,180.00
FL	MELBOURNE CITY	\$11,134.50
FL	MELBOURNE VILLAGE TOWN	\$2,562.48
FL	MICCOSUKEE TRIBE	\$7,620.00
FL	MONROE COUNTY	\$23,440.50
FL	MOUNT DORA CITY	\$3,712.50
FL	NAPLES CITY	\$11,250.00
FL	NASSAU COUNTY	\$9,280.00
FL	NEW SMYRNA BEACH CITY	\$9,918.10
FL	NORTH MIAMI BEACH CITY	\$12,000.00
FL	NORTH PALM BEACH VILLAGE	\$2,957.85
FL	NORTH PORT CITY	\$15,720.00
FL	OAKLAND TOWN	\$2,250.00
FL	OCALA CITY	\$23,025.00
FL	OCEAN RIDGE TOWN	\$3,045.00
FL	OCOE CITY	\$16,909.56
FL	OKEECHOBEE COUNTY	\$9,287.50
FL	PALM BEACH TOWN	\$10,323.00
FL	PALM SPRINGS VILLAGE	\$6,800.00
FL	PALMETTO CITY	\$3,600.00
FL	PANAMA CITY	\$8,400.00
FL	PANAMA CITY BEACH CITY	\$13,583.00
FL	PENSACOLA CITY	\$19,742.80
FL	PINECREST VILLAGE	\$4,499.55
FL	PLANT CITY	\$8,800.00
FL	PLANTATION CITY	\$39,065.00
FL	PONCE INLET TOWN	\$1,499.85
FL	PORT ORANGE CITY	\$17,278.50
FL	PUNTA GORDA CITY	\$4,500.00
FL	PUTNAM COUNTY	\$23,672.00
FL	PEMBROKE PARK CITY	\$11,600.00
FL	RIVIERA BEACH CITY	\$17,622.50
FL	ROCKLEDGE CITY	\$6,780.00
FL	SANFORD CITY	\$13,948.20
FL	SARASOTA CITY	\$34,675.52
FL	SEBASTIAN CITY	\$4,627.50
FL	SEBRING CITY	\$3,532.50
FL	SEMINOLE TRIBE OF FLORIDA	\$13,332.77
FL	SEWALLS POINT TOWN	\$1,200.00
FL	SHALIMAR TOWN	\$3,200.00



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C12) Resolution No. 22-41 - Partial Drainage & Utility Easement Vacation on Lot 14, Sugar Mill Subdivision (3574 Sugarplum Lane)

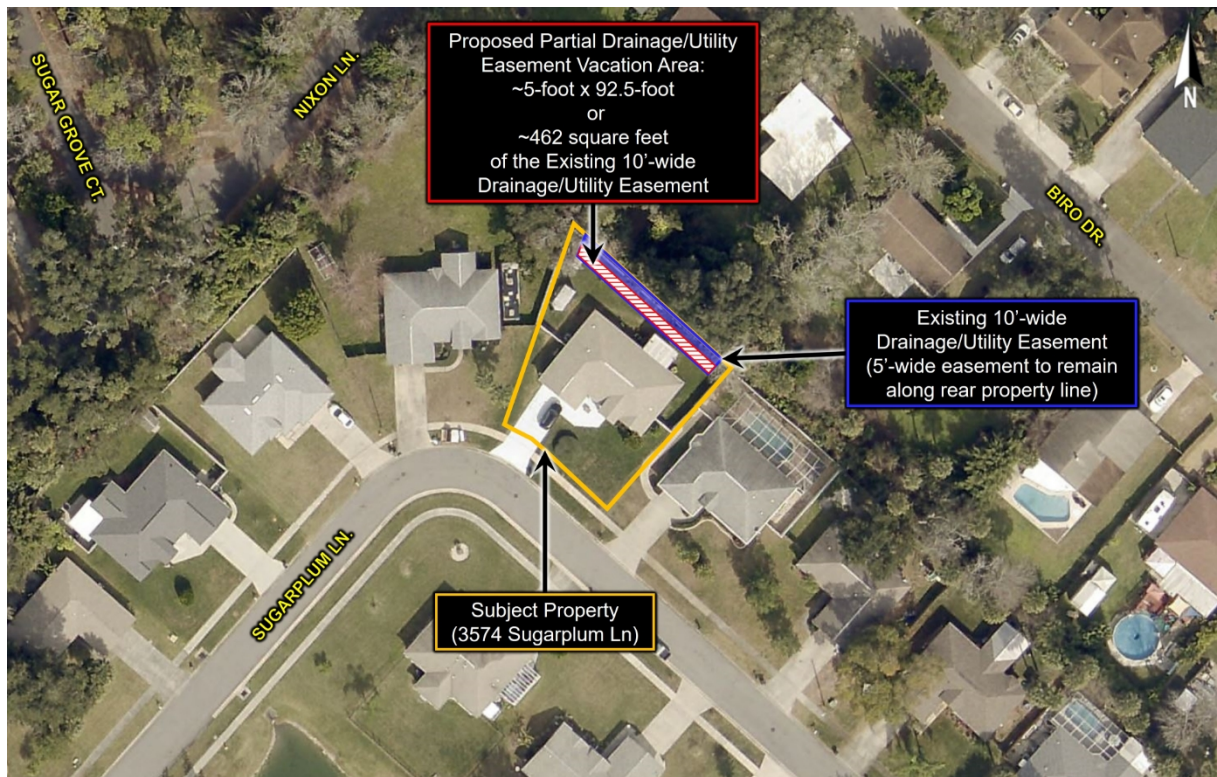
DEPARTMENT: Community Development

GOAL: 3 - Quality of Life

RECOMMENDED MOTION: Move to approve Resolution No. 22-41 to vacate a 5-foot-wide portion of the existing 10-foot-wide Drainage & Utility Easement on Lot 14 of Sugar Mill Subdivision.

SUMMARY: Community Development has received an easement vacation application for a partial vacation of an existing Drainage & Utility Easement to accommodate the construction of a pool deck and pool screen enclosure. The subject property, Lot 14 in the Sugar Mill Subdivision, is located at 3574 Sugarplum Lane. There is a platted 10-foot-wide Drainage & Utility Easement along the rear property line. The property owners, Harold and Thomasina Middleton met with City staff regarding the proposed partial easement vacation of a 5-foot x 92.5-foot portion or +/- 462 square feet of the existing 10-foot-wide Drainage & Utility Easement (+/- 925 square feet) along the rear property line.

City departments have reviewed the application and have no outstanding concerns. The property owners have been advised that for the pool permit construction, no change of grade is permissible, no fill is allowed, and all stormwater runoff will be required to be conveyed toward the street. All franchise utility companies have provided a release letter for the subject area. The easement vacation application and legal description have been reviewed for completeness and accuracy. The easement area requested to be vacated is shown below and as described in Resolution No. 22-41.



PRESENTER: Tim Burman

ATTACHMENTS:

1.	Resolution No. 22-41 with exhibit	11-15 Resolution No 22-41 Partial Easement vacation 3579 Sugarplum lane.pdf
2.	Proposed pool site plan	Proposed pool site plan.pdf
3.	3574 Sugarplum Lane - Easement Vacation Graphic	3574 Sugarplum Lane - Easement Vacation Graphic.jpg

Lisa Epstein
Tim Burman
Shannon Balmer
Wayne Clark
Robin Fenwick

Created/Initiated - 10/12/2022
Approved - 10/31/2022
Approved - 11/4/2022
Approved - 11/4/2022
Final Approval - 11/4/2022

RESOLUTION NO.22-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORT ORANGE, VOLUSIA COUNTY, FLORIDA,
VACATING A PORTION OF THE REAR YARD DRAINAGE
AND UTILITY EASEMENT LOCATED AT 3574
SUGARPLUM LANE, LOT 14 OF SUGARMILL
SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harold Middleton, Jr. and Thomasina Middleton, are the record property owners of Lot 14, Sugarmill Subdivision, according to the Warranty Deed recorded in Official Records Book 5646, Page 3265, Public Records of Volusia County, Florida, and have applied for the vacation of approximately a 5-foot wide x 92.5-foot long portion of the existing 10-foot-wide Utility and Drainage Easement located along the rear lot line of 3574 Sugarplum Lane, in connection with the construction of a pool and concrete decking; and

WHEREAS, the applicant has complied with the requirements of Section 177.101(4), Florida Statutes; and

WHEREAS, the City Council of the City of Port Orange has the power and authority to vacate publicly dedicated easements within the City limits under constitutional home rule powers and Chapters 166 and 177, Florida Statutes; and

WHEREAS, the City Council of the City of Port Orange has determined that the public's interest in that portion of the easement to be vacated is not required in its present location, and that it is in the best interest and welfare of the City of Port Orange and the citizens thereof to vacate and abandon that portion of the drainage and utility easement as more particularly described on the attached **Exhibit "A."**

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

Section 1. The interest of the public in the portion of the utility easement depicted and described on the attached Exhibit "A," is hereby declared to be vacated and abandoned, and any right, title, and interest of the public in and to the attached easement hereby vacated are renounced and disclaimed. All other easements located within Lot 14, Sugarmill Subdivision, according to Map Book 43, Page 119, Public Records, Volusia County, Florida, not previously vacated shall remain in full force and effect.

Section 2. By accepting this vacation of the drainage and utility easement, the Property Owner accepts full and sole responsibility for any damage to any private improvements placed or constructed within the vacated area.

Section 3. This resolution shall become effective immediately upon recording of a certified copy of this resolution in the Public Records of Volusia County, Florida.

MAYOR DONALD O. BURNETTE

ATTEST

Robin L. Fenwick, MMC, City Clerk

Adopted on the _____ day of _____, 2022

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

THIS SURVEY IS PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES LISTED HEREON, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

EXHIBIT "A"

DUE - DENOTES DRAINAGE & UTILITY EASEMENT

LEGEND / ABBREVIATIONS
 R/W RIGHT OF WAY
 ASPH. ASPHALT
 PLAT PLAT DATA
 F.M. FIELD MEASURED
 FND. FOUND
 I.P. IRON PIPE
 I.R. IRON ROD
 CONC. CONCRETE
 TYP. TYPICAL
 S/W SIDEWALK
 F.F.E. FINISHED FLOOR ELEVATION
 NR NON-RADIAL
 N.D. NAIL & DISC
 OHE AERIAL UTILITIES



633738000130 - LOT 13
 N 21°07'00" E 114.00' (R)

R 75.00'
 A 29.06'
 D 22°11'33"
 CB N 57°47'14" W
 C 28.87'

SUGARPLUM LANE (50' R/W)
 N 46°41'27" W 39.59'

LOT 14

10.00' DUE
 S 43°18'33" W 100.00'
 633738000150 LOT 15
 (BEARING BASE)

MAP OF DUNLAWTON MAP BOOK M, PAGE 187
 YE OLD SUGAR MILL UNREC PLAT 124
 S 46°41'27" E 110.99' OVERALL
 PLAT

POINT OF BEGINNING

POINT OF COMMENCEMENT
 NORTHEAST CORNER LOT 14

A PORTION OF THE 10 FOOT DRAINAGE AND UTILITY EASEMENT, LOCATED ON THE EAST LINE OF LOT 14, SUGAR MILL, AS RECORDED IN MAP BOOK 43, PAGE 119 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 14;

THENCE N 46°41'27" W ALONG THE EAST LINE OF SAID LOT 14 A DISTANCE OF 7.50 FEET;

THENCE DEPARTING SAID EAST LINE,
 THENCE S 43°18'33" W A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING;

THENCE S 43°18'33" W A DISTANCE OF 5.00 FEET;

THENCE N 46°41'27" W A DISTANCE OF 91.30 FEET;

THENCE N 21°07'00" E A DISTANCE OF 5.40 FEET;

THENCE S 46°41'27" E A DISTANCE OF 93.34 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 462 SQUARE FEET.

NOTES:

1. THIS IS NOT A BOUNDARY SURVEY.
2. BEARINGS AND DISTANCES BASED ON REFERENCED PLAT NOTED HEREON.
3. PURPOSE OF SKETCH, TO DESCRIBE A PORTION OF PLATTED EASEMENT.

LEGAL DESCRIPTION (AS FURNISHED): LOT NUMBER 14, SUGARMILL SUBDIVISION MAP BOOK: 43 PAGE 119 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. ADDRESS: 3574 SUGARPLUM LANE, PORT ORANGE 32129 VOLUSIA COUNTY, FLORIDA.

SKETCH AND LEGAL DESCRIPTION

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY OF THE SUBJECT PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AS SURVEYED IN THE FIELD UNDER MY SUPERVISION ON THE DATES SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 5J17, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, PURSUANT TO FLORIDA STATUTES SECTION 472.027, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

GREGG S. CULLUM P.S.M. #7129

DATE:

PREPARED FOR:

MIDDLETON, HAROLD JR
 3574 SUGARPLUM LANE, PORT ORANGE 32129
 PARCEL ID: 633738000140
 TOWNSHIP-RANGE-SECTION: 16 - 33 - 37

NOT VALID UNLESS SIGNED BY A PROFESSIONAL SURVEYOR AND MAPPER AND SEALED WITH AN EMBOSSED SEAL

JOB #: 2022-088
 DATE: 09-21-2022
 SCALE: 1" = 30'
 DRAWN BY: GSC
 CHECKED BY: GSC
 FIELD BOOK/PAGE: N/A
 SHEET 1 OF 1

SPRUCE CREEK LAND SURVEYORS, INC.

3869 SOUTH NOVA ROAD, PORT ORANGE, FL. 32127

PHONE - (904) 767-0740

CERTIFIED EXCLUSIVELY

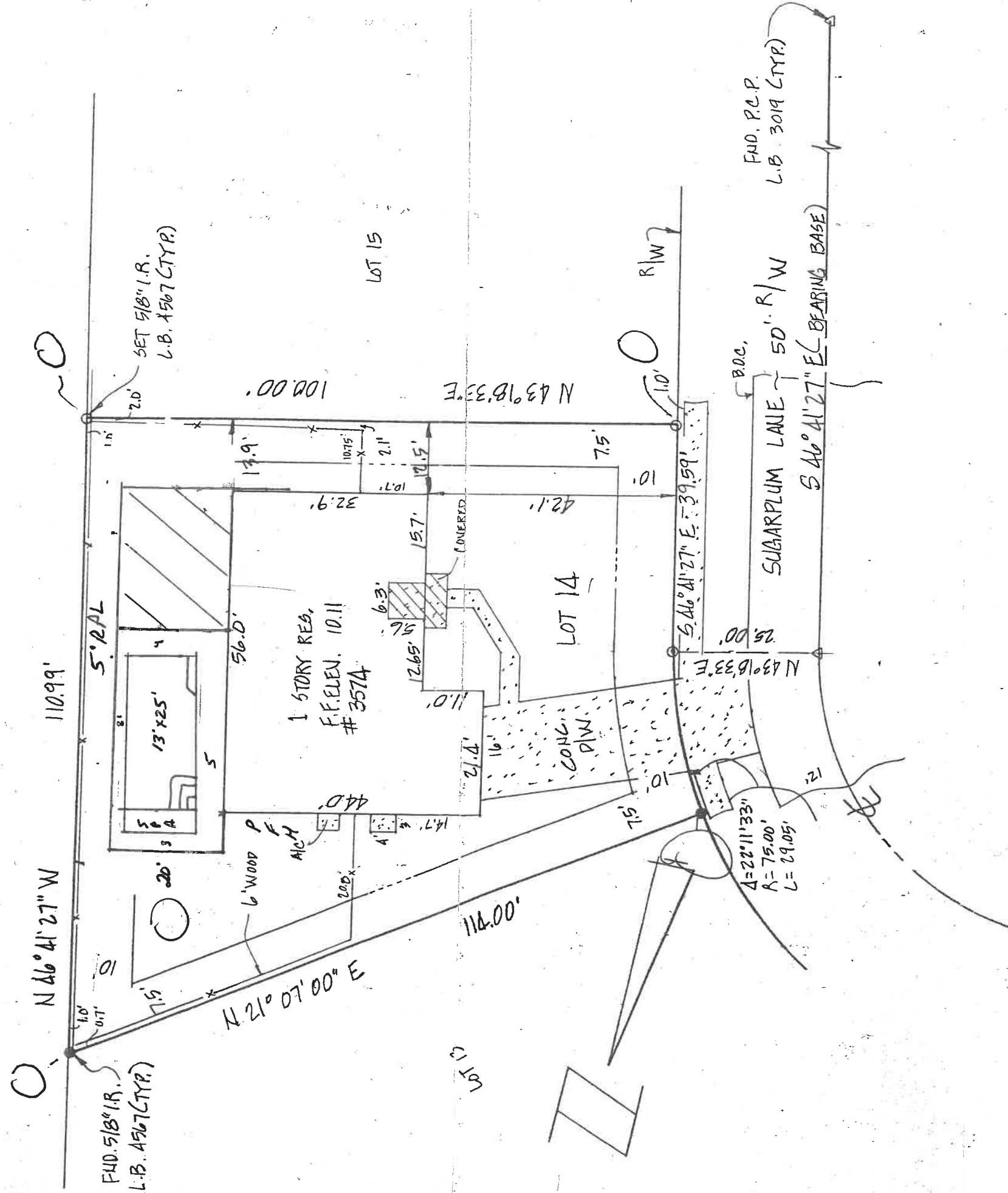
Harold Middleton Jr.
Financial Research Services Inc.
Attorney's Title Insurance Fund Inc.
William N. Garbert

DATE	JOB NO.	SCALE	FIELD BOOK	CHECKED BY
5.26.94	5.94.93	1"=20'	157-26	K

BOUNDARY SURVEY OF: Lot 14, SUGARMILL SUBDIVISION, as recorded in Map Book 43, Page(s) 119, of the Public Records of Volusia County, Florida.

GENERAL NOTES:

1. Bearings refer to record plat.
2. This survey is based on existing field monumentation.
3. This survey was done without the benefit of an abstract. There may be additional easements, restrictions and/or other matters not shown that could affect this property that may be found in the public records of this county.
4. Flood zone X, community # 120313 0005 C, dated 6/4/90. (Area of 500 year flood; area of 100 year flood with average depth of less than 1 foot)



AMENDED 11.7.94 FOR FINAL.
AMENDED 6.28.94 FOR CONC. SLAB

SURVEYOR'S CERTIFICATION

MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-8, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Scott V. Miller
KENNETH E. BLIZZARD P.L.B. #3085
SCOTT V. MILLER P.L.B. #4370
CORPORATE SEAL

STANDARD LEGEND

L.S.	LICENSED SURVEYOR	EGMT.	EASEMENT
L.B.	LICENSED BUSINESS	CL	CENTER LINE
R/W	RIGHT-OF-WAY	RES.	RESIDENCE
S/W	SIDEWALK	Δ	CENTRAL ANGLE
D/W	DRIVEWAY	R	RADIUS / RADIAL
A/C	AIR CONDITIONER	L	ARC DISTANCE
FND.	FOUND	C	CHORD DISTANCE
REC.	RECOVERED	C.B.	CHORD BEARING
DESC.	DESCRIPTION CALL	EL.	ELEVATION
CALC.	CALCULATED	EX.	EXISTING
F.M.	FIELD MEASUREMENT	PR.	PROPOSED
I.R.	IRON ROD	E.P.C.	EDGE OF PAVEMENT
I.P.	IRON PIPE	B.O.C.	BACK OF CURB
C.M.	CONCRETE MONUMENT	AU	AERIAL UTILITY LINE
CONC.	CONCRETE		

SUGAR GROVE CT.

NIXON LN.

BIRO DR.

SUGARPLUM LN.

Proposed Partial Drainage/Utility
Easement Vacation Area:
~5-foot x 92.5-foot
or
~462 square feet
of the Existing 10'-wide
Drainage/Utility Easement

Existing 10'-wide
Drainage/Utility Easement
(5'-wide easement to remain
along rear property line)

Subject Property
(3574 Sugarplum Ln)



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C13) Historic Tree Removal (After the Fact Emergency Removal) - 1041 Dunlawton Avenue, Halifax Medical Center

DEPARTMENT: Community Development

GOAL: 1 - Public Safety 3 - Quality of Life

RECOMMENDED MOTION: Move to approve the after-the-fact emergency removal of a 36" Live Oak at 1041 Dunlawton Avenue and the proposed mitigation of three replacement trees.

SUMMARY: On September 22, 2022, a tree removal permit application was received for the emergency removal of a 36" Live Oak at Halifax Medical Center located at 1041 Dunlawton Avenue. The arborist who was contracted by Halifax examined the tree and provided a report indicating that the tree posed a high risk of failure in normal weather conditions due to the deteriorated state of the tree caused by a previous lightning strike (see attachment). The parking area around the tree had been coned off to protect the public from falling branches.

According to Ch. 9, Art. III, Sec. 16.5 (d) of the Land Development Code (LDC), city staff may allow the removal of a historic tree in an emergency prior to City Council approval in cases where such tree is diseased, dead, deteriorated or damaged by fire, windstorm, lightning, or other acts of God, and pose an imminent danger to life or property. In such a case, the item would still need to go before the Environmental Advisory Board (EAB) and City Council after the fact.

According to the LDC, a historic tree determined to be deteriorated and/or diseased is to be mitigated to an amount as established by Resolution No. 20-46 adopted by the City Council. According to Resolution No. 20-46, the following mitigation options apply to the 36" diameter tree.

MITIGATION OPTIONS:

1. Provide (3) 4-1/2" caliper x 14' high replacement shade trees or
2. Provide \$1,374.00 tree mitigation payment or
3. Provide a combination of a replacement tree(s) and a payment to the tree mitigation bank;
 - (1) 4-1/2" caliper x 14' high replacement shade tree plus \$916.00 tree mitigation payment

-
- (2) 4-1/2" caliper x 14' high replacement shade tree plus \$458.00 tree mitigation payment

Pursuant to Ch. 9, Art. III, Sec. 16.5 (b) (5) of the LDC, the EAB may recommend mitigation for historic tree removal, provided by city staff, based upon Resolution No. 20-46 adopted by the City Council. The EAB may allow a party to mitigate the replacement of a historic tree through any combination of replacement trees, and/or contribution to the city's tree bank provided that the combination equals or exceeds the required percentage of the total cross-sectional area of the removed deteriorated and/or diseased historic tree as established by Resolution No. 20-46. At the October 24, 2022, EAB meeting, the EAB recommended the mitigation be worked out on site with staff and Halifax pursuant to the options above dependent on the amount of open area available on site. Staff and the Halifax facilities manager met on November 2nd and determined that three replacement trees can be planted on-site.

PRESENTER: Tim Burman, Margaret Tomlinson

ATTACHMENTS:

1.	Arborist Report	Arborist Report.pdf
2.	Halifax Medical Center tree location and photos	Halifax Medical Center tree location and photos.pdf

Margaret Tomlinson
Tim Burman
Wayne Clark
Robin Fenwick

Created/Initiated - 10/28/2022
Approved - 10/31/2022
Approved - 11/4/2022
Final Approval - 11/4/2022



SB Tree Service

1424 Ridgewood Ave Suite 5
Holly Hill, FL 32117
(386)341-4800

Services Performed For:

Halifax Medical Center
1041 Dunlawton Ave.
Port Orange, FL 32128

Services Performed By:

Christopher Forrest
ISA Certified Arborist
Tree Risk Assessment Qualified
FL-9678A

09/22/2022

Scope: To Assess the current property and provide recommendations and my professional opinion on the health and structure of the tree and any risk it may pose.

Tree Species: Quercus virginiana

Common Name: live oak

DBH: 36"

Location: Parking Island on North side.

Live oak has previous storm damage from a lightning strike from central leader throughout the entire base where Compartmentalization has taken place. Large cavities in base with decay and insect damage. Large cavity through trunk and root collar with decay and rot present. Oak appears to be in decline as the bark is peeling displaying severe damage to heartwood in the inner cambium that has compromised the specimen's structural integrity creating a risk to persons and property. LCR (live crown ratio) is at 10% with severe deadwood throughout the canopy. Large limbs are breaking and falling onto the parking lot.

Likelihood of Failure - Imminent

Likelihood of Impact- High

Consequences of Failure- Severe

Conclusion: Upon conducting a level 1 visual inspection, the live oak has significant defects that have compromised the structural integrity of the specimen deeming it a hazard to the targets (pedestrians and cars) as it poses a high risk of failure in normal weather conditions. The live oak meets ALL requirements for removal. The owner wishes to eliminate all residual risk by removing the live oak.



Christopher Forrest

ISA Certified Arborist
Tree Risk Assessment Qualified
FL-9678A



Aerial view of Halifax Medical Center showing approximate location of tree



Photo of tree limbs and branches in the parking lot



Photo of damaged tree



Photo of missing bark on trunk from lightning strike



Photo of damaged tree



Photo of damaged tree and missing limb



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C14) Approval of the 2023 Public Hearing and Development Review Calendars

DEPARTMENT: Community Development

GOAL: 6 - Organizational Excellence

RECOMMENDED MOTION: Move to approve the 2023 Development Review and Public Hearing Calendars.

SUMMARY: Planning Commission Action (10/27/22): Recommended Approval 6-0

The 2023 Public Hearing calendar is structured in the same format as the calendar adopted in previous years, with the only changes occurring during the holiday months of November and December (Exhibit A). The Planning Commission meeting dates have been changed to accommodate the holidays as follows:

- The November 2023 Planning Commission meeting has been moved from the fourth Thursday (November 23) to the third Thursday (November 16) due to the Thanksgiving holiday; and
- The December 2023 Planning Commission meeting has been moved from the fourth Thursday (December 28) to the second Thursday (December 14) due to the Christmas holiday.

The 2023 Staff Development Review Committee (SDRC) meeting calendar (Exhibit B) is structured in the same format as the calendar adopted in previous years. The project submittal dates provide applicants with a SDRC meeting date every week to have their development projects reviewed. Similar to past years, staff will have approximately two weeks to complete their review before a SDRC meeting.

See Exhibit A and Exhibit B of the attached staff report for the 2023 Public Hearing and SDRC calendars.

PRESENTER: Penelope Cruz, Tim Burman

ATTACHMENTS:

1.	Staff Report	Staff Report .pdf
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Penelope Cruz	Created/Initiated - 10/25/2022
Tim Burman	Approved - 10/26/2022
Wayne Clark	Approved - 11/4/2022
Robin Fenwick	Final Approval - 11/4/2022



STAFF REPORT

2023 PROPOSED PUBLIC HEARING CALENDAR AND DEVELOPMENT REVIEW CALENDAR

PUBLIC HEARING CALENDAR:

The 2023 Public Hearing calendar is structured in the same format as the calendar adopted in previous years, with the only changes occurring during the holiday months of November and December (Exhibit A). The Planning Commission meeting dates have been changed to accommodate the holidays as follows:

- The November 2023 Planning Commission meeting has been moved from fourth Thursday (November 23) to the third Thursday (November 16) due to the Thanksgiving holiday; and
- The December 2023 Planning Commission meeting has been moved from the fourth Thursday (December 28) to the second Thursday (December 14) due to the Christmas holiday.

DEVELOPMENT REVIEW CALENDAR:

The 2023 Staff Development Review Committee (SDRC) meeting calendar (Exhibit B) is structured in the same format as the calendar adopted in previous years. The project submittal dates provide applicants a SDRC meeting date every week to have their development projects reviewed. Similar to past years, staff will have approximately two weeks to complete their review before a SDRC meeting.

EXHIBIT A

CITY OF PORT ORANGE DEPARTMENT OF COMMUNITY DEVELOPMENT 2023 PUBLIC HEARING CALENDAR

APPLICATION DEADLINES	PLANNING COMMISSION MEETING DATES	CITY COUNCIL MEETING DATES *
DECEMBER 21, 2022	JANUARY 26, 2023	FEBRUARY 21, 2023
JANUARY 18, 2023	FEBRUARY 23, 2023	MARCH 21, 2023
FEBRUARY 15, 2023	MARCH 23, 2023	APRIL 18, 2023
MARCH 22, 2023	APRIL 27, 2023	MAY 16, 2023
APRIL 19, 2023	MAY 25, 2023	JUNE 20, 2023
MAY 17, 2023	JUNE 22, 2023	JULY 18, 2023
JUNE 21, 2023	JULY 27, 2023	AUGUST 15, 2023
JULY 19, 2023	AUGUST 24, 2023	SEPTEMBER 19, 2023
AUGUST 23, 2023	SEPTEMBER 28, 2023	OCTOBER 17, 2023
SEPTEMBER 20, 2023	OCTOBER 26, 2023	NOVEMBER 14, 2023
OCTOBER 11, 2023	**NOVEMBER 16, 2023	DECEMBER 19, 2023
NOVEMBER 15, 2023	**DECEMBER 14, 2023	JANUARY 16, 2024
DECEMBER 20, 2023	JANUARY 25, 2024	FEBRUARY 20, 2024

* First reading of ordinances. Second reading of ordinances is generally scheduled for the next Council meeting listed. Council dates are subject to change and may be verified through the City Clerk's office (386) 506-5563.

** These dates have been rescheduled from regular dates due to holidays or other events.

PLANNING COMMISSION – Meets at 5:30 p.m. at 1000 City Center Circle in the Council Chambers, first floor, City Hall.

CITY COUNCIL – Meets at 6:30 p.m. at 1000 City Center Circle in the Council Chambers, first floor, City Hall.

EXHIBIT B

2023 STAFF DEVELOPMENT REVIEW COMMITTEE (SDRC) CALENDAR

APPLICATION DEADLINES (NO LATER THAN 12:00 NOON)	SDRC MEETING DATES
DECEMBER 14, 2022	JANUARY 4, 2023
DECEMBER 21, 2022	JANUARY 11, 2023
DECEMBER 28, 2022	JANUARY 18, 2023
JANUARY 4, 2023	JANUARY 25, 2023
JANUARY 11, 2023	FEBRUARY 1, 2023
JANUARY 18, 2023	FEBRUARY 8, 2023
JANUARY 25, 2023	FEBRUARY 15, 2023
FEBRUARY 1, 2023	FEBRUARY 22, 2023
FEBRUARY 8, 2023	MARCH 1, 2023
FEBRUARY 15, 2023	MARCH 8, 2023
FEBRUARY 22, 2023	MARCH 15, 2023
MARCH 1, 2023	MARCH 22, 2023
MARCH 8, 2023	MARCH 29, 2023
MARCH 15, 2023	APRIL 5, 2023
MARCH 22, 2023	APRIL 12, 2023
MARCH 29, 2023	APRIL 19, 2023
APRIL 5, 2023	APRIL 26, 2023
APRIL 12, 2023	MAY 3, 2023
APRIL 19, 2023	MAY 10, 2023
APRIL 26, 2023	MAY 17, 2023
MAY 3, 2023	MAY 24, 2023
MAY 10, 2023	MAY 31, 2023
MAY 17, 2023	JUNE 7, 2023
MAY 24, 2023	JUNE 14, 2023
MAY 31, 2023	JUNE 21, 2023
JUNE 7, 2023	JUNE 28, 2023
JUNE 14, 2023	JULY 5, 2023
JUNE 21, 2023	JULY 12, 2023
JUNE 28, 2023	JULY 19, 2023
JULY 5, 2023	JULY 26, 2023
JULY 12, 2023	AUGUST 2, 2023
JULY 19, 2023	AUGUST 9, 2023
JULY 26, 2023	AUGUST 16, 2023
AUGUST 2, 2023	AUGUST 23, 2023
AUGUST 9, 2023	AUGUST 30, 2023
AUGUST 16, 2023	SEPTEMBER 6, 2023
AUGUST 23, 2023	SEPTEMBER 13, 2023
AUGUST 30, 2023	SEPTEMBER 20, 2023
SEPTEMBER 6, 2023	SEPTEMBER 27, 2023
SEPTEMBER 13, 2023	OCTOBER 4, 2023
SEPTEMBER 20, 2023	OCTOBER 11, 2023
SEPTEMBER 27, 2023	OCTOBER 18, 2023
OCTOBER 4, 2023	OCTOBER 25, 2023
OCTOBER 11, 2023	NOVEMBER 1, 2023
OCTOBER 18, 2023	NOVEMBER 8, 2023
OCTOBER 25, 2023	NOVEMBER 15, 2023
NOVEMBER 1, 2023	NOVEMBER 22, 2023
NOVEMBER 8, 2023	NOVEMBER 29, 2023
NOVEMBER 15, 2023	DECEMBER 6, 2023
NOVEMBER 22, 2023	DECEMBER 13, 2023
NOVEMBER 29, 2023	DECEMBER 20, 2023
DECEMBER 6, 2023	DECEMBER 27, 2023
DECEMBER 13, 2023	JANUARY 3, 2024
DECEMBER 20, 2023	JANUARY 10, 2024
DECEMBER 27, 2023	JANUARY 17, 2024

To schedule a pre-application conference, please contact the Planning Division in Community Development at PLANNING@PORT-ORANGE.ORG / (386) 506-5601. If applicable, Planning Commission and City Council meeting dates will be established for each project upon resolution of outstanding technical comments.



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C15) Approval of Proportionate Fair-Share Agreement for Thrive Community Church Phase II Site Plan (Case No. 22-82000002)

DEPARTMENT: Community Development

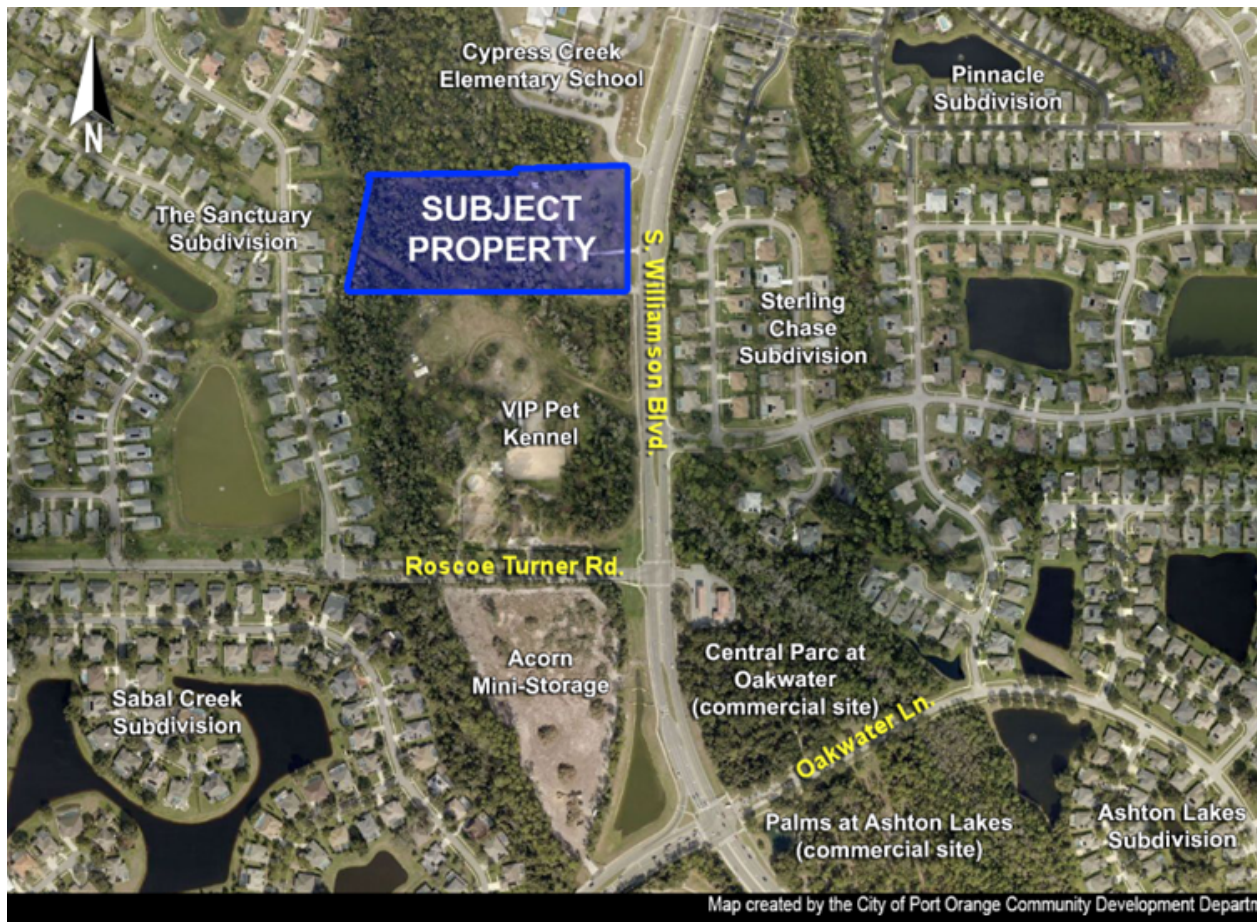
GOAL: 2 - Infrastructure

RECOMMENDED MOTION: Move to approve the Proportionate Fair-Share Agreement for Thrive Community Church Phase II Site Plan (Case No. 22-82000002), and authorize the Mayor and City Clerk to execute all necessary documents.

SUMMARY: The Thrive Community Church is proposed to be located at 6156 S. Williamson Boulevard (see location map below). The proposed Proportionate Fair-Share Agreement has been prepared in conjunction with the site plan for the development of a 8,425 square-foot house of worship on ±8.2 acres, along with associated on-site and off-site improvements. The Transportation Impact Technical Memorandum completed by LTG, Inc., anticipates impacts at the intersection of Williamson Boulevard and Taylor Road upon completion of the development. The memorandum was prepared according to the City of Port Orange's adopted guidelines and was reviewed and approved by the City of Port Orange.

Based on the memorandum prepared, the property owner (Thrive Community Church Inc.), is required to make a \$3,666 fair-share mitigation payment for the 4 PM peak hour trips generated per day from the development. The Proportionate Fair-Share Agreement is to document the number of vested trips being used by the proposed development and to mitigate the impact of the new traffic generated from the development. The fair-share mitigation payment includes payment of \$3,666 to the City of Port Orange for the completed Summer Trees Road project. The Proportionate Fair-Share Agreement has been executed by the property owner and is attached for review.

The Thrive Community Church site is currently zoned Government Public Use (GPU), which allows for the proposed use. The site plan for the proposed project has been reviewed at the staff level and may be approved once all Land Development Code requirements have been met and the required fair-share mitigation payment has been received.



PRESENTER: Tim Burman, Penelope Cruz

ATTACHMENTS:

1.	Proportionate Fair Share Agreement	Thrive Fair Share Agreement.pdf
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Penelope Cruz	Created/Initiated - 10/26/2022
Tim Burman	Approved - 10/26/2022
John McKinney	Approved - 10/26/2022
Shannon Balmer	Approved - 11/4/2022
Wayne Clark	Approved - 11/8/2022
Robin Fenwick	Final Approval - 11/8/2022

CONCURRENCY AND FAIR SHARE AGREEMENT (Transportation)

This Concurrency and Fair Share Agreement (the "Agreement") made and entered into this ____ day of _____, 2022, by and between **CITY OF PORT ORANGE, FLORIDA**, a Chartered Florida Municipality located in Volusia County, Florida, 1000 City Center Circle, Port Orange, Florida 32129 (the "City"); and **Thrive Community Church, Inc.**, a Florida nonprofit corporation, with a mailing address of 6156 S. Williamson, Port Orange, FL (the "Developer").

RECITALS

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

WHEREAS, unless otherwise stated, the Developer is the owner of the real property described within the Project Data on the attached **Exhibits "A-1" and "A-2"** (the "Project"); Developer desires to permit, develop and, if appropriate, plat the real property described and, in addition to other requirements, is seeking to comply with the City's concurrency and proportionate fair share requirements for roads/traffic circulation under Chapters 4 and 21 of the City's Land Development Code ("Traffic Concurrency"); and

WHEREAS, Developer desires to develop an 8,425 square-foot house of worship on approximately Eight and Two-tenths (+/- 8.2) acres of real property more particularly described in **Exhibit "B-1,"** attached hereto and incorporated herein by reference (Thrive Community Church), which will generate 4 P.M. Peak Hour Trips;

WHEREAS, the transportation improvements described in the attached Exhibits ("Concurrency Improvements") are required in order for the Project to meet minimum concurrency requirements for roads/traffic circulation to support the proposed Project(s) or, in the alternative, said Concurrency Improvements have been identified as mitigating existing transportation deficiencies within the area impacted by the Project; and

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

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

WHEREAS, the City has constructed or anticipates construction of Concurrency Improvements as set forth in the attached Exhibits;

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

1. **Incorporation of Recitals.** The presumptions and facts stated above in the recitals are incorporated by reference herein and deemed by the parties to be true, correct and constitute a material part of this Agreement.
2. **Offsite Construction.** Except as otherwise agreed herein, the City agrees to construct, or to have constructed, the "Concurrency Improvements." Construction of the Concurrency Improvements will commence and be complete to meet concurrency requirements or mitigate transportation deficiencies within the Project area, in accordance with Chapter 4 of the City's Land Development Code, unless delay is caused for reasons outside of City's control, in which case construction will commence as soon as is reasonably practical. The City, or its designee, will be responsible for the design of the Concurrency Improvements, which design will be in accordance with the illustration shown on the Exhibit(s). All planning, permitting, and construction will be subject to the review and approval by the Florida Department of Transportation and, if applicable, the County of Volusia, and will comply with the standards and requirements established by the appropriate governmental entities. Developer will have no responsibility for maintenance or upkeep of the Concurrency Improvements.
3. **Fair-Share Contributions.** Pursuant to Section 8, Article V, Chapter 21, Land Development Code, City of Port Orange, Florida, a proportionate fair-share payment for concurrency impacts may include, separately or collectively, private funds, contributions of land, contribution of facilities, and construction of facilities ("Total Fair-Share Contribution"). The Developer shall take the following actions to address Concurrency Improvements identified by the City as a result of the impact of the development:
 - (a) **Proportionate Fair Share.** In connection with the City's construction of Concurrency Improvements, as set forth in **Exhibits "A-2"**, Developer shall pay to the City a fair share assessment in the amount of the Total Fair Share Contribution, as defined in **Exhibit A-1**, hereinafter "Total Fair Share Contribution", or, if applicable, the difference between the Total Fair-Share Contribution, and the value of the Construction Improvements, as described in subsection (b) of this Section 3, pursuant to Section 8(f) , Article V, Chapter 21, Land Development Code, City of Port Orange, hereinafter the "Fair Share Payment." Developer agrees to pay the Fair Share Payment to the City in the form of a certified check payable to the City of Port Orange in an amount as determined in **Exhibit "A-2"**. The City shall apply the Fair Share Payment to the Concurrency

Improvements described in **Exhibit “A-2”**. Upon the City’s receipt of the payment from the Developer, the funds shall become the property of the City and the right to request a refund is waived. The payment must be deposited with the City within 30 days of the city council’s approval of this Agreement and shall be required prior to the issuance of a Development Order for the Development.

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

(b) If the City chooses to apply the proportionate fair-share payment to an alternative improvement to mitigate transportation deficiencies within the area impacted by the project as indicated on the **Exhibit “A-2”** or, if applicable, accept the construction of improvements, separately or collectively, then, unless otherwise stated herein, said mitigating payment and/or completed and approved by the City construction improvements are accepted as full payment for the Total Fair Share Contribution, as defined in **Exhibit “A-1”**.

(c) If applicable, once construction of improvements offered as full or partial payment toward the Total Fair-Share Contribution are complete, Developer shall provide actual costs of the improvements, certified, sealed, and signed by the engineer of record for the Project. If actual costs are less than the estimated costs of constructing improvements previously provided for consideration toward the Total Fair-Share Contribution, then Developer shall pay the outstanding balance owed on the Total Fair-Share Contribution. Any additional monies owed and certification of actual costs shall be provided prior to the first Certificate of Occupancy.

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

4. **Vested Rights in Traffic Concurrency.** The City agrees that by paying the City the Fair Share Payment, and by receiving a Development Order for the Project, Developer will be deemed to have satisfied the City's Traffic Concurrency requirements for the Project and that the Project shall be fully vested with Traffic Concurrency for purposes of development and related Project construction.
5. **Entitlement to Impact Fee Credits.** Nothing herein is intended to alter, reduce or otherwise waive Developer's right to receive impact fee or capacity credits in connection with the Fair Share Payment to the extent that Developer would be entitled to receive such credits. It is the intent of the parties that if it is determined that any portion of the road segment where the Concurrency Improvements are to be constructed is eligible for impact fee credits under the Volusia County impact fee program, then the City shall not object to the Developer seeking a reimbursement from Volusia County to the extent that the Developer has paid impact fees in respect to this Phase.
8. **Application of Agreement Limited to the Project.** Nothing herein is intended to bind the City in determining the additional trip capacity provided by the construction of the Concurrency Improvements beyond that provided to the Project in connection with the Fair Share Payment and the City expressly reserves the right to determine such available excess capacity for all future developments within its jurisdiction.
9. **Miscellaneous.**
 - A. **Attorney's Fees.** In the event of litigation to enforce the terms of this Agreement, the prevailing party shall be entitled to collect from the other party reasonable attorney's fees and costs of suit.
 - B. **Venue and Choice of Law.** In the event of litigation regarding the terms of this Agreement or documents executed as a result of this Agreement, venue of the action shall be in Volusia County and Florida law shall apply. Trial shall be non-jury for any issues subject to trial.
 - C. **Waiver.** The waiver by a party of any terms or conditions of this Agreement or any breach hereof shall not constitute a waiver of any other term or condition or any subsequent breach of this Agreement.
 - D. **Successors.** This Agreement shall be binding on the parties hereto, their heirs, administrators, executors, successors in interest and assigns.
 - E. **Construction of Contract.** The parties hereto agree that they have all participated in the drafting of this Agreement. Therefore, the presumption that any ambiguity

or vagueness in the construction of this Agreement shall be construed against the drafter shall not apply. The terms and provisions of the Agreement shall be applied equally to each party and the interpretation of the Agreement shall be guided by the express intent of the parties as determined by the overall effect of the provisions herein.

- F. Expiration. This Agreement shall expire after Developer's contribution of the Proportionate Fair Share, as set forth in Section 3 of this Agreement.
- G. Amendments. Amendment to this Agreement shall not be effective unless in writing and signed by all record title property owners of the land for which the amendment is to be applied (but excluding the record title property owners for land that is unaffected by the amendment), and the City. Before amending this Agreement, the City shall conduct one or more public hearings. At the City's option, one of these public hearings may be held by the City Planning Commission.
 - i. Notice of intent to consider an amendment to this Agreement shall be published by the City at the Developer's expense in a newspaper of general circulation and readership in Volusia County, Florida.
 - ii. If applicable, notice of intent to consider an amendment shall comply with the requirements of Section 166.041(3)(c), Florida Statutes (2021), as amended from time to time.
 - iii. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
 - iv. Notices of intent to consider an amendment shall specify the location of the Property subject to the proposed amendment, the nature of the proposed amendment, and such other information as the City Staff shall reasonably deem pertinent and appropriate.
 - v. All notices shall specify a place where a copy of the proposed amendment can be obtained.
- H. Conflicts. Developer agrees to be bound by all City codes and ordinances that are not in conflict with the provisions of this Agreement.
- I. Recording. Developer shall record a copy of this Agreement, at its sole cost and expense, with the Public Records of Volusia County, Florida.
- J. Binding Nature and Covenants Running With the Land. The provisions of this Agreement shall be binding upon the parties hereto, and upon all successors in interest in the subject real property. And further, the provisions of this Agreement

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

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

IN WITNESS WHEREOF, the parties hereto have executed this agreement, by and through the duly authorized representatives, on the date set forth hereinbelow.

WITNESSES: **DEVELOPER:**
Thrive Community Church, Inc., a Florida
nonprofit corporation

Printed Name: _____ By: _____
Peter C. Keirstead, Pastor

Printed Name: _____ Date: _____, 2022

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____ 2022, by Peter C. Keirstead, Pastor of Thrive Community Church, Inc. He ☐ is personally known to me OR ☐ produced _____ as identification.

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

WITNESSES:

CITY OF PORT ORANGE, a Florida
municipal corporation

Printed Name: _____

By: _____
Donald O. Burnette, Mayor

Printed Name: _____

Date: _____

Printed Name: _____

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

Printed Name: _____

Date: _____

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of [XX] physical presence or [] online notarization this _____ day of _____, 2022, by Donald O. Burnette, Mayor and Robin L. Fenwick, City Clerk, both of the City of Port Orange, Florida, a chartered municipal corporation, who acknowledge that each is duly authorized to execute the foregoing agreement on behalf of the city. They are personally known to me.

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



Development Exhibit A-1
Concurrency and Fair-Share Agreement
Transportation Improvement ("TI")

Development Data:

Development Name	Thrive Community Church Phase II Improvements
Site Address	6156 S. Williamson Boulevard
City Case No.	22-82000002
Zoning District	GPU (Government/Public Use)
Technical Memorandum Report Date	October 20, 2022
Technical Memorandum Prepared by	George A. Galan, P.E.
Name of Firm	LTG Engineering & Planning
Est. Date of Impact	2026

Developer:

Corporate Entity	Thrive Community Church
Contact Person	Pete Keirstead
Mailing Address	6156 S. Williamson Boulevard, Port Orange, FL 32128

Land Owner:

Corporate Entity	Thrive Community Church
Contact Person	Pete Keirstead
Mailing Address	6156 S. Williamson Boulevard, Port Orange, FL 32128

Real Property:

Total Acreage	+/- 8.2 acres
Parcel Number(s)	6330-00-00-0110
Legal Description	Legible real property legal description and sketch attached as EXHIBIT B-1

Development Exhibit A-2
Concurrency and Fair-Share Agreement
Transportation Improvement ("TI")

Technical Memorandum Analysis:

Development Name:	Thrive Community Church Phase II Improvements
City Case No.:	22-82000002
Technical Memorandum Report Date	October 20, 2022
Technical Memorandum Prepared by (Firm):	LTG Engineering & Planning
Estimated Date of Impact:	2026

Contribution Calculations: Adjusted October 21, 2022

Impacted Intersections/Road Segments per Transportation Master Concurrency Plan	TI Stage I Reservation Deposit Estimated Cost	TI Stage II Project Cost	TI Stage III Actual Cost	DT/CI Ratio	% of Cost	Contribution Without Multiplier ^[2]
Summer Trees Road Extension [1] OR Book 7486 Page 1855	N/A	N/A	\$3,152,938.60	1/860	0.12%	\$3,666

Total Fair-Share Contribution	Port Orange FSP- \$ 3,666
--------------------------------------	----------------------------------

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

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

[2] Rounded up to nearest whole dollar

Planning Review: _____ Date _____

Finance Review: _____ Date _____

Exhibit B-1
Legal Description from Deed

Commence at a U.S.N. concrete monument at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 30, Township 16 South, Range 33 East, Volusia County, Florida; thence East along the South line of the Southeast Quarter of the Southeast Quarter of Section 30 a distance of 544.22 feet; thence N15°53'58"W a distance of 963.54 feet for the point of beginning; thence East 985.15 feet to the West side of existing road; thence N2°29'W a distance of 402.5 feet to the North line of the Southeast Quarter of the Southeast Quarter of said Section 30; thence West a distance of 892.46 feet; thence S10°32' West a distance of 409.03 feet to the point of beginning. LESS AND EXCEPT that part of the above-described property lying within property described in deeds recorded in Official Records Book 3070, Page 1868 and Official Records Book 6280, Page 3680, of the Public Records of Volusia County, Florida.

Surveyor Legal Description

BEING A PORTION OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 33 EAST, LYING WEST OF WILLIAMSON BOULEVARD, A VARYING WIDTH RIGHT-OF-WAY, ALL LYING IN VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL "K" AS SHOWN ON PLAT OF THE SANCTUARY ON SPRUCE CREEK. PHASE I, ACCORDING TO THE MAP OR PLAT LOCATED IN MAP BOOK 45, PAGES 48 THROUGH 51, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 56 MINUTES 40 SECONDS EAST, A DISTANCE OF 371.59 FEET TO THE MONUMENTED WESTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD, VARYING RIGHT-OF-WAY AS SHOWN IN RIGHT-OF-WAY MAP, PROJECT NUMBER 4740-2, DATED 01/15/2008, SAID POINT ALSO BEING ON A CURVE, CONCAVE NORTHEASTERLY AND TO THE LEFT HAVING A CENTRAL ANGLE OF 05 DEGREES 50 MINUTES 32 SECONDS, A RADIUS OF 1959.86 FEET, A CHORD BEARING SOUTH 03 DEGREES 15 MINUTES 41 SECONDS WEST, A CHORD LENGTH OF 199.73 FEET, THENCE ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD A ARC DISTANCE OF 199.82 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WESTERLY MONUMENTED RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD SOUTH 00 DEGREES 20 MINUTES 26 SECONDS WEST, A DISTANCE OF 192.38 FEET TO A POINT ON LINE OF THE RIGHT-OF-WAY LINE AS SHOWN ON AFORESAID RIGHT-OF-WAY MAP ALSO BEING THE NORTH LINE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 7559, PAGE 131, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 89 DEGREES 57 MINUTES 13 SECONDS WEST A DISTANCE OF 948.83 FEET TO A POINT ON THE EASTERLY PROPERTY LINE OF LOT 12 ALSO BEING THE SOUTHEAST CORNER OF PARCEL "O" ACCORDING TO SAID PLAT OF THE SANCTUARY ON SPRUCE CREEK, PHASE I, THENCE NORTH 10 DEGREES 33 MINUTES 25 SECONDS EAST ALONG THE EAST LINE OF PARCEL "O", A DISTANCE OF 398.45 FEET, THENCE NORTH 89 DEGREES 56 MINUTES 40 SECONDS EAST, A DISTANCE OF 516.73 FEET TO THE POINT OF BEGINNING.

DESCRIBED LAND CONTAINS 358,504 SQUARE FEET OR 8.2 ACRES MORE OR LESS.



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C16) Approval of Memorandum of Understanding (MOU), Article 15, with the Coastal Florida Police Benevolent Association Lieutenants (PBA LTs)

DEPARTMENT: Finance

GOAL: 1 - Public Safety
6 - Organizational Excellence

RECOMMENDED MOTION: Move to approve the Memorandum of Understanding (MOU), Article 15, with the Coastal Florida Police Benevolent Association Lieutenants (PBA LTs).

SUMMARY: This MOU amends Article 15 of the Coastal Florida Police Benevolent Association Lieutenants (PBA LTs) Collective Bargaining Agreement to add an additional two (2) recognized holidays to the existing ten (10) recognized holidays, bringing the total to twelve (12) recognized holidays and three (3) floating holidays. The recently approved National Association of Government Employees (NAGE) agreement included the same two additional holidays that have also been provided for civil service staff. This change will make the PBA LTs consistent with that holiday schedule.

PRESENTER: John McKinney

ATTACHMENTS:

1.	Article 15 - PBA Lt MOU 102022	Article 15 - PBA Lt MOU 102022.pdf
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Robin Fenwick	Created/Initiated - 10/27/2022
John McKinney	Approved - 10/27/2022
Matthew Jones	Approved - 11/4/2022
Wayne Clark	Approved - 11/8/2022
Robin Fenwick	Final Approval - 11/8/2022

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF PORT ORANGE
AND THE
COASTAL FLORIDA POLICE BENEVOLENT ASSOCIATION LIEUTENANTS
PERC CERTIFICATION #5561

This Memorandum of Understanding ("MOU") is entered into, separate and apart from contract negotiations, between Coastal Florida Police Benevolent Association Lieutenants - PERC Certification #5561 ("Association") and the City of Port Orange ("City") herein collectively referred to as the "parties," to modify the provision of the 2020-2023 collective bargaining agreement ("Agreement").

1. The Agreement was amended by an MOU on December 7, 2021, to increase the recognized holidays from eight (8) to ten (10).
2. Upon execution by the parties, this MOU shall further amend Articles 15 of the Agreement as delineated below to add an additional two (2) recognized holidays to the existing ten (10) recognized holidays and three (3) floating holidays and a birthday holiday.
3. For purposes of this MOU, words with bold (**bold**) and underlined (underlined) type shall constitute additions to the original text of the Agreement and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text of the Agreement.
4. By executing this MOU, it is understood and agreed by the parties that Paragraph 15.1 of the Agreement is hereby further amended to read as follows:

15.1 It is recognized that the unit will recognize ~~ten (10)~~ **twelve (12)** official holidays. The City will recognize the following as paid holidays for employees in this unit:

1. New Year's Day
2. Martin Luther King Jr. Birthday
3. Good Friday
4. Memorial Day
5. **Juneteenth**
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. Friday after Thanksgiving Day
11. **Christmas Eve**
12. Christmas Day

In addition to the paid holidays above, employees shall be granted additional leave as follows:

Annual leave, in an amount of hours equal to the number of hours in the employee's regular work shift, shall be added to the employee's annual leave accruals for three (3) floating holidays and one (1) birthday on the first pay period after the first of January for the employee to use as he or she wishes. These hours are to be scheduled in the same fashion as annual leave.

In order to qualify for the four (4) annual leave accruals for the Floating Holidays and Birthday Holiday, an employee must have been employed for the entire 12 consecutive previous months.

This MOU shall become effective upon ratification by the Union members, approval by the City, and execution by both parties.

COASTAL FLORIDA POLICE BENEVOLENT ASSOCIATION LIUETENANTS, PERC
CERTIFICATION #5561, PBA, FLA:

Date: _____

_____, Unit Representation

CITY OF PORT ORANGE, FLORIDA

Date: _____

Don Burnette, Mayor

Attest:

Robin Fenwick, City Clerk



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (C17) Approval of Memorandum of Understanding (MOU), Article 16, with the International Union of Police Associations (IUPA)

DEPARTMENT: Finance

GOAL: 1 - Public Safety
6 - Organizational Excellence

RECOMMENDED MOTION: Move to approve the Memorandum of Understanding (MOU), Article 16, with the International Union of Police Associations (IUPA) Local 6051.

SUMMARY: This MOU amends Article 16.1 of the International Union of Police Associations (IUPA) Local 6051 Collective Bargaining Agreement to add an additional two (2) recognized holidays to the existing ten (10) recognized holidays, bringing the total to twelve (12) recognized holidays and three (3) floating holidays. The recently approved National Association of Government Employees (NAGE) agreement included the same two additional holidays that have also been provided for civil service staff. This change will make IUPA consistent with that holiday schedule.

PRESENTER: John McKinney

ATTACHMENTS:

1.	Article 16 - IUPA MOU 102022	Article 16 - IUPA MOU 102022.pdf
----	------------------------------	----------------------------------

Robin Fenwick	Created/Initiated - 10/28/2022
John McKinney	Approved - 10/31/2022
Matthew Jones	Approved - 11/4/2022
Wayne Clark	Approved - 11/8/2022
Robin Fenwick	Final Approval - 11/8/2022

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF PORT ORANGE
AND THE
INTERNATIONAL UNION OF POLICE ASSOCIATIONS
PERC CERTIFICATION #1983

This Memorandum of Understanding ("MOU") is entered into, separate and apart from contract negotiations, between International Union of Police Associations Local 6051 - PERC Certification #1983 ("Association") and the City of Port Orange ("City") herein collectively referred to as the "parties," to modify the provision of the 2020-2023 collective bargaining agreement ("Agreement").

1. The Agreement was amended by an MOU on November 16, 2021, to increase the recognized holidays from eight (8) to ten (10).
2. Upon execution by the parties, this MOU shall further amend Articles 16 of the Agreement to add an additional two (2) recognized holidays to the existing ten (10) recognized holidays, three (3) floating holidays and a birthday holiday.
3. For purposes of this MOU, words with bold (**bold**) and underlined (underlined) type shall constitute additions to the original text of the Agreement and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text of the Agreement.
4. By executing this MOU, it is understood and agreed by the parties that Paragraph 16.1 of the Agreement is hereby amended to read as follows:
 - 16.1 It is recognized that the City will close its offices for ~~ten (10)~~ **twelve (12)** official holidays. The City will recognize the following as paid holidays for employees:

1. New Year's Day
2. Martin Luther King Jr. Birthday
3. Good Friday
4. Memorial Day
5. **Juneteenth**
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. Friday after Thanksgiving Day
11. **Christmas Eve**
12. Christmas Day

In addition to the paid holidays above, employees shall be granted additional leave as follows:

Annual Leave in the amount equal to the number of hours in the employee's regular work shift shall be added to the employee's annual leave accruals for each of the following days: Three (3) Floating Holidays and Employee Birthday. These hours will be credited on or around the first full pay period in January. These hours are to be scheduled and utilized in the same fashion as annual leave.

In order to qualify for the four (4) annual leave accruals for the three (3) Floating Holidays and Birthday Holiday, an employee must have been employed for the entire 12 consecutive previous months.

This MOU shall become effective upon ratification by the Union members, approval by the City, and execution by both parties.

INTERNATIONAL UNION OF POLICE ASSOCIATIONS PERC CERTIFICATION #1983, IUPA, FLA:



Alevisatos

Date: 11/07/2022

POPA LOCAL 6051, Unit Representation

CITY OF PORT ORANGE, FLORIDA

Don Burnette, Mayor

Date: _____

Attest:

Robin Fenwick, City Clerk



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (E19) Zee Goalkeeping Academy Fee Discussion

DEPARTMENT: Parks & Recreation

GOAL: N/A

RECOMMENDED MOTION: N/A

SUMMARY: Rick Zucchi, owner of Zee Goalkeeping Academy, LLC, attended the October 18th Council Meeting and requested a "freeze on fees" for his fees for the next four years.

The rental hours for Zee Goalkeeping vary from year to year based on field availability, so the full impact of a fee freeze is unknown. However, from August of 2017 to the present, Mr. Zucchi has rented outdoor facilities from the Parks and Recreation Department for 700 plus hours, totaling roughly \$17,000 in rental fees. On average, that is \$3,400/year in rental fees. With the rate increase in March 2022, Mr. Zucchi could anticipate an increase of approximately \$1,400 per year based on the previous usage averaged since 2017.

Parks & Recreation fees are not increased on an annual basis by a standard amount, but rather by analyzing the market and our cost recovery model in order to meet the Council's direction of 30% cost recovery. However, with costs of staffing and materials needed to operate our parks, freezing fee increases would likely mean the cost recovery target would not be met.

Zee Goalkeeping Academy, LLC is not a registered non-profit organization and therefore doesn't meet the requirements to apply for a fee waiver through our internal process. However, the academy throughout the years has donated soccer equipment and volunteered during placement days for our Youth Soccer Leagues. In exchange for the donations and services, they have received approximately \$2,500 in credit, which is used towards marketing banners and field rental fees.

PRESENTER: Susan Lovallo

ATTACHMENTS:

Peter Ferreira
Susan Lovallo
Wayne Clark
Robin Fenwick

Created/Initiated - 10/28/2022
Approved - 10/31/2022
Approved - 11/9/2022
Final Approval - 11/9/2022



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (H21) Comprehensive Plan Update Presentation

DEPARTMENT: Community Development

GOAL: 2 - Infrastructure; 3 - Quality of Life; 4 - Economic Development; 5 - Fiscal Sustainability; 6 - Organizational Excellence

RECOMMENDED MOTION: N/A

SUMMARY: In February 2022, staff entered into an agreement with Kimley Horn and Associates, Inc. to update the City's Comprehensive Plan. Representatives from Kimley Horn and Associates, Inc. and City staff will provide a presentation on the status of the Comprehensive Plan Update and request City Council input on initial recommendations.

The primary purpose of the Comprehensive Plan is to provide a guide for growth and development while also preserving environmental features and community character of the area through the City's goals, objectives, and policy guidelines that describe how land-use decisions should be made on a day-to-day basis, along with a future land use map to show what type of land use is desirable within the City's current boundary. The Comprehensive Plan serves as a blueprint for future commercial and residential land uses, housing, and conservation, as well as cultural and recreational amenities. An important component of the comprehensive plan is to identify the new infrastructure and growth demands needed to support the future physical and economic development of the community.

Approximately every ten years, cities and counties undertake a Comprehensive Plan update that forecasts future land use and growth patterns. The City of Port Orange's current Comprehensive Plan was last updated in 2010. The update process will assess the successes, deficiencies, and modifications of the various goals, objectives, policies, and programs included within the plan, along with the designations on the Future Land Use Map, and provide an opportunity to identify community issues and evaluate how effective the Comprehensive Plan has been in addressing these issues.

This Comprehensive Plan update will also be a key transitional document as the City moves from its current plan that guides traditional green field development to one that also provides goals, objectives, and policy guidelines for infill and redevelopment in the upcoming planning horizon.

PRESENTER: Tim Burman, Penelope Cruz

ATTACHMENTS:

Penelope Cruz	Created/Initiated - 10/25/2022
Tim Burman	Approved - 10/27/2022
Wayne Clark	Approved - 11/10/2022
Robin Fenwick	New -



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (J23) First Reading - Ordinance No. 2022-28 - Ninth Amendment to the Crystal Lake Planned Unit Development Master Development Agreement

DEPARTMENT: Community Development

GOAL: 3 - Quality of Life
4 - Economic Development

RECOMMENDED MOTION: Move to approve Ordinance No. 2022-29, approving the Ninth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development; authorize Mayor and City Clerk to sign all necessary documents.

SUMMARY: Planning Commission Action (10/27/22): Recommended Approval (6-0)

The proposed 9th Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) is to add the use of mini-warehouse to the list of uses allowed on Lots 13-53 through 13-84. The subject property is located on the north side of Reed Canal Road, west of Eden at Crystal Lake Apartments, north of Atlantic High School.

The subject property is currently regulated by the Crystal Lake MDA, as amended, and the Land Development Code (LDC). According to the applicant, the requested 9th Amendment is to allow the development of a 3-story climate-controlled self-storage facility on the subject property. The proposed amendment does not change any of the current permitted uses or other development requirements for any other properties within the Crystal Lake PUD area.

The Crystal Lake MDA was approved by the City Council in 2000 and established a mixed-use development with various tracts, each with a common purpose and design theme. Lot 13 is currently designated with a Future Land Use of *Office/Residential Transition* to provide a buffer between the commercial and multi-family residential uses within the Crystal Lake PUD along Reed Canal Road. In the Crystal Lake MDA, the permitted uses for Lot 13 currently include offices, office/warehouse facilities, business services, convenience stores without fuel operations, medical offices, and veterinary clinics.

The proposed 9th Amendment requires any building associated with a mini-warehouse use to be designed as a multi-level building in accordance with the architectural design standards in the LDC, including full architectural treatment on all visible sides of the building; accessing the storage units from interior corridors instead of exterior garage

doors; using exterior finish materials such as stucco, and natural brick or stone; using earth tone or pastel colors on the building.

Prior to development on the subject property, a site plan will be required to be submitted to the city and approved by the Staff Development Review Committee (SDRC). Any development on the subject property will be required to meet the standard commercial site requirements (landscape buffers, screening, architecture, traffic concurrency, drainage, and other infrastructure, parking, etc.) in the City's LDC.

The staff report is attached for more information.



PRESENTER: Tim Burman, Penelope Cruz

ATTACHMENTS:

1.	Ordinance 2022-28 with exhibit	11-15 Ordinance 2022-28 Crystal lake ninth Amendment.pdf
2.	Staff Report 9th Amendment to the Crystal Lake PUD MDA	Staff Report 9th Amendment to the Crystal Lake PUD MDA.pdf

Penelope Cruz
Tim Burman

Created/Initiated - 10/27/2022
Approved - 10/27/2022

Shannon Balmer
Wayne Clark
Robin Fenwick

Approved - 11/4/2022
Approved - 11/4/2022
Final Approval - 11/4/2022

ORDINANCE NO. 2022-28

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

WHEREAS, the City and Developer desire to enter into the Ninth Amendment to the Master Development Agreement for Crystal Lake Planned Unit Development (PUD) ("MDA"); (hereinafter referred to as the "Ninth Amendment"); and

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

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

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

WHEREAS, the City Council has approved by a majority vote of the members present the approval of the Ninth 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 Ninth Amendment (attached hereto as **Exhibit "1"**).

Section 2. The Mayor and City Clerk are hereby authorized to execute said Ninth 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 _____, 2022

Passed and adopted on second and final reading on the day of _____,
2022

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

EXHIBIT 1

Document Prepared By
Storch Law Firm
420 South Nova Road
Daytona Beach, FL 32114

Return recorded document to:
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

NINTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD)

THIS NINTH AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE CRYSTAL LAKE PLANNED UNIT DEVELOPMENT (PUD) (the “**Ninth Amendment**”) is made this ____ day of _____, 20____, by and among the City of Port Orange, a political subdivision of the State of Florida (“**City**”) whose address is 1000 City Center Circle, Port Orange, Florida 32119; A&G Properties, LLC, a Florida limited liability company (“**A&G Properties**”), whose address is 753 E. Glenn Avenue, Auburn, AL 36830; and Crystal Lake 2004, LTD., a Florida limited partnership (“**Crystal Lake 2004**”), whose address is 600 E. Colonial Drive, Suite 100, Orlando, Florida 32803.

WHEREAS, the City, John T. Self (together with John T. Self’s wife, Barbara W. Self, who is now deceased), Robert Beatty, III, Rebecca Joyce Beatty Perkins, Elizabeth Ann Beatty Hayes and RSIII, Inc., a Florida corporation (as the contract purchaser of the subject property), previously entered into an agreement and covenant to bind their successors and assigns to the terms and provisions of a development agreement entitled “Master Development Agreement for the Crystal Lake Planned Unit Development (PUD)”, recorded in Official Records Book 4517, Page 1749, of the Public Records of Volusia County, Florida (the “**Master Development Agreement**”), relating to property described therein; and

WHEREAS, on or about July 16, 2003, John T. Self (a/k/a John Thomas Self) by that certain Warranty Deed recorded in Official Records Book 5125, Page 1449, Public Records of Volusia County, Florida, conveyed the real property described therein to John T. Self, as Trustee of the John T. Self Trust dated March 31, 2003 (“**Self Trust**”); and

WHEREAS, on July 1, 2004, the Self Trust by that certain Special Warranty Deed recorded in Official Records Book 5354, Page 397, Public Records of Volusia County, Florida, conveyed the real property described therein to A&G Properties; and

WHEREAS, on October 25, 2004, the Self Trust by that certain Warranty Deed recorded in Official Records Book 5428, Page 1055, Public Records of Volusia County, Florida, conveyed the real property described therein to Crystal Lake 2004; and

WHEREAS, the property affected by this Ninth Amendment is now owned by A&G Properties and Crystal Lake 2004; and

WHEREAS, the Master Development Agreement was amended by that certain First Amendment to the Crystal Lake PUD Development Agreement recorded in Official Records Book 4612, at Page 4011 (the "**First Amendment**"); and that certain Second Amendment to Crystal Lake PUD Development Agreement recorded in Official Records Book 4704, at Page 417 (the "**Second Amendment**"); and that certain Third Amendment to Master Development Agreement for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book 4876 at Page 1749 (the "**Third Amendment**"); and that certain Fourth Amendment to Master Development Agreement for Crystal Lake Planned Unit Development ("PUD") recorded in Official Records Book 5078 at Page 2021 (the "**Fourth Amendment**"); and that certain Fifth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 5204 at Page 3392 (the "**Fifth Amendment**"); and that certain Sixth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book ____ at Page ____ (the "**Sixth Amendment**"); and that certain Seventh Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 8299 at Page 2493 (the "**Seventh Amendment**"); and that certain Eighth Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development (PUD) recorded in Official Records Book 8308 at Page 3729 (the "**Eighth Amendment**"). The Master Development Agreement, as amended by the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, the Seventh Amendment, and Eighth Amendment, is now hereinafter collectively referred to as the "Master Development Agreement"; and

WHEREAS, the City, A&G Properties, and Crystal Lake 2004 wish to further amend the Master Development Agreement for the purposes of amending: (i) Paragraph 4 (Use and Dimensional Requirements) to add mini warehouse as a permitted use subject to conditions.

NOW, THEREFORE, the parties, in consideration of the mutual and covenants contained herein, and with the intent to be legally bound and to bind their successors and assigns, due hereby agree as follows:

1. The recitals and premises set forth above are true and correct, form a material part of this Ninth Amendment and are incorporated herein by reference.

2. This Ninth Amendment pertains only to that portion of Lot 13 of the Crystal Lake, Tract 3 Subdivision, described in the legal description attached hereto and incorporated herein as Exhibit "A".

3. Paragraph 4. **Uses and Dimensional Requirements**. Section 1(c) of Exhibit "C" (Permitted Uses and Dimensional Requirements) referred to in Paragraph 4 of the Master Development Agreement is hereby amended to include a permitted use for Lots 13-53 through 13-84 as follows:

c. Tract 3, Lot 13¹

Lots 13-53 through Lot 13-84:

Mini warehouses (designed as a multilevel building in accordance with Chapter 14 (Architectural Design), of the City Land Development Code).

4. This Ninth Amendment shall be effective upon the recording of the Ninth Amendment in the Public Records of Volusia County, Florida at the expense of A&G Properties and Crystal Lake 2004, owners of the Property subject to this Ninth Amendment.

5. The Master Development Agreement, as previously enacted and amended by the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth Amendments thereto, shall remain in full force and effect except with respect to those matters specifically amended by this Ninth Amendment.

¹ Sublots 13.1 through 13.83 shall be formed into building sites with a minimum width of eighty (80) feet. Up to twenty-five percent (25%) of the gross leaseable area of Lot 13 (for a total of up to 28,423 square feet of the gross leaseable area of Lot 13) may be used for general commercial/retail use purposes; provided, however, no single general commercial/retail use shall be greater than five thousand (5,000) square feet of gross leaseable area [and such general commercial/retail uses shall be concentrated within Building No. 1 and Building No. 2].

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

“CITY”

CITY OF PORT ORANGE, a Florida
municipal corporation

WITNESSES:

Print Name: _____

By: _____
Donald O. Burnette, Mayor

Print Name: _____

Print Name: _____

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

Print Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of **[XX]** physical presence or **[]** online notarization this ____ day of _____, 20____, by _____ and Donald O. Burnette, Mayor and Robin L. Fenwick, City Clerk, both of the City of Port Orange, a Florida municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

Notary: Type, Print or Stamp Name

My Commission Expires:

WITNESSES:

“A&G Properties”

A&G PROPERTIES, LLC, a Florida
limited liability company

Print Name: _____

By: _____

Print Name: _____

Its: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this ____ day of _____, 20____, by _____, as _____ of A&G Properties, LLC, a Florida limited liability company. He/she is personally known to me or produced _____ as identification and did not take an oath.

(Seal)

Notary Public

“Crystal Lake 2004”

WITNESSES:

CRYSTAL LAKE 2004, LTD., a Florida
limited partnership

Print Name: _____

By: _____

Print Name: _____

Its: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization on this ____ day of _____, 20____, by _____, as _____ of **Crystal Lake 2004**, a Florida limited partnership. He/she is personally known to me or produced _____ as identification and did not take an oath.

(Seal)

Notary Public



STAFF REPORT

9th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development Case No. 22-40000003

REQUEST:	To approve the 9 th Amendment to the Master Development Agreement (MDA) for the Crystal Lake Planned Unit Development (PUD) to add mini-warehouse to the list of uses allowed on Lots 13-53 through 13-84.
LOCATION:	1300 Reed Canal Road
APPLICANT:	A. Joseph Posey, Storch Law Firm
PROPERTY OWNERS:	Crystal Lake 2004, Ltd. and A&G Properties, LLC
STAFF CONTACT:	Gwen Perney, Principal Planner (386) 506-5673
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	Recommended Approval (October 27, 2022)
CITY COUNCIL:	November 15, 2022

DEVELOPMENT PROPOSAL

The proposed 9th Amendment to the Crystal Lake Master Development Agreement (MDA) is to add the mini-warehouse use to the list of uses allowed to be developed on lots 13-53 through 13-84 in the Crystal Lake PUD. The subject property is located on the north side of Reed Canal Road, east of Clyde Morris Boulevard and west of the Eden at Crystal Lake Apartments (Location Map – Figure 1). If the amendment is approved, the applicant intends to submit a site plan to build a 3-story climate-controlled self-storage facility on the subject property.

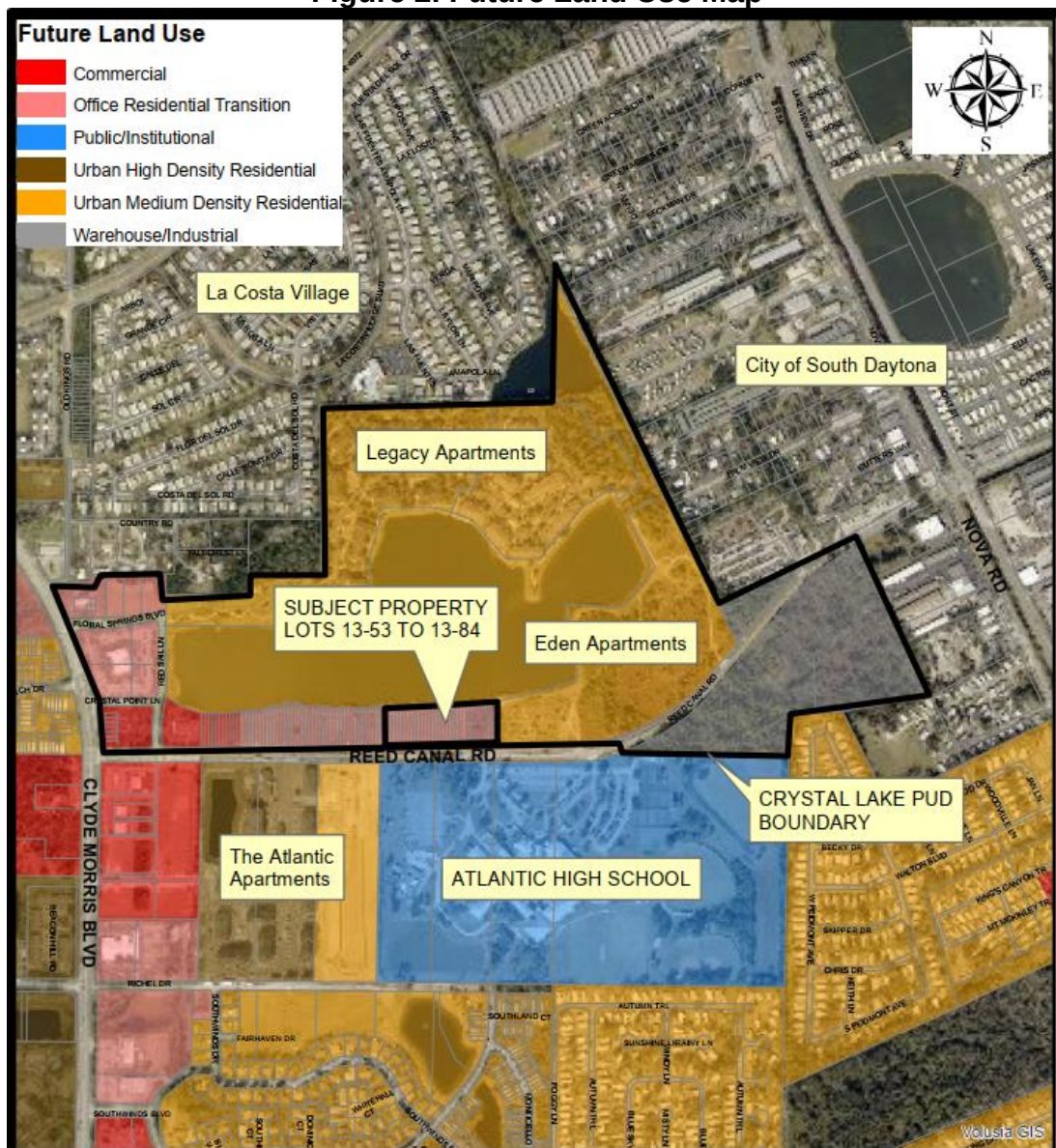
Figure 1. Location Map



The subject property is currently regulated by the Crystal Lake MDA, as amended, and the City of Port Orange Land Development Code (LDC). According to the applicant, the requested 9th Amendment is to allow the mini-warehouse use to be developed on the subject property. If the amendment is approved, the applicant intends to develop the subject property with a 3-story climate-controlled self-storage facility. The proposed amendment does not change any of the permitted uses or other development requirements for any other properties within the Crystal Lake PUD area.

The Crystal Lake MDA was approved by the City Council in 2000 and established a mixed-use development with various tracts, each with a common purpose and design theme. Lot 13 on the north side of Reed Canal Road was designated with a Future Land Use of *Office/Residential Transition* to provide a buffer between the Commercial properties on the west side of the PUD along Clyde Morris Boulevard and the multi-family residential uses to the north and east. (Figure 2 – Future Land Use Map).

Figure 2. Future Land Use Map



According to the applicant, the proposed 9th Amendment to the Crystal Lake MDA is to add mini-warehouses to the list of uses allowed to be developed on the subject property so it can be developed with a climate-controlled self-storage facility. In the Crystal Lake MDA, the allowed uses for the subject property currently include offices, office/warehouse facilities, business services, convenience stores without fuel operations, medical offices, and veterinary clinics.

While the office/warehouse facility use is already a permitted use on the subject property, according to the LDC, an office/warehouse facility is defined as an office building with an attached warehouse to accommodate the office use. The building with these two uses must be designed so it appears from the street as a typical professional office building, and any associated truck loading areas are not visible from that street. According to the applicant, the proposed storage building will be used for only individual self-contained storage of household goods and is considered to be a mini-warehouse use.

The proposed 9th Amendment requires any building associated with a mini-warehouse use to be designed as a multi-level building in accordance with the architectural design standards in the LDC including: full architectural treatment on all visible sides of the building; accessing the storage units from interior corridors instead of exterior garage doors; using exterior finish materials such as stucco, and natural brick or stone; using earth tone or pastel colors on the building.

Prior to development on the subject property, a site plan will be required to be submitted to the city and approved by the Staff Development Review Committee (SDRC). Any development on the subject property will be required to meet the standard commercial site requirements (landscape buffers, screening, architecture, traffic concurrency, drainage and other infrastructure, parking, etc.) in the City's Land Development Code.

The proposed amendment has been reviewed by the Staff Development Review Committee (Police, Fire, Community Development, Public Utilities, Public Works, and City Attorney's Office).

CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property (Lots 13-53 to 13-84) is designated *Office/Residential Transition* on the City's Future Land Use (FLU) Map. The original MDA was found to be consistent with the Comprehensive Plan when it was approved in 2000. The proposed 9th Amendment does not change the FLU designation for the subject property and is consistent with the general intent of the City's Comprehensive Plan.

RECOMMENDATION

Staff recommends approval of the 9th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development, subject to review and approval by the City Attorney's Office for legal form and content.

ATTACHMENT

Exhibit 1: 9th Amendment to the Master Development Agreement for the Crystal Lake Planned Unit Development



CITY COUNCIL AGENDA ITEM

COUNCIL MEETING DATE 11/15/2022

SUBJECT: (J24) First Reading - Ordinance No. 2022-29 - Consent to Assignment of the Franchise of TECO Energy, Inc to Peoples Gas System, Inc.

DEPARTMENT: Finance

GOAL: 2 - Infrastructure
5 - Fiscal Sustainability

RECOMMENDED MOTION: Move to approve Ordinance No. 2022-29.

SUMMARY: Ordinance No. 1984-53 of the City Council of the City of Port Orange, Volusia County, Florida (the "City") granted the Non-Exclusive Gas Franchise (the "Franchise") to Peoples Gas System, a division of Tampa Electric Company.

The above-referenced Franchise expired several years ago and representatives of the City and Peoples Gas are in the process of negotiating a new franchise. Until such time as a new franchise is adopted, People Gas will continue to observe the expired Franchise. TECO Energy, Inc. ("TECO"), the parent company to Tampa Electric Company, is in the process of reorganizing portions of its business ("Reorganization"). Under the Reorganization, all of the assets, rights and obligations of Peoples Gas (including the gas distribution system facilities located in the City's rights-of-way and governed by the Franchise) will be transferred to a new corporation called Peoples Gas System, Inc. ("PGS NewCo"). PGS NewCo will be an indirect, wholly owned subsidiary of TECO.

The target date for the reorganization is January 1, 2023. The effect of the reorganization will be seamless for the City with uninterrupted payment of franchise fees owed under the Franchise. Prior to such transfer, PGS NewCo will enter into an assignment and assumption agreement pursuant to which PGS NewCo will assume the terms and conditions of the Franchise.

PRESENTER: John McKinney

ATTACHMENTS:

1.	Ordinance No. 2022-29	Ordinance No. 2022-29 .pdf
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2.	Consent to Assignment Letter	Port Orange Unsigned Assignment Letter w Mayor & Clerk.pdf
John McKinney Created/Initiated - 10/24/2022 John McKinney Approved - 10/24/2022 Matthew Jones Approved - 11/4/2022 Wayne Clark Approved - 11/4/2022 Robin Fenwick Final Approval - 11/4/2022		

ORDINANCE NO. 2022-29

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA AUTHORIZING AND CONSENTING TO THE ASSIGNMENT OF THE NON-EXCLUSIVE GAS FRANCHISE TO PEOPLES GAS SYSTEM, INC.; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Peoples Gas System, Inc. (“Peoples Gas”) and the City of Port Orange entered into a non-exclusive franchise agreement in 1984 as set forth in Ordinance No. 1984-53 (“Franchise Agreement”); and

WHEREAS, on June 16, 1997, Articles of Merger were filed for Peoples Gas System Inc. and Tampa Electric Company, effecting the dissolution of Peoples Gas Systems, Inc. and establishing Tampa Electric Company as the surviving successor corporation by said merger; and

WHEREAS, TECO Energy, Inc. ("TECO"), is the parent company of Tampa Electric Company, and is in the process of reorganizing; and

WHEREAS, under said reorganization, all of the assets, rights, and obligations of Peoples Gas (including the gas distribution system facilities located in the City's rights-of-way and governed by the Franchise) will be transferred to a new corporation called Peoples Gas System, Inc. an indirect, wholly owned subsidiary of TECO ("PGS NewCo"); and

WHEREAS, pursuant to the terms of the Franchise Agreement, a consent to assignment shall be approved by ordinance; and

WHEREAS, the City Council finds that it is in the public interest of its citizens to authorize and consent to the assignment to PGS NewCo.

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

SECTION 1: The recitals set forth above are incorporated herein by reference and are explicitly made a part hereof.

SECTION 2. The City does hereby authorize and consent to the assignment of the Franchise Agreement to Peoples Gas System, Inc. (“PGS NewCo”) in accordance with the terms and conditions of Ordinance No. 1984-53.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute the Consent to Assignment of the Franchise Agreement to Peoples Gas System, Inc. (“PGS NewCo”).

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

SECTION 5. If any 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 provision of this ordinance are declared severable.

SECTION 6. This Ordinance shall become effective upon adoption.

MAYOR DONALD O. BURNETTE

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on first reading this _____ day of _____, 2022.

Passed and adopted on second reading and final reading on the ____ day of _____, 2022.

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



Ellen W. Anderton*
Senior Corporate Counsel

* Admitted in California and
the District of Columbia
Not admitted in Florida

Writer's Direct
Dial: (813) 228-4789
Fax: (813) 228-1328
E-Mail: ewanderton@tecoenergy.com

October 18, 2022

Sent Via Certified Mail

Tracking No.: 7021 0950 0001 9322 6339

Wayne Clark, City Manager
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129
wclark@port-orange.org

Ref: Ordinance No. 1984-53 of the City Council of the City of Port Orange, Volusia County, Florida (the "City") granting the Non-Exclusive Gas Franchise (the "Franchise") to Peoples Gas System, a division of Tampa Electric Company (successor by merger to Peoples Gas System, Inc.)("Peoples Gas") A copy of this ordinance is enclosed for your convenience.

Subject: Notice and Request for the City's Consent to Assignment of the Franchise in Connection with the Reorganization (as described below)

Dear Mr. Clark,

I am in-house counsel for Peoples Gas and assist the company with franchise matters. As you are probably aware, the above-referenced Franchise expired several years ago and representatives of the City and Peoples Gas are in the process of negotiating a new franchise. Until such time as a new franchise is adopted, Peoples Gas will continue to observe the expired Franchise.

TECO Energy, Inc. ("TECO"), the parent company to Tampa Electric Company, is in the process of reorganizing portions of its business ("Reorganization"). Under the Reorganization, all of the assets, rights and obligations of Peoples Gas (including the gas distribution system facilities located in the City's rights-of-way and governed by the Franchise) will be transferred to a new corporation called Peoples Gas System, Inc. ("PGS NewCo"). PGS NewCo will be an indirect, wholly owned subsidiary of TECO.

The target date for the Reorganization is January 1, 2023. The effect of the Reorganization will be seamless to the City with uninterrupted payment of franchise fees owed under the Franchise. Prior to such transfer, PGS NewCo will enter into an assignment and assumption agreement pursuant to which PGS NewCo will assume the terms and conditions of the Franchise.

In accordance with Section 15 of the Franchise, please accept this letter as written notice of Peoples Gas' intent to assign the Franchise to PGS NewCo effective January 1, 2023. In accordance with such section, we ask that the City approve and consent to such assignment within sixty days of this letter and evidence such consent by signature of an authorized representative in the space provided below. We would

Mr. Wayne Clark
October 18, 2022
Page Two

appreciate it if you would then email a scanned copy of this document, including a copy of any relevant ordinance, to my assistant, Nickole Eligon, at NFEligon@tecoenergy.com at your earliest convenience.

Should there be any questions regarding the Reorganization or the consent requested hereunder, please do not hesitate to contact me or the City's PGS Regional Manager.

Sincerely,



Ellen Anderton, Esq.
Senior Corporate Counsel

**CONSENT TO ASSIGNMENT OF THE
FRANCHISE BY PGS TO PEOPLES GAS SYSTEM,
INC.:**

The City of Port Orange, Volusia County, Florida

By: _____

Name: Donald O. Burnette

Title: Mayor

Date:

Attest: _____

Robin L. Fenwick, MMC, City Clerk

Enclosure

cc: John McKinney, Finance Director (via email: Jmckinney@port-orange.org)
Kandi Floyd, PGS Director of External Affairs
Spencer Pylant, PGS Regional Manager