Volusia Growth Management Commission
Meeting Notice and Agenda

7:00 p.m. January 27, 2021

Thomas C. Kelly Administration Center
Frank T. Bruno, Jr. County Council Chambers
123 W. Indiana Avenue
DeLand, FL

I. Call Meeting to Order
II. Roll Call
III. Citizen Comments on matters other than scheduled hearings
IV. Approval of Minutes:
   1) September 23, 2020 Regular Meeting
V. Public Hearings
VI. Report from Planning Consultant
VII. Report from Legal Counsel
VIII. Report from Commission Operations Manager
IX. Report from Commission Chairman
X. Reports from Committees:
   1) P.O.P. Report
      a) Annual Performance Evaluation – VGMC Operations Manager
   2) Budget Report
      a) 2020-21 Year to Date Expenses
      b) 2021-22 Preliminary Proposed Budget Discussion
XI. Old Business
XII. New Business
   1) Consideration of VGMC Resolution #2021-01, Apportionment of Voting Weight
XIII. Commissioner Requests or Remarks
XIV. Adjournment

If a person decides to appeal any decision by the VGMC of any matter considered at such public meeting, (s)he will need to ensure that a verbatim record of such meeting is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with The Americans with Disabilities Act (ADA), if a person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, (s)he should contact the VGMC office at least 48 hours prior to the proceeding at 140 S. Beach, Suite #305, Daytona Beach, FL, 32114, (386) 947-1875.

The Volusia Growth Management Commission (VGMC) welcomes public participation and is interested in hearing your comments. During this time of extraordinary circumstances dealing with the Declared Emergency associated with COVID-19, the VGMC promotes in-person public attendance with arrangements made for appropriate social distancing. Space may be limited to ensure that persons may participate in a space that readily allows for appropriate social distancing. These steps are being taken consistent with the goals of the Governor’s Executive Order 20-112.

*There will be a meeting of the Budget Committee beginning at 6:00 p.m., followed by the POP Committee beginning at 6:30 p.m. in the Council Chambers.
Volusia Growth Management Commission

MINUTES FOR MEETING HELD
Wednesday, September 23, 2020

Thomas C. Kelly Administration Center
Frank T. Bruno Jr. County Council Chambers
123 W. Indiana Avenue
DeLand, FL

MEMBERS PRESENT IN PERSON

Sid Vihlen, Jr., Chairman
DeBary
Debbie Connors, Vice Chair
Port Orange
Christy Gillis, Secretary
South Daytona
Larry Saffer
Daytona Beach Shores
Mary Swiderski
DeLand
Teresa Pope
Edgewater
Loretta Arthur
Holly Hill
Joseph Hammett
Lake Helen
Robert Storke
Orange City
Harold Briley
Ormond Beach
Paul Manning
Ponce Inlet
Jon Greene
Volusia County
John Samuelson
Volusia County
Thomas Wright
Volusia County

MEMBERS PRESENT VIRTUALLY

Sandy Lou Gallagher
Deltona
Doug Gutierrez
Daytona Beach
Jack Surrette
Volusia County

NON-VOTING MEMBERS

Stephanie Doster
Volusia County Schools
Steven Fitzgibbons (not present)
SJRWMD

OTHERS PRESENT

Saralee Morrissey, Former VGMC Member
Merry Chris Smith, VGMC Operations Manager
Chris Dougherty, S&ME, VGMC Planner (present virtually)
Erika Hughes, VHB, VGMC Planner (present virtually)
Heather Ramos, GrayRobinson, VGMC General Counsel (present virtually)
CALL TO ORDER

VGMC Chairman Sid Vihlen, Jr. called the meeting to order at 7:00 p.m.

ROLL CALL

Roll call was taken and it was determined there was a quorum present.

For the benefit of newer members, Mr. Vihlen asked Ms. Smith to introduce the VGMC staff who were attending virtually. Ms. Smith introduced VGMC legal counsel Heather Ramos, planner Chris Dougherty and planner Erika Hughes.

Chairman Vihlen announced that Danny Robins resigned from the VGMC earlier this year to run for the District 3 County Council seat, and that we currently await a new member appointment from the County. He added that Mr. Robins received over 50% of the vote during the primary election.

Mr. Vihlen also announced that Saralee Morrissey recently retired after 25 years on the VGMC, and he introduced and welcomed Stephanie Doster who is now representing the Volusia County Schools.

At the request of Chairman Vihlen, Ms. Smith read a statement into the record which summarized and highlighted Ms. Morrissey’s contributions to the VGMC over the past 25 years. Chair Vihlen recognized Ms. Morrissey, thanked her for her service to the commission and presented her with a plaque in appreciation. Ms. Morrissey thanked the members for the recognition and spoke relating to the past 25 years as a member of the commission, particularly as it related to the consideration of schools during the VGMC review process. Chairman Vihlen specifically thanked Ms. Morrissey for her participation in the most recent County Charter Review of the VGMC and the time and effort she put forth in preserving the commission.

CITIZEN COMMENTS

There were no citizens present who wished to speak at this time.

APPROVAL OF MINUTES

Harold Briley made a motion to approve the minutes of the February 26, 2020 meeting as presented; seconded by Jack Surrette. Motion carried unanimously.

PUBLIC HEARING

There were no items scheduled for public hearing.
REPORT FROM PLANNING CONSULTANT

Chris Dougherty, VGMC planner with S&ME, complimented Ms. Morrissey and her work with the VGMC. Mr. Dougherty stated that it has been a very busy year. Specifically, he reported that he has reviewed 67 applications fiscal year-to-date, 32 of which were large scale amendments. Additionally, he stated four Requests for Additional Information have been issued.

Erika Hughes, VGMC planner with VHB, reported that she has reviewed 14 new applications since the February meeting, most of which were small scale amendments. She stated planning activities steadily continue and she also complimented Ms. Morrissey’s service to the VGMC.

REPORT FROM LEGAL COUNSEL

Heather Ramos, VGMC legal counsel, stated there were no legal updates at this time.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith stated the commission has received approximately 95 new applications in the current fiscal year, adding that we are presently on pace to receive approximately 80 new applications in the 2020 calendar year.

Ms. Smith also stated that member travel reimbursements for the 2019-20 fiscal year would be processed in mid-October. Commissioner Surrette asked if that includes meetings that are attended virtually. Ms. Smith read aloud the section of the Rules of Procedure that addresses member travel reimbursements. Following brief discussion, Chairman Vihlen commented that he’s been involved in government for many years and his experience has been that travel reimbursements are not intended for time spent at a meeting, but rather for actual out-of-pocket travel expenses incurred. Mr. Surrette agreed and stated that travel reimbursements should not be made for meetings attended virtually. There were no other comments or objections raised.

REPORT FROM COMMISSION CHAIR

Chairman Vihlen stated that while the commission has not been meeting often, the volume of new applications and office activities has continued to remain very busy. He discussed the application process and what transpires throughout the review process. Mr. Vihlen submitted into the record a copy of the email he distributed to the members on September 13, 2020 which provided a synopsis of the office activities.

REPORTS OF COMMITTEES

POP Report: POP Committee Chair Debbie Connors stated the committee met prior to the regular meeting to discuss renewal of the planning and legal contracts.
Chairman Vihlen stated these items are on the agenda under New Business and moved these items for consideration by the commission at this time.

Ms. Connors stated the POP Committee is recommending approval of the 2020-21 renewal contract for legal services with GrayRobinson as proposed. The recommendation comes as a motion and second from the POP Committee. There was no discussion and the motion carried unanimously.

Ms. Connors stated the POP Committee is recommending approval of the 2020-21 renewal contract for planning services with S&ME as proposed. The recommendation comes as a motion and second from the POP Committee. There was no discussion and the motion carried unanimously.

Ms. Connors stated the POP Committee is recommending approval of the 2020-21 renewal contract for planning services with VHB as proposed. The recommendation comes as a motion and second from the POP Committee. There was no discussion and the motion carried unanimously.

Budget Report: Budget Committee Chair Christy Gillis stated the committee met prior to the regular meeting. With respect to the current YTD budget, Ms. Gillis pointed out that there are $2,345 in expenses for Digital Court Recording (DCR) software and licensing which was not budgeted. She explained the VGMC laptop was replaced this year and the original software would not work with the new laptop. Overall, she stated the commission remains under budget in the 2019-20 fiscal year.

Ms. Gillis also reported that the 2020-21 proposed budget went before the Volusia County Council for first reading on September 15, 2020, and the adoption hearing is currently scheduled for September 29, 2020.

There were no questions or comments and no further action was required.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Chairman Vihlen stated the three items on the agenda relating to the staff contracts was handled during the POP Committee report. He also congratulated both planning and legal staff on the approval of their renewal contracts and thanked them for their outstanding work.

Election of Officers: Ms. Smith stated officer terms are one year, and the VGMC rules allow officers to serve two consecutive terms. She stated the current VGMC Officers were elected in
January and all are eligible to serve another term. Additionally, Ms. Smith stated nominations can be made by individual office or as a slate.

Harold Briley made a motion to nominate the current VGMC Officers to serve another term; motion seconded by Jack Surrette. There were no further nominations or discussion. The motion to elect Sid Vihlen, Jr. as Chairman, Debbie Connors as Vice Chair, and Christy Gillis as Secretary carried unanimously.

COMMISSIONER REQUESTS OR REMARKS

Commissioner Briley thanked VGMC staff and consultants for the work they’ve done throughout the year.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:38 p.m.

Attest: Chair
## Pending VGMC Applications as of January 12, 2021

<table>
<thead>
<tr>
<th>File #-Applicant</th>
<th>Acres</th>
<th>Location &amp; Applicant</th>
<th>Existing Use</th>
<th>Proposed Use</th>
<th>Large/Small</th>
<th>App Received/Complete</th>
<th>Status</th>
</tr>
</thead>
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<tr>
<td>20-090 DeLand</td>
<td>4.4</td>
<td>1455 McDonald Ave</td>
<td>County Industrial</td>
<td>City Industrial/Warehouse</td>
<td>Small</td>
<td>12/28/20</td>
<td>Reviewing</td>
</tr>
<tr>
<td>21-001 Daytona Beach</td>
<td>37.1 &amp; Text</td>
<td>SE quadrant of the Williamson Blvd &amp; Strickland Range Rd intersection &amp; amend Neighborhood K to allow residential &amp; limited commercial development</td>
<td>Level 1 Residential/Office Transition/ Potentially Environmentally Sensitive</td>
<td>Mixed Use/ Potentially Environmentally Sensitive</td>
<td>Large</td>
<td>1/11/21</td>
<td>Reviewing</td>
</tr>
<tr>
<td>21-002 Daytona Beach</td>
<td>70.1 &amp; Text</td>
<td>W side of N Clyde Morris and NW quadrant of LPGA &amp; Clyde Morris intersection and amendment Neighborhood K to allow residential &amp; limited commercial development</td>
<td>Level 1 Residential/Office Transition/ Potentially Environmentally Sensitive</td>
<td>Mixed Use/ Potentially Environmentally Sensitive</td>
<td>Large</td>
<td>1/11/21</td>
<td>Reviewing</td>
</tr>
</tbody>
</table>
TO:      VGMC Members & Staff
FROM:    Merry Chris Smith, Operations Manager
DATE:    January 13, 2021
RE:      2021-22 Preliminary Proposed Budget

Attached please find the current YTD expenses incurred by the VGMC through January 11, 2021, along with a draft preliminary proposed budget for 2021-22.

The Budget Committee is scheduled to meet immediately prior to the regular meeting to review these items, and they will be brought forward for discussion by the full commission at the regular meeting. No formal action is necessary by the commission at the January 27, 2021 meeting. The Budget Committee will bring a recommendation relating to the 2021-22 proposed budget for consideration by the full commission at the next regular meeting.

If you have any questions in the meantime, please do not hesitate to contact me.
## VGMC Budget Worksheet
### 2020-21 Budget Expenses as of January 11, 2021

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Short Description</th>
<th>Original Budget</th>
<th>Amended Budget</th>
<th>Total Expenses</th>
<th>Budget Balance</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1201</td>
<td>Salaries</td>
<td>$28,480</td>
<td>$28,480</td>
<td>$6,906</td>
<td>$21,574</td>
<td>24%</td>
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<td>FICA</td>
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<td>$373</td>
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<td>2200</td>
<td>Retirement</td>
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<td>24%</td>
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<td>2301</td>
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<td>$4,500</td>
<td>0%</td>
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<tr>
<td>2302</td>
<td>Life Insurance</td>
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<td>$25</td>
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<td>8%</td>
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<tr>
<td>2303</td>
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<td>$0</td>
<td>$180</td>
<td>0%</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>Personal Services</strong></td>
<td><strong>$38,562</strong></td>
<td><strong>$38,562</strong></td>
<td><strong>$7,994</strong></td>
<td><strong>$30,568</strong></td>
<td><strong>21%</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Object Code</th>
<th>Short Description</th>
<th>Original Budget</th>
<th>Amended Budget</th>
<th>Total Expenses</th>
<th>Budget Balance</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>3320</td>
<td>Comm. Fees</td>
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<td>$250</td>
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<td>3710</td>
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<td>3810</td>
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<td>$200</td>
<td>$0</td>
<td>$200</td>
<td>0%</td>
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<tr>
<td>3820</td>
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<td>$250</td>
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<td>$0</td>
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<td>0%</td>
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<td>4000</td>
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<td>$4,410</td>
<td>0%</td>
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<td>0%</td>
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<tr>
<td><strong>Totals</strong></td>
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<td><strong>$143,292</strong></td>
<td><strong>$14,100</strong></td>
<td><strong>$129,192</strong></td>
<td><strong>10%</strong></td>
</tr>
</tbody>
</table>

**TOTAL**    | **VGMC Budget**            | **$181,854**    | **$181,854**   | **$22,094**    | **$159,760**   | **12%**     |

Contract services YTD expenses breaks down as follows:
- $ 1,328 Legal - GrayRobinson
- $ 7,421 Planning - SME
- $ 2,277 Planning - VHB

**$5,580 Currently pending in contract services expenses**
TO: Members of the VGMC Budget Committee
FROM: Merry Chris Smith, Operations Manager
DATE: January 13, 2021
RE: Preliminary Draft 2021-22 Proposed Budget

Attached please find a draft budget package for the 2021-22 fiscal year for your review and discussion at the January 27, 2021 Budget Committee Meeting. No final action will be taken on this item at the January meetings. The committee will present the proposed budget to the full commission at the regular meeting for discussion and comment. Thereafter, it will be brought back to the Budget Committee at the next scheduled meeting to prepare a recommendation for final action by the full commission.

Included in the package are the following:

1) A worksheet providing a 5-year budget history, the current approved budget, and preliminary proposed budget figures for the 2021-22 fiscal year;
2) A budget justification which provides more specific detail relating to the individual line items;
3) Objectives, measurements, and budget request overview; and
4) Commission summary which is included in the program book when the County presents the budget to the Council later this year.

Most of the proposed budget figures are consistent with the current 2020-21 approved budget. Following are additional comments/information relating to some of the individual line items that I would like to specifically expand upon:

1) Object Codes 1201 thru 2303: The Personal Services category relates specifically to the Operations Manager position. The County Human Resources division calculates all of the individual line items within this category. The proposed 2021-22 budget figures are based upon the current adopted budget and will likely be modified slightly by the County.
2) Object Code 3400: The **Contract Services** budget of $120,000 is based upon estimates provided by VGMC professional staff as follows:

- $40,000 – GrayRobinson (legal)
- $65,000 – S&ME (planning)
- $15,000 – VHB (planning)

These estimates are all consistent with the current year adopted budget.

3) Object Code 3401: This is a new line item to cover the annual software licensing for the Digital Court Recording software purchased for the new laptop.

If you have any questions in advance of the meeting, please do not hesitate to contact me.

Thank you.
## VGMC Budget Worksheet

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<td></td>
<td></td>
<td>$34,774.00</td>
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<td>$175.00</td>
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<td>Travel (Members)</td>
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<td>$2,226.00</td>
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<td>Communications</td>
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<td>$600.00</td>
<td>$600.00</td>
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<td>$600.00</td>
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<td>$600.00</td>
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<td>4400</td>
<td>Rent</td>
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<td>$7,778.00</td>
<td>$8,090.00</td>
<td>$8,267.00</td>
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<td>4510</td>
<td>Liability Insurance</td>
<td>$0.00</td>
<td>$324.00</td>
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<td>$633.00</td>
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<td>4701</td>
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<td>$0.00</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$200.00</td>
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<tr>
<td>4711</td>
<td>Xerox - C/R</td>
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<td>$434.00</td>
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<td>$386.00</td>
<td>$242.00</td>
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<tr>
<td>4910</td>
<td>Legal Ads</td>
<td>$12,765.00</td>
<td>$702.00</td>
<td>$986.00</td>
<td>$729.00</td>
<td>$794.00</td>
<td>$3,000.00</td>
<td>$3,195.20</td>
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<td>5100</td>
<td>Office Supplies</td>
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<td>$288.00</td>
<td>$165.00</td>
<td>$314.00</td>
<td>$375.00</td>
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<tr>
<td>5102</td>
<td>Office Equipment</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$500.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>5230</td>
<td>Food &amp; Dietary</td>
<td>$200.00</td>
<td>$94.00</td>
<td>$0.00</td>
<td>$15.00</td>
<td>$126.00</td>
<td>$500.00</td>
<td>$87.00</td>
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<td>$1,995.00</td>
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<td>$191,213.00</td>
<td>$83,038.00</td>
<td>$99,401.00</td>
<td>$75,072.00</td>
<td>$99,388.00</td>
<td>$143,292.00</td>
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### Totals

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>Totals</td>
<td>$225,987.00</td>
<td>$117,698.00</td>
<td>$134,784.00</td>
<td>$111,880.00</td>
<td>$136,274.00</td>
<td>$181,854.00</td>
<td>$145,324.60</td>
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## Volusia Growth Management Commission (VGMC)
### Budget Justification – FY 2021-22

<table>
<thead>
<tr>
<th>Object Code/Description</th>
<th>Budget Amount</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1201-Salaries</td>
<td>$28,480</td>
<td></td>
</tr>
<tr>
<td>2100-FICA</td>
<td>$2,192</td>
<td></td>
</tr>
<tr>
<td>2200-Retirement</td>
<td>$2,886</td>
<td></td>
</tr>
<tr>
<td>2301-Group Insurance</td>
<td>$4,500</td>
<td></td>
</tr>
<tr>
<td>2302-Life Insurance</td>
<td>$324</td>
<td></td>
</tr>
<tr>
<td>3203-Dental Insurance</td>
<td>$180</td>
<td></td>
</tr>
<tr>
<td>3320-Comm. Fees</td>
<td>$250</td>
<td>Annual Assessment/Fees (Special District Fee payable to the State)</td>
</tr>
</tbody>
</table>
| 3400-Contract Services  | $120,000     | $ 40,000 – Legal Staff  
$ 80,000 – Planning Staff ($65,000-SME; $15,000-VHB) |
| 3401-Software Licensing | $350         | Annual DCR Software Assurance |
| 3710-Computer Replacement | $612       | Desktop and laptop computer replacement program -- this amount is established by the County |
| 3810-Training & Education | $200      | Fees for administrative staff to attend education/training class relating to records management |
| 3820-Registration Fees  | $250         | Fees for Chair or other designated member to attend VCARD sponsored events |
| 4000-Travel             | $4,410       | Member travel reimbursements – Calculated at 21 members, 6 meetings per year at a rate of $35/meeting |
| 4100-Communications     | $600         | Broadband Internet Connection -- $50/month |
| 4211-Postage            | $1,000       | Postage Costs for VGMC mailings |
| 4250-Mileage            | $300         | Mileage expense reimbursement for travel related to VGMC activities |
| 4400-Rent               | $9,000       | - Annual rent for VGMC office space (currently $615.00/month)  
- Rental expense for onsite storage of VGMC files |
| 4510-Liability Insurance| $470         | Liability insurance charged back from the County |
| 4701-Printing C/R       | $200         | Reproduction of VGMC materials (outside) |
| 4711-Xerox – C/R        | $1,000       | Use of County copier |
| 4910-Legal Ads          | $3,000       | Advertising hearings, meetings, etc. |
| 5100-Office Supplies    | $1,000       | Projected cost for VGMC office supplies |
| 5102-Office Equipment   | $500         | Budgeting for purchase of small office equipment |
| 5230-Food & Dietary     | $500         | To cover miscellaneous items such as meeting refreshments |
Key Objectives:

Review the Comprehensive Plans and any plan amendments thereto for each governmental entity in Volusia County to ensure intergovernmental coordination and cooperation.

Performance Measures:

<table>
<thead>
<tr>
<th>Applications Reviewed</th>
<th>FY 2017-18</th>
<th>FY 2018-19</th>
<th>FY 2019-20</th>
<th>FY 2020-21 (est.)</th>
<th>2020-21 YTD (12/21/20)</th>
<th>FY 2021-22 (est.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications Reviewed</td>
<td>78</td>
<td>63</td>
<td>94</td>
<td>90</td>
<td>30</td>
<td>90</td>
</tr>
</tbody>
</table>

Mission Statement:

To provide an effective means for coordinating the plans of municipalities and the County, in order to provide a forum for units of local government in Volusia County to coordinate decision making related to land use, the environment and public services for the citizens of Volusia County.

Budget Request Overview:

The number of new applications reviewed by the VGMC has increased over the past two years and it is anticipated this will continue. In 2016, the VGMC Consistency Certification Rules were amended. While the standard of review by the VGMC remains the same, the changes, in part, limited the ability of the commission to independently request additional information and/or request a public hearing in many cases.

The requested VGMC budget represents anticipated expenses to be incurred by the VGMC to carry out the duties of the commission under the current rules and regulations.
Program Book Information:

The Volusia Growth Management Commission (VGMC) is established by Section 202.3 of the Volusia County Code and is comprised of 21 voting and two non-voting members. The voting members include one representative appointed by each of the 16 municipalities in Volusia County, and five members appointed by the County Council to represent the unincorporated area of Volusia County. The two non-voting members represent the Volusia County School Board and the St. Johns Water Management District.

The VGMC’s primary duty and responsibility is to review the comprehensive plans and any plan amendments thereto for each governmental entity in Volusia County to determine the extent to which it is consistent with the comprehensive plans of adjacent and/or affected jurisdictions, and to insure intergovernmental coordination and cooperation. The Commission utilizes contract legal and planning services, and also has one permanent staff member.
January 4, 2021

Sid Vihlen, Jr., Chair
Volusia Growth Management Commission
140 S. Beach Street, Suite 305
Daytona Beach, FL 32114

Re: Legal Representation and Budget Estimate for Fiscal Year 2021/2022
GR Client-Matter No. 40080-1

Dear Mr. Vihlen:

This letter is sent in response to the Volusia Growth Management Commission’s budget estimate for the fiscal year 2021/2022 for our firm’s continued legal representation of the Volusia Growth Management Commission (“Commission”). I understand that this budget estimate will be reviewed by the Budget Committee in January 2021.

Over the years, it has been our experience that things go more smoothly if we have a clear understanding of your needs and the role we need to play. The purpose of this engagement letter is to confirm an agreement concerning representation and the payment of our fees and expenses. This engagement letter will govern all subsequent matters in which we may become involved on your behalf unless a separate arrangement is made.

We will do our very best to meet your needs in any matters we undertake for you, but as you know, we cannot and do not make any representations or warranties concerning the outcome. We will give you our best advice, render opinions, and seek to obtain the desired result. In this regard, it is most important that we communicate regularly.

As general counsel to the Commission, our duties will include:

(i) Attendance at all meetings of the full Commission as directed by the Commission Chair and provide oral or written reports on legal activities;

(ii) Analyze and comment on applications to the Commission for consistency certification when a request for comment is received from planning staff;

(iii) Prepare draft resolutions regarding consistency certification applications for consideration by the Commission;
(iv) Consult with the Commission Operations Manager and chairman on procedural matters and prepare procedural memorandums as so directed in the Commission’s Rules of Procedure;

(v) Upon prior approval from the chairman, meet with the local governments and proponents of a comprehensive plan change to discuss and review legal issues on particular applications to the Commission; in the event there are exigent circumstances to attend such a meeting and prior approval from the chairman is not possible, authorization to attend said meeting may be obtained from the vice chairman or the secretary to the Commission;

(vi) Attend the Commission’s committee meetings as directed by the committee chair;

(vii) Undertake special projects and prepare reports as directed by the Commission; and

(viii) Immediately address and respond to new litigation matters so as to preserve jurisdiction of the Commission and subsequently present the litigation matter to the full Commission for direction on the litigation position of the Commission and for direction as to whether general counsel shall pursue such litigation on behalf of the Commission.

GrayRobinson will begin performance of the above services on the date written authorization to proceed is received. The duration of this continuing services Agreement shall be one (1) year. The Commission shall have the option of extending this Agreement for two additional one (1) year terms; however, this Agreement will revert to a month-to-month contract under the current terms until such time as a new Agreement is reached.

In the event GrayRobinson elects to withdraw from representation, or if the Commission, by a weighted majority vote of the Commission, elects to terminate the services of GrayRobinson, a minimum of 90 days written notice will be provided to the affected party.

GrayRobinson strives to maintain the highest ethical standards. GrayRobinson is governed by the Florida Bar’s Rules of Professional Conduct, including but not limited to, Rule 4-1.7, Conflict of Interest, Current Clients, and Rule 4-1.9, Conflict of Interest, Former Client, and represents that GrayRobinson will at all times perform any and all services under this Agreement in compliance with the Rules of Professional Conduct.

GrayRobinson agrees that, if changes, including additions, to the facts disclosed by it prior to execution of this Agreement, occur during performance of this Agreement, it shall make an immediate and full disclosure of such changes in writing to the Commission. GrayRobinson shall not undertake any representation of other clients which may result in a conflict of interest, without first obtaining written informed consent from each affected client(s), including the Commission, prior to commencement of such representation consistent with Rule of Professional Conduct 4-1.7(b).
I am submitting the following arrangements with our firm regarding fees and costs:

1. Our fees will be based on an hourly rate of $225.00 for attorneys and $105.00 for paralegals. As you are aware, this hourly attorney and paralegal rate is considerably below the hourly rates normally charged our clients. I will be primarily responsible for your work, and will be assisted by other legal staff as necessary.

2. Our statement for fees and costs will be submitted on a monthly basis and are normally to be paid within thirty days of receipt of the statement. Enclosed, please find a copy of our firm’s “Additional Understanding Regarding Representation”. All conditions in that document are incorporated by reference as a part of this letter. Also enclosed is a copy of our current cost recovery rates/charges. Mileage will be computed at 44.5 cents per mile for all travel related to the Commission per Section 112.061(7)(d)1, Florida Statutes.

We estimate our fees will be approximately $25,000.00 for the Commission’s 2021/2022 fiscal year. If there is no longer a separate contingent amount for litigation, we would recommend including an additional $15,000.00 for litigation into the budgeted amount.

If the foregoing meets with the approval of you and the Commission, please have the Commission’s authorized representative execute this letter agreement in the space provided, and return it to me. Your acceptance of our representation will include our agreement regarding fees and costs.

Our firm looks forward to continuing to work with you and all the Commissioners in the future. If you have any questions regarding this representation letter or any other matter, do not hesitate to call me.

Sincerely,

GrayRobinson, P.A.

[Signature]

Heather M. Ramos

HMR/jg

Enclosures
ACCEPTED BY:

VOLUSIA GROWTH MANAGEMENT COMMISSION

______________________________________________
Signature

______________________________________________
Print Name and Title

Date:__________________________________________
Additional Understanding Regarding Representation

Payment of Invoices

In the event that our invoices are not timely paid, or that payment terms satisfactory to us are not established, we reserve the right to renegotiate the terms of this engagement and/or to pursue our other remedies, including the right to charge you interest of 1\% per month for any invoice which has not been paid within 30 days of the date the invoice is mailed or emailed to you. We also reserve the right to withdraw as your counsel in the event you fail to honor your agreement with respect to our legal fees or for any just reason as permitted or required under the Florida Code of Professional Responsibility or as permitted by the rules of courts of the State of Florida. In the event of our withdrawal, you will promptly pay for all services rendered by us prior to the date of withdrawal.

Electronic Data

This will serve as our disclosure that the Firm does presently and will continue to maintain confidential and privileged information in electronic form. This practice will be followed in our work on this matter. The Firm does take measures that it understands to be reasonable and consistent with current business practices to protect that information.

Outcome or Result

We will strive to do our best to meet your needs in this and other any matter we subsequently undertake for you. Either at the commencement, or during the course of our representation, we may express opinions or beliefs concerning the litigation or various courses of action and the results that might be anticipated. Any such statement made by any attorney, consultant or employee of our Firm is intended to be an expression of opinion only, based on information available to us at the time, and should not be construed as a promise or guarantee. We cannot and do not make any representations, warranties or guarantees concerning the outcome of this or any representation we undertake. We will give you our best advice, render opinions, and seek to obtain the desired result. In this regard, it is most important that we communicate regularly.

File Retention

Following the termination of the representation/engagement, any otherwise nonpublic information you have supplied to the Firm (unless previously removed or destroyed by specific request) will be retained by us and kept confidential in accordance with applicable rules of professional conduct, and the Firm reserves the right to send such materials to off-site storage at any time. Any retrieval of material once the file is closed may incur an expense for which you will be responsible. The Firm’s retention policy provides that we retain stored and closed files for a period of ten (10) years after which they may be destroyed. Thus, if there are any documents which you need from those we possess, we recommend that you obtain them at the conclusion of our work on this matter. Failure to do so will waive and indemnify the Firm from any liability for the destruction of materials.
In representing the Volusia Growth Management Commission, our firm could be deemed to be “acting on behalf” of the Commission as contemplated under section 119.0701 of the Florida Statutes. In an abundance of caution, we have always compiled in such representations with the letter and spirit of Florida’s Public Records Act, Chapter 119 of the Florida Statutes including specifically subsection 119.0701(2), which requires the firm to:

a. Keep and maintain public records required by the Commission to perform the services under this Agreement.

b. Upon request from the Commission’s custodian of public records, provide the Commission with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119 of the Florida Statutes or otherwise provided by law.

c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement if the firm does not transfer the records to the Commission.

d. Upon completion of the Agreement, transfer, at no cost, to the Commission all public records in our possession or keep and maintain public records required by the Commission to perform the services under this Agreement. If the firm transfers all public records to the Commission upon the expiration or termination of this Agreement, the firm shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the firm keeps and maintains public records upon the expiration or termination of this Agreement, the firm shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Commission, upon request from the Commission’s custodian of public records, in a format that is compatible with the information technology systems of the Commission.

IF GRAYROBINSON HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO GRAYROBINSON’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO GRAYROBINSON’S LEGAL REPRESENTATION OF THE VGMC, GRAYROBINSON SHOULD CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT VGMG@VOLUSIA.ORG (386) 947-1875, VOLUSIA GROWTH MANAGEMENT COMMISSION, 140 S. BEACH STREET, #305, DAYTONA BEACH, FL 32114.
CLIENT CHARGES

Reproduction Costs (copier)  – $.20 per copy (Black & White)
                          – $.60 per Copy (Color)

Express Mail (Federal Express)  – Fed Ex discounted charges.

Express Mail (UPS)  – Actual UPS Charges.

Computerized Research (Lexis/Westlaw)  – Actual charges.

Courier Service  – Actual charges.

Postage and Handling  – Actual postage.

Long Distance Calls  – Actual charges.
December 29, 2020

Merry Chris Smith
Operations Manager
Volusia Growth Management Commission
140 S. Beach Street, #305
Daytona Beach, FL 32114

Reference: Volusia Growth Management Commission 2021-2022 Budget
Project No. 20140535

Dear Ms. Smith:

S&ME is pleased to present our estimated budget for fiscal year 2021-2022. After discussions with VGMC staff, review of previous years budgets versus actual expenses, continued increase in economic growth and development activities in Volusia County, S&ME has prepared an estimated budget of $65,000.00 for fiscal year 2021-2022. We understand that the actual expenses are based upon the number and complexity of the amendments to be reviewed in 2021-2022. We hope that this estimated budget will be helpful to you in budgeting for the next fiscal year.

If you should have any questions regarding the projected budget, please feel free to contact me at (407) 975-1273 or at cdougherty@smeinc.com. We look forward to assisting the Commission with next year’s upcoming endeavors.

Sincerely,

S&ME, Inc.

Chris R. Dougherty, AICP
VGMC Planner
Good morning Merry Chris,

Our budget estimate again for this year is $15,000. Please let me know if you need anything else.

Thanks,

Erika M. Hughes
Entitlements Manager

P 407.893.4769
www.vhb.com

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Chris & Erika, hope you both (and your families) enjoyed the Christmas holiday!

Just a quick reminder to submit your 2021-22 budget estimates. If possible, can you please provide no later than January 4, 2021 so that I can get the information to Christy Gillis (Budget Committee Chair) in advance of the January agendas being due out.

Thank you...and happy new year! (almost)

Merry Chris

Merry C. Smith, Operations Manager
Volusia Growth Management Commission
140 S. Beach Street, #305
Daytona Beach, FL 32114
(386) 947-1875
vgmc@volusia.org
RESOLUTION 2021-01

A RESOLUTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION; SUPERSEDING SECTION 2 OF RESOLUTION 2020-01; MODIFYING AND APPORTIONING THE VOTING WEIGHT OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION; PROVIDING FOR RATIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE VOLUSIA GROWTH MANAGEMENT COMMISSION:

SECTION 1. FINDINGS. The Volusia Growth Management Commission makes the following findings:

(1) Section 202.3 of the Volusia County Home Rule Charter establishes a Growth Management Commission and provides for representation on the basis of population.

(2) Section 202.3 of the Volusia County Charter provides that each voting member of the Growth Management Commission shall have a weighted vote based upon the percentage of population that each municipality and the unincorporated area bears to the total population of the entire County, and that the Growth Management Commission shall determine annually the weighted vote.

(3) Section 202.3 of the Volusia County Charter delegates to the Growth Management Commission the method to determine the population amounts, and the Growth Management Commission hereby finds that most recent annual estimate of population amounts available from the Bureau of Economic and Business Research of the University of Florida (“BEBR”) as of April 1, 2020, is a proper method for determining the population of each municipality and the unincorporated area.

SECTION 2. MODIFICATION AND RE-ESTABLISHMENT OF WEIGHTED VOTES. Based upon the most recent population numbers provided by BEBR, and in accordance with Section 202.3 of the Volusia County Charter, each municipality and the unincorporated area shall have a vote weighted according to the percentages set out below:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Population</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytona Beach</td>
<td>70,235</td>
<td>12.73</td>
</tr>
<tr>
<td>Daytona Beach Shores</td>
<td>4,489</td>
<td>0.81</td>
</tr>
<tr>
<td>DeBary</td>
<td>21,973</td>
<td>3.98</td>
</tr>
<tr>
<td>DeLand</td>
<td>37,043</td>
<td>6.72</td>
</tr>
<tr>
<td>Deltona</td>
<td>93,677</td>
<td>17.00</td>
</tr>
<tr>
<td>Edgewater</td>
<td>23,818</td>
<td>4.32</td>
</tr>
<tr>
<td>Holly Hill</td>
<td>12,398</td>
<td>2.25</td>
</tr>
<tr>
<td>Location</td>
<td>Population</td>
<td>Percentage</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>Lake Helen</td>
<td>2,849</td>
<td>0.52</td>
</tr>
<tr>
<td>New Smyrna Beach</td>
<td>28,594</td>
<td>5.18</td>
</tr>
<tr>
<td>Oak Hill</td>
<td>2,110</td>
<td>0.38</td>
</tr>
<tr>
<td>Orange City</td>
<td>12,436</td>
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<tr>
<td>Ormond Beach</td>
<td>41,782</td>
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<td>Pierson</td>
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<td>0.34</td>
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<td>Ponce Inlet</td>
<td>3,205</td>
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<tr>
<td>Port Orange</td>
<td>62,832</td>
<td>11.39</td>
</tr>
<tr>
<td>South Daytona</td>
<td>13,007</td>
<td>2.36</td>
</tr>
<tr>
<td>Unincorporated Area*</td>
<td>119,271</td>
<td>21.62</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>551,588</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

* There are five (5) unincorporated Volusia County representatives. Each representative is a voting member and is accorded one-fifth (1/5) proportionate percentage equaling 4.324% per representative.

**SECTION 3.** **RESOLUTION NO. 2020-01 SUPERSEDED; PAST ACTS OF VOLUSIA GROWTH MANAGEMENT COMMISSION RATIFIED.** Section 2 of Resolution No. 2020-01 is hereby declared superseded and replaced by the weighted votes set forth in Section 2 of this Resolution. To avoid any possible confusion, the Volusia Growth Management Commission hereby declares all its past resolutions setting weighted votes ratified and confirmed except to the extent inconsistent with Section 2 of this Resolution. Notwithstanding anything to the contrary contained in prior resolutions setting weighted votes, the weighted votes set forth in Section 2 of this Resolution shall control unless and until superseded by future such resolutions as contemplated by the Volusia County Charter.

[SPACE INTENTIONALLY LEFT BLANK]
SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

RESOLVED this 27th day of January 2021.

VOLUSIA GROWTH MANAGEMENT COMMISSION

By: ___________________________
   Sid Vihlen, Jr., Chair

ATTEST:

________________________________________
Christy Gillis, Secretary

APPROVED AS TO FORM, CONTENT AND LEGALITY FOR USE AND RELIANCE OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION ONLY.

________________________________________
GrayRobinson, P.A.
General Counsel to the Volusia Growth Management Commission

Dated: ___________________________

FILED WITH THE SECRETARY THIS _____ DAY OF JANUARY, 2021.