TO: VGMC Members & Staff
FROM: Merry Chris Smith, Operations Manager
DATE: March 7, 2023
RE: VGMC Regular Meeting, March 22, 2023

Attached please find the agenda package for the regular meeting of the VGMC scheduled for Wednesday, March 22, 2023 beginning at 6:00 p.m. in the County Council Chambers in DeLand.

If you have any questions or are unable to attend, please let me know at your earliest possible convenience.

Thank you and I look forward to seeing you on the 22nd.

Merry Chris
Volusia Growth Management Commission
Meeting Notice and Agenda

6:00 p.m. March 22, 2023

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) March 1, 2023 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
   2) Budget Report
      a) 2022-23 Year to Date Expenses
      b) 2023-24 Proposed Budget -- Consider recommendation from the Budget Committee for approval of the 2023-24 proposed budget
XI. Old Business
XII. New Business
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.

*There will be a meeting of the Budget Committee beginning at 5:30 p.m.
Volusia Growth Management Commission

MINUTES FOR MEETING HELD
Wednesday, March 1, 2023

Daytona Beach City Hall
Conference Room #149B
301 S. Ridgewood Avenue
Daytona Beach, FL

MEMBERS PRESENT

Sid Vihlen, Jr., Chairman
Debbie Connors, Vice Chair
Christy Gillis, Secretary
Larry Saffer
Rick Dwyer
Teresa Pope
Loretta Arthur
Paul Manning
Philip Maroney
Jon Greene
John Samuelson

MEMBERS NOT PRESENT

Sandy Lou Gallagher
Doug Gutierrez
Robert Storke

NON-VOTING MEMBERS

Stephanie Doster (not present)
Steven Fitzgibbons (not present)

OTHERS PRESENT

Heather Ramos, GrayRobinson, VGMC General Counsel
Pat Tyjeski, VGMC Planning Staff
Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chairman Sid Vihlen, Jr. called the meeting to order at 6:00 p.m.
ROLL CALL

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

Chairman Vihlen welcomed new member Rick Dwyer, representing the City of DeLand, to the commission. Mr. Vihlen spoke regarding Mr. Dwyer’s land use experience, adding that he formerly served on the DeBary City Council. He also announced that member Keegan Greene recently resigned from the commission.

Chairman Vihlen also congratulated VGMC Vice Chair Debbie Connors on her recent retirement from the Port Orange/South Daytona Chamber of Commerce after serving 22 years.

CITIZEN COMMENTS

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

APPROVAL OF MINUTES

Debbie Connors made a motion to approve the minutes of the October 12, 2022 meeting as presented; seconded by Philip Maroney. Motion carried unanimously.

Chairman Vihlen announced a change in the order of the agenda, moving item X.2) Budget Report up for discussion at this time as the Budget Chair would be leaving early for another meeting. There were no objections raised to the change.

BUDGET REPORT

Budget Committee Chair Christy Gillis stated the committee met immediately prior to the regular meeting.

1) 2022-23 Year to Date Expenses: Ms. Smith explained that the invoice for the annual software licensing for the digital recording equipment which was due in August of the prior fiscal year was not received and paid until after the start of the new fiscal year in October. She explained that we can expect another annual renewal to be charged later in the fiscal year which will result in that line item to be over budget for the current fiscal year. Ms. Smith stated it should not affect the overall budget as the commission has ample funds in the operating budget to offset this overage.

Ms. Gillis stated there is also a slight overage in the rent budget expected this year as well.

There were no questions or comments from the commission members.

2) 2023-24 Preliminary Proposed Budget Discussion: Ms. Gillis stated the proposed legal budget is $15,000 less than the currently adopted budget based upon the reduction in annual
legal expenses the commission has experienced over the past few years. As a result, the overall proposed budget is approximately 9% under the current adopted budget.

Ms. Smith stated the proposed budget is being presented tonight for discussion and there is no action necessary at this time. She explained the Budget Committee will meet again on March 22, 2023 and present a recommendation to the full commission at the regular meeting also scheduled for March 22, 2023.

There were no questions or comments from the commission members.

PUBLIC HEARING

There were no items scheduled for public hearing.

REPORT FROM PLANNING CONSULTANT

Pat Tyjeski of Inspire Placemaking Collective attended the meeting in Chris Dougherty’s absence. She reported that we remain very busy reviewing new applications, however, there are no cases pending hearing or with outstanding Requests for Additional Information (RAI’s).

Chairman Vihlen moved item XII.2) relating to the ratification of assignment of the planning contract for discussion at this time. Mr. Vihlen stated when the assignment of the contract was presented by staff, nothing had changed from the existing contract with S&ME in terms of the team of planners and fee schedule. He stated it was reviewed by VGMC Attorney Heather Ramos and found to be sufficient. It was also provided to the County for purposes of establishing Inspire Placemaking Collective as a new vendor which has been completed. Mr. Vihlen commented that it is essentially a change in name only and is being brought before the full commission for ratification.

Ms. Tyjeski also spoke relating to the change from S&ME to Inspire Placemaking Collective. She confirmed that the team of planners that were with S&ME are all part of the Inspire group, and no changes have been made to the planning contract with respect to either the terms or fee schedule.

Debbie Connors made a motion to ratify the assignment of the 2022-23 Planning Contract from S&ME to Inspire Placemaking Collective, Inc.; motion seconded by Christy Gillis and carried unanimously.

REPORT FROM LEGAL COUNSEL

Heather Ramos, VGMC legal counsel, stated she is monitoring the legislation that passes and will report back to the commission on anything that may affect the VGMC.

REPORT FROM COMMISSION OPERATIONS MANAGER
Ms. Smith reported that each of the applications that appeared on the pending case report when the agenda was distributed have been certified, and we have received 7 new applications since. Chair Vihlen asked how many new applications have been received. Ms. Smith responded that we’ve received 17 since the beginning of the calendar year, and 35 since the start of the fiscal year on October 1, 2022.

REPORT FROM COMMISSION CHAIR

Chairman Vihlen commented that he communicates regularly with Ms. Smith to carry out the day-to-day operations of the commission, including approving invoices, signing documents, etc.

REPORTS OF COMMITTEES

POP Report: POP Chair Debbie Connors stated the committee met immediately prior to the regular meeting and reviewed the Operations Manager’s performance. She stated the committee members individually completed evaluations and all ranked Ms. Smith’s performance as outstanding. Ms. Connors submitted the completed evaluations into the record.

Mr. Vihlen asked Ms. Smith how long she has worked for the VGMC. She responded that it has been almost 19 years.

OLD BUSINESS

Ms. Arthur asked about the additional language to be added to the lease which was discussed at the last meeting. Ms. Smith responded that the additional provisions recommended by member Maroney were included in the lease approved by the commission in October. Ms. Arthur asked for an update on the VHB contract renewal discussed at the October 12, 2022 meeting. Ms. Connors responded that VGMC approved the renewal subject to no increase in the hourly rates and VHB accepted it.

NEW BUSINESS

Consideration of VGMC Resolution #2023-01, Apportionment of Voting Weight

Debbie Connors made a motion to approve VGMC Resolution #2023-01; motion seconded by Loretta Arthur.

General discussion ensued relating to member vacancies on the commission and establishing quorums. Ms. Smith stated she will be contacting the local governments to seek new appointments to fill the vacancies.

Chair Vihlen called the question on the motion to approve VGMC Resolution #2023-01 which carried unanimously.
COMMISSIONER REQUESTS OR REMARKS

Ms. Smith noted that the Budget Committee will be meeting beginning at 5:30 p.m. on March 22, 2023, and the regular meeting will follow at 6:00 p.m. Both meetings will be held in the County Council Chambers in DeLand.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:30 p.m.

________________________________________   ______________
Attest:                                      Chair
## Pending VGMC Applications as of March 7, 2023

<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>
<tbody>
<tr>
<td>23-012 Ormond Beach</td>
<td>0.30</td>
<td>101 Fiesta Drive</td>
<td>Low Density Residential</td>
<td>Residential, Office, Retail</td>
<td>Small</td>
<td>2/16/23</td>
<td>Reviewing</td>
</tr>
<tr>
<td>23-013 Volusia County</td>
<td>2.69</td>
<td>2179 SR 44</td>
<td>Urban Medium Intensity &amp; Commercial</td>
<td>Commercial</td>
<td>Small</td>
<td>2/20/23</td>
<td>Reviewing</td>
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<td>23-014 DeBary</td>
<td>10,643 Sq Ft</td>
<td>7 Seminole Drive</td>
<td>Commercial/Office</td>
<td>Residential/ Low Density</td>
<td>Small</td>
<td>2/21/23</td>
<td>Reviewing</td>
</tr>
<tr>
<td>23-015 DeLand</td>
<td>3.023</td>
<td>309 W. Taylor Rd</td>
<td>County Urban Medium Intensity</td>
<td>City Highway Commercial</td>
<td>Small</td>
<td>2/22/23</td>
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<td>23-016 Oak Hill</td>
<td>14</td>
<td>440 W Putnam Grove Rd</td>
<td>County Agriculture Resource</td>
<td>City Agriculture</td>
<td>Small</td>
<td>2/27/23</td>
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<tr>
<td>23-017 Lake Helen</td>
<td>Text</td>
<td>Property Rights Element</td>
<td>N/A</td>
<td>N/A</td>
<td>Large</td>
<td>2/27/23</td>
<td>Reviewing</td>
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<tr>
<td>23-018 Daytona Beach</td>
<td>179.8</td>
<td>W side of the access ramp for I-4 at US-92/ ISB</td>
<td>County Low Impact Urban &amp; Urban Low Intensity</td>
<td>City Mixed Use</td>
<td>Large</td>
<td>3/2/23</td>
<td>Reviewing</td>
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<tr>
<td>23-019 Volusia County</td>
<td>18.50</td>
<td>E side of CR 2833/ Emporia Rd at inter-section w/Sandy Drain Rd, Pierson</td>
<td>Forestry Resource &amp; Agricultural Resource</td>
<td>Agricultural Resource</td>
<td>Small</td>
<td>3/7/23</td>
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</table>
### VGMC Budget Worksheet
#### 2022-23 Budget Expenses as of March 6, 2023

<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>
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</thead>
<tbody>
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<td>1201</td>
<td>Salaries</td>
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<td>$11,861</td>
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<td>$5,059</td>
<td>$5,059</td>
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<td>2302</td>
<td>Life Insurance</td>
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<td>$38</td>
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<td>2303</td>
<td>Dental Insurance</td>
<td>$180</td>
<td>$180</td>
<td>$0</td>
<td>$180</td>
<td>0%</td>
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<td></td>
<td><strong>Totals Personal Services</strong></td>
<td><strong>$42,175</strong></td>
<td><strong>$42,175</strong></td>
<td><strong>$18,980</strong></td>
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<td><strong>45%</strong></td>
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<td>3320</td>
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<td>3710</td>
<td>Computer Replacement</td>
<td>$816</td>
<td>$816</td>
<td>$816</td>
<td>$0</td>
<td>100%</td>
</tr>
<tr>
<td>3810</td>
<td>Training &amp; Education</td>
<td>$200</td>
<td>$200</td>
<td>$0</td>
<td>$200</td>
<td>0%</td>
</tr>
<tr>
<td>3820</td>
<td>Registration Fees</td>
<td>$250</td>
<td>$250</td>
<td>$0</td>
<td>$250</td>
<td>0%</td>
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<tr>
<td>4000</td>
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<td>$4,410</td>
<td>$0</td>
<td>$4,410</td>
<td>0%</td>
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<td>$300</td>
<td>$300</td>
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<td>5230</td>
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<td><strong>Totals Operating</strong></td>
<td><strong>$144,134</strong></td>
<td><strong>$144,134</strong></td>
<td><strong>$22,822</strong></td>
<td><strong>$121,312</strong></td>
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<td></td>
<td><strong>TOTAL VGMC Budget</strong></td>
<td><strong>$186,309</strong></td>
<td><strong>$186,309</strong></td>
<td><strong>$41,802</strong></td>
<td><strong>$144,507</strong></td>
<td><strong>22%</strong></td>
</tr>
</tbody>
</table>

Contract services YTD expenses breaks down as follows:
- $ 2,752 Legal - GrayRobinson
- $ 11,765 Planning - Inspire Placemaking
- $ 1,278 Planning - VHB

$853 Pending in Contract Services
Attached please find the 2023-24 proposed budget package for your review. There are no changes to the materials presented at the March 1, 2023 VGMC and Budget Committee meetings other than an update to the performance measurements relating to the number of applications reviewed in the current fiscal year.

The 2023-24 proposed budget is also scheduled for consideration by the full commission at the March 22, 2023 regular meeting. A recommendation from the Budget Committee will come to the commission as a motion and second for approval.

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

Thank you.

_Merry Chris_

cc: Sid Vihlen Jr., VGMC Chair
# VGMC Budget Worksheet

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<td>$180.00</td>
<td>$0.00</td>
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<td></td>
<td>Personal Services</td>
<td>$35,383.00</td>
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<td>3320</td>
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<td>$175.00</td>
<td>$175.00</td>
<td>$175.00</td>
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<td>0%</td>
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<td>3400</td>
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<td>$85,533.00</td>
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<td>3810</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>0%</td>
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<td>$1,540.00</td>
<td>$1,435.00</td>
<td>$2,065.00</td>
<td>$1,015.00</td>
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<td>$1,519.00</td>
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<td>-32%</td>
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<td>$600.00</td>
<td>$600.00</td>
<td>$600.00</td>
<td>$600.00</td>
<td>$600.00</td>
<td>$600.00</td>
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<td>0%</td>
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<td>4211</td>
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<td>$623.00</td>
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<td>4250</td>
<td>Mileage</td>
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<td>4400</td>
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<td>$0.00</td>
<td>$0.00</td>
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<td>$200.00</td>
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<td>4711</td>
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<td>$386.00</td>
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<td>$343.00</td>
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<td>4910</td>
<td>Legal Ads</td>
<td>$986.00</td>
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<td>5100</td>
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<td>$450.00</td>
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<td>5230</td>
<td>Food &amp; Dietary</td>
<td>$0.00</td>
<td>$15.00</td>
<td>$126.00</td>
<td>$20.00</td>
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<td>5440</td>
<td>Software</td>
<td>$0.00</td>
<td>$328.00</td>
<td>$1,995.00</td>
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<td>$464.60</td>
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<td>Operating Totals</td>
<td>$99,401.00</td>
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<td>$134,784.00</td>
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<td>$118,675.60</td>
<td>$169,949.00</td>
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<td>Object Code/Description</td>
<td>Budget Amount</td>
<td>Justification</td>
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<td>1201-Salaries</td>
<td>$30,804</td>
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<td>2100-FICA</td>
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<td>2200-Retirement</td>
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<tr>
<td>2301-Group Insurance</td>
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<tr>
<td>2302-Life Insurance</td>
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<td>3203-Dental Insurance</td>
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<td>3320-Comm. Fees</td>
<td>$250</td>
<td>Annual Assessment/Fees (Special District Fee payable to the State)</td>
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<tr>
<td>3400-Contract Services</td>
<td>$105,000</td>
<td>$25,000 – Legal Staff $80,000 – Planning Staff ($65,000-SME; $15,000-VHB)</td>
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<tr>
<td>3401-Software Licensing</td>
<td>$400</td>
<td>Annual DCR Software Assurance</td>
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<tr>
<td>3710-Computer Replacement</td>
<td>$816</td>
<td>Desktop and laptop computer replacement program -- this amount is established by the County</td>
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<tr>
<td>3810-Training &amp; Education</td>
<td>$200</td>
<td>Fees for administrative staff to attend education/training class relating to records management</td>
<td></td>
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<tr>
<td>3820-Registration Fees</td>
<td>$250</td>
<td>Fees for Chair or other designated member to attend VCARD or sponsored events</td>
<td></td>
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<tr>
<td>4000-Travel</td>
<td>$3,000</td>
<td>Member travel reimbursements – Calculated at 21 members, 6 meetings per year at a rate of $35/meeting</td>
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<tr>
<td>4100-Communications</td>
<td>$600</td>
<td>Office Internet Connection -- $50/month</td>
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<tr>
<td>4211-Postage</td>
<td>$1,000</td>
<td>Postage Costs for VGMC mailings</td>
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<td></td>
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<tr>
<td>4250-Mileage</td>
<td>$300</td>
<td>Mileage expense reimbursement for travel related to VGMC activities</td>
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<tr>
<td>4400-Rent</td>
<td>$10,000</td>
<td>- Annual rent for VGMC office space - Rental expense for offsite storage of VGMC files</td>
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<tr>
<td>4510-Liability Insurance</td>
<td>$758</td>
<td>Liability insurance charged back from the County</td>
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<tr>
<td>4701-Printing C/R</td>
<td>$200</td>
<td>Reproduction of VGMC materials (outside)</td>
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<tr>
<td>4711-Xerox – C/R</td>
<td>$1,000</td>
<td>Use of County copier</td>
<td></td>
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</tr>
<tr>
<td>4910-Legal Ads</td>
<td>$2,000</td>
<td>Advertising hearings, meetings, etc.</td>
<td></td>
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<tr>
<td>5100-Office Supplies</td>
<td>$1,000</td>
<td>Projected cost for VGMC office supplies</td>
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<td></td>
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<td></td>
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<tr>
<td>5102-Office Equipment</td>
<td>$500</td>
<td>Budgeting for purchase of small office equipment</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5230-Food &amp; Dietary</td>
<td>$500</td>
<td>To cover miscellaneous items such as meeting refreshments</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>

ALL LINE ITEMS DETERMINED BY THE COUNTY
Volusia Growth Management Commission

FY 2023-24 Annual Budget Request

Key Objectives:

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

Performance Measures:

<table>
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<tr>
<th></th>
<th>FY 2019-20</th>
<th>FY 2020-21</th>
<th>FY 2021-22</th>
<th>FY 2022-23 (est.)</th>
<th>2022-23 YTD (3/6/23)</th>
<th>FY 2023-24 (est.)</th>
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<tbody>
<tr>
<td>Applications Reviewed</td>
<td>94</td>
<td>78</td>
<td>84</td>
<td>90</td>
<td>36</td>
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</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 received and reviewed by the VGMC remain high and it is anticipated this will continue. The requested VGMC budget represents anticipated expenses to be incurred by the VGMC to carry out the duties of the commission under the present 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.
December 7, 2022

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 2023/2024
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 2023/2024 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 sometime in early 2023.

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 $250.00 for attorneys and $130.00 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 2023/2024 fiscal year.

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.

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 1/2% 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 VGMC@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 16, 2022

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

Reference: Volusia Growth Management Commission 2023-2024 Budget  
Project No. 20140535

Dear Ms. Smith:

S&ME is pleased to present our estimated budget for fiscal year 2023-2024. 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 2023-2024. We understand that the actual expenses are based upon the number and complexity of the amendments to be reviewed in 2023-2024. 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) 652-0117 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
Merry K. Smith

From: Fred Cleveland <fred@kressdaytona.com>
Sent: Thursday, December 29, 2022 2:00 PM
To: VGMC
Subject: [EX] Re: 2023-24 VGMC Budget

CAUTION: This email originated from outside Volusia County's email system. DO NOT CLICK links or attachments unless you recognize the sender and/or know the content is safe.

Good morning, Merry Chris,

Although I would be predicting inflation rates to know what the adjustment would be in ten months, looking over the 2022 rates, I feel we could comfortably say the increase would be no more than 6% or $765/month. Similar to the 2022 lease, this is based on offering you a lease discounted from actual inflation current rates. There are no plans to change the internet fee of $50.

Please reach out if you have any questions.

Regards,

Fred

Fred E. Cleveland
General Manager

The Kress Building
140 S. Beach Street Suite 310
Daytona Beach, FL 32114

(386) 290-0411 Direct
(386) 506-8860 Office

On Dec 1, 2022, at 9:56 AM, VGMC <VGMC@volusia.org> wrote:

Good morning Fred,

The 2023-24 budget process begins very early for the VGMC with the initial review of the proposed budget by the commission to be scheduled at the first meeting in 2023. In preparation of that, can you please advise what you propose the monthly rent and internet fee for the VGMC office lease will be beginning October 1, 2023 thru September 30, 2024. Please provide this information no later than Friday, December 30, 2022 so that we have ample time to include it in the agenda materials for the first 2023 commission meeting.
If you have any questions, please do not hesitate to contact me.

Thank you,

Merry Chris

Merry C. Smith, Operations Manager
Volusia Growth Management Commission (VGMC)
140 S. Beach Street, Suite #305
Daytona Beach, FL 32114

386.947.1875