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ORDINANCE NO. 191-13

AN ORDINANCE ADOPTING A BUDGET BY SETTING FORTH REVENUES AND APPROPRIATIONS FOR CURRENT EXPENSES AND CAPITAL OUTLAY FOR THE FOLLOWING FUNDS: GENERAL FUND, STORMWATER UTILITY FEE FUND, SPECIAL LAW ENFORCEMENT TRUST FUND, LAW ENFORCEMENT IMPACT FEE FUND, FIRE SERVICE IMPACT FEE FUND, RECREATION RECOUPMENT FEE FUND, TRANSPORTATION IMPACT FEE FUND, AIRPORT INDUSTRIAL PARK FUND, MARINA FUND, BUILDING AND INSPECTION FUND, COMMUNITY REDEVELOPMENT AGENCY TRUST FUND, SPECIAL EVENTS FUND, 1998 PUBLIC IMPROVEMENT BOND DEBT SERVICE FUND, FLORIDA MUNICIPAL LOAN COUNCIL SERIES 2000B REVENUE BOND DEBT SERVICE FUND, STATE REVOLVING LOAN DEBT SERVICE FUND, 2005 CAPITAL IMPROVEMENT REFUNDING REVENUE BONDS DEBT SERVICE FUND, CAPITAL PROJECTS FUND, MUNICIPAL GOLF COURSE FUND, MUNICIPAL SANITATION FUND, AND MUNICIPAL GARAGE FUND AS REQUIRED BY THE CITY OF NEW SMYRNA BEACH, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014; PROVIDING FOR AMENDMENTS AND ADJUSTMENTS; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

28       **WHEREAS**, Section 2-442, City Code requires the City  
29 Commission of the City of New Smyrna Beach each fiscal year to  
30 enact by ordinance a budget setting forth the purposes and amounts  
31 for which monies are to be appropriated by said City for budget  
32 purposes; and

33       **WHEREAS**, the City Commission of the City of New Smyrna Beach  
34 heretofore has adopted the Annual Estimate of Anticipated Revenues  
35 and Expenditures of the City Manager as revised by the City  
36 Commission, which said revised estimate constitutes the budget and  
37 includes the anticipated cost of operating the City of New Smyrna  
38 Beach for the fiscal year beginning on the 1st day of October,  
39 2013, and ending on the 30th day of September, 2014.

40 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY**  
41 **OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:**

42 **SECTION 1:** **Budget.** That the following sums of money be and the  
43 same are hereby appropriated sources of revenue of the City to the  
44 corporate purposes herein specified for the budget for the fiscal  
45 year beginning October 1, 2013 and ending September 30, 2014.

46 A. For the GENERAL FUND requirements, the following sums of money  
47 are hereby appropriated from the following anticipated sources  
48 of revenue, to-wit:

49 REVENUES:

50 TAXES:

51	General Property Taxes	8,036,535
52	Local-Option Gas Tax	729,262
53	Utility Taxes	2,934,792
54	Franchise Taxes	<u>604,325</u>
55	TOTAL TAXES	12,304,914

56 LICENSES AND PERMITS:

57	Business Tax	221,680
58	Permits	<u>915</u>
59	TOTAL LICENSES AND PERMITS	222,595

60 INTERGOVERNMENTAL REVENUES:

61 STATE AND FEDERAL GRANTS:

62	State/Federal Grants	58,309
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63 STATE SHARED REVENUES:

64	State/County/Local	1,720,630
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65 OTHER SHARED REVENUES:

66	Utilities Commission 6%	<u>3,312,618</u>
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67	TOTAL INTERGOVERNMENTAL	5,091,557
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68 CHARGES FOR SERVICES:

69	Charges for Services	<u>493,106</u>
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70	TOTAL CHARGES FOR SERVICES	493,106
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71	<u>FINES AND FORFEITURES:</u>	
72	Court Cases/Local Ordinances	<u>47,137</u>
73	TOTAL FINES AND FORFEITURES	47,137
74	<u>MISCELLANEOUS REVENUES:</u>	
75	Other Income	<u>203,018</u>
76	TOTAL MISCELLANEOUS REVENUES	203,018
77	<u>OTHER FINANCING SOURCES:</u>	
78	Transfer From Other Funds	280,700
79	Appropriated Reserves	<u>188,000</u>
80	TOTAL OTHER FINANCING SOURCES	468,700
81	TOTAL REVENUES AND OTHER FINANCING SOURCES	<u><u>18,831,027</u></u>
82	B. That from said GENERAL FUND and for the current expenses or	
83	use of the several departments or accounts names below, the	
84	sums set opposite said departments are hereby appropriated,	
85	to-wit:	
86	<u>EXPENDITURES:</u>	
87	CITY COMMISSION	227,850
88	CITY MANAGER	421,682
89	CITY CLERK	221,695
90	CITY ATTORNEY	439,654
91	FINANCE	460,086
92	INFORMATION TECHNOLOGY	450,163
93	HUMAN RESOURCES/PERSONNEL	189,316
94	GENERAL GOVERNMENT	767,294
95	INDIRECT COST ALLOCATION	- 957,799
96	DEBT SERVICE	389,981
97	TRANSFERS OUT (Debt Service Payment)	605,225
98	GRANTS IN AID	6,500
99	LAW ENFORCEMENT	5,380,755
100	FIRE	5,091,184
101	EMERGENCY MANAGEMENT	19,055
102	PLANNING & ENGINEERING	552,597
103	PUBLIC WORKS:	
104	ADMINISTRATION	71,096

105	BUILDING MAINTENANCE	468,976
106	STREETS	1,509,656
107	RECREATION	889,347
108	PARKS	844,447
109	SPORTS COMPLEX	<u>782,267</u>
110	TOTAL APPROPRIATIONS	<u>18,831,027</u>

111 C. That for SPECIAL LAW ENFORCEMENT TRUST FUND, the following  
112 sums of money are hereby appropriated from the following  
113 sources of revenue, to-wit:

114 REVENUES:

115	Appropriated Reserves	<u>69,670</u>
116	TOTAL REVENUES	<u>69,670</u>

117 D. That from SPECIAL LAW ENFORCEMENT TRUST FUND set forth in  
118 Paragraph C above, the following sums of money are hereby  
119 appropriated, to-wit:

120 EXPENDITURES:

121	Law Enforcement	<u>69,670</u>
122	TOTAL APPROPRIATIONS	<u>69,670</u>

123 E. That from SPECIAL LAW ENFORCEMENT IMPACT FEE FUND, the  
124 following sums of money are hereby appropriated from the  
125 following anticipated sources of revenue, to-wit:

126 REVENUES:

127	Impact Fees	<u>25,000</u>
128	TOTAL REVENUES	<u>25,000</u>

129 F. That from SPECIAL LAW ENFORCEMENT IMPACT FEE FUND set forth in  
130 Paragraph E above, the following sums of money are hereby  
131 appropriated, to-wit:

132 EXPENDITURES:

133	Operating Expenses	<u>25,000</u>
134	TOTAL APPROPRIATIONS	<u>25,000</u>

135 G. That for FIRE SERVICE IMPACT FEE FUND, the following sums of  
136 money are hereby appropriated from the following anticipated  
137 sources of revenue, to-wit:

138 REVENUES:

139 Impact Fees 27,000  
140 Appropriated Reserves 270,000

141 TOTAL REVENUES 297,000

142 H. That from FIRE SERVICE IMPACT FEE FUND set forth in Paragraph  
143 G above, the following sums of money are hereby appropriated,  
144 to-wit:

145 EXPENDITURES:

146 Operating Expenses 297,000

147 TOTAL APPROPRIATIONS 297,000

148 I. That for RECREATION RECOUPMENT FEE FUND, the following sums of  
149 money are hereby appropriated from the following anticipated  
150 sources of revenue, to-wit:

151 REVENUES:

152 Impact Fees 11,340

153 TOTAL REVENUES 11,340

154 J. That from RECREATION RECOUPMENT FEE FUND set forth in  
155 Paragraph I above, the following sums of money are hereby  
156 appropriated, to-wit:

157 EXPENDITURES:

158 Operating Expenses 11,340

159 TOTAL APPROPRIATIONS 11,340

160 K. That for TRANSPORTATION IMPACT FEE FUND, the following sums of  
161 money are hereby appropriated from the following anticipated  
162 sources of revenue, to-wit:

163 REVENUES:

164 Impact Fees 61,830

165 Appropriated Reserves 98,098

166 TOTAL REVENUES 159,928

167 L. That from TRANSPORTATION IMPACT FEE FUND set forth in  
168 Paragraph K above, the following sums of money are hereby  
169 appropriated, to-wit:

170 EXPENDITURES:

171 Operating Expenses 159,928

172 TOTAL APPROPRIATIONS 159,928

173 M. That for MUNICIPAL AIRPORT-INDUSTRIAL PARK FUND, the following  
174 sums of money are hereby appropriated from the following  
175 anticipated sources of revenue, to-wit:

176 REVENUES:

177 Charges for Services 2,100,000

178 Intergovernmental Revenues 2,779,899

179 Rents and Royalties 785,155

180 Miscellaneous 2,000

181 Appropriated Reserves 241,169

182 TOTAL REVENUES 5,908,223

183 N. That from MUNICIPAL AIRPORT-INDUSTRIAL PARK FUND set forth in  
184 Paragraph M above, the following sums of money are hereby  
185 appropriated, to-wit:

186 EXPENDITURES:

187 Airport/Industrial Park 5,845,461

188 Debt Service 62,762

189 TOTAL APPROPRIATIONS 5,908,223

190 O. That for COMMUNITY REDEVELOPMENT TRUST FUND, the following  
191 sums of money are hereby appropriated from the following  
192 anticipated sources of revenue, to-wit:

193 REVENUES:

194 Tax Increment Revenues 585,108

195 Intergovernmental Revenues 1,124,684

196 Transfers 0  
197 Appropriated Reserves 759,488

198 TOTAL REVENUES 2,469,280

199 P. That from COMMUNITY REDEVELOPMENT TRUST FUND set forth in  
200 Paragraph O above, the following sums of money are hereby  
201 appropriated, to-wit:

202 EXPENDITURES:

203 Economic Development 2,298,268

204 Transfers Out (Debt Service Payment) 171,012

205 TOTAL APPROPRIATIONS 2,469,280

206 Q. That for DEBT SERVICE, 1998 PUBLIC IMPROVEMENT BOND DEBT  
207 SERVICE FUND, the following sums of money are hereby  
208 appropriated from the following anticipated sources of  
209 revenue, to-wit:

210 REVENUES:

211 Transfers from Other Funds 171,012

212 TOTAL REVENUES 171,012

213 R. That from DEBT SERVICE, 1998 PUBLIC IMPROVEMENT BOND DEBT  
214 SERVICE FUND set forth in Paragraph Q above, the following  
215 sums of money are hereby appropriated, to-wit:

216 EXPENDITURES:

217 Debt Service Payments 171,012

218 TOTAL APPROPRIATIONS 171,012

219 S. That for DEBT SERVICE, FLORIDA MUNICIPAL LOAN COUNCIL SERIES  
220 2000B BOND DEBT SERVICE FUND, the following sums of money are  
221 hereby appropriated from the following anticipated sources of  
222 revenue, to-wit:

223 REVENUES:

224 Transfers from Other Funds 105,333

225 TOTAL REVENUES 105,333

226 T. That from DEBT SERVICE, FLORIDA MUNICIPAL LOAN COUNCIL SERIES  
227 2000B BOND DEBT SERVICE FUND set forth in Paragraph S above,  
228 the following sums of money are hereby appropriated, to-wit:

229 EXPENDITURES:

230 Debt Service Payments 105,333

231 TOTAL APPROPRIATIONS 105,333

232 U. That for MUNICIPAL GOLF COURSE FUND, the following sums of  
233 money are hereby appropriated from the following sources of  
234 revenue, to-wit:

235 REVENUES:

236 Charges for Services 1,256,150

237 Miscellaneous Revenue 7,500

238 TOTAL REVENUES 1,263,650

239 V. That from MUNICIPAL GOLF COURSE FUND set forth in Paragraph U  
240 above, the following sums of money are hereby appropriated,  
241 to-wit:

242 EXPENDITURES:

243 Culture/Recreation 1,263,650

244 TOTAL APPROPRIATIONS 1,263,650

245 W. That for MUNICIPAL SANITATION FUND, the following sums of  
246 money are hereby appropriated from the following sources of  
247 revenue, to-wit:

248 REVENUES:

249 Charges for Services 4,968,515

250 Appropriated Fund Equity 204,449

251 TOTAL REVENUES 5,172,964

252 X. That from MUNICIPAL SANITATION FUND set forth in Paragraph W  
253 above, the following sums of money are hereby appropriated,  
254 to-wit:

255 EXPENDITURES:

256 Physical Environment 4,922,964  
257 Transfers Out 250,000

258 TOTAL APPROPRIATIONS 5,172,964

259 Y. That for MUNICIPAL GARAGE FUND, the following sums of money  
260 are hereby appropriated from the following anticipated sources  
261 of revenue, to-wit:

262 REVENUES:

263 Intergovernmental Sales 1,015,431

264 TOTAL REVENUES 1,015,431

265 Z. That from MUNICIPAL GARAGE FUND set forth in Paragraph Y  
266 above, the following sums of money are hereby appropriated,  
267 to-wit:

268 EXPENDITURES:

269 Intergovernmental Services 1,015,431

270 TOTAL APPROPRIATIONS 1,015,431

271 AA. That for STORMWATER UTILITY FEE FUND, the following sums of  
272 money are hereby appropriated from the following anticipated  
273 sources of revenue, to-wit:

274 REVENUES:

275 Charges for Services 1,733,940

276 TOTAL REVENUES 1,733,940

277 BB. That from STORMWATER UTILITY FEE FUND set forth in Paragraph  
278 AA above, the following sums of money are hereby appropriated

279 to the expense of principal and interest on the City's fund  
280 indebtedness, to-wit:

281 EXPENDITURES:

282	Stormwater Improvements	1,487,189
283	Transfers Out (Debt Service Payments)	<u>246,751</u>
284	TOTAL APPROPRIATIONS	<u>1,733,940</u>

285 CC. That for CAPITAL PROJECTS FUND, the following sums of money  
286 are hereby appropriated from the following anticipated sources  
287 of revenue, to-wit:

288 REVENUES:

289	Appropriated Reserves	<u>750,343</u>
290	TOTAL REVENUES	<u>750,343</u>

291 DD. That from CAPITAL PROJECTS FUND set forth in Paragraph CC  
292 above, the following sums of money are hereby appropriated to  
293 the expense of principal and interest on the City's fund  
294 indebtedness, to-wit:

295 EXPENDITURES:

296	Capital Projects	<u>750,343</u>
297	TOTAL APPROPRIATIONS	<u>750,343</u>

298 EE. That for BUILDING INSPECTION FUND, the following sums of money  
299 are hereby appropriated from the following anticipated sources  
300 of revenue, to-wit:

301 REVENUES:

302	Licenses/Permits	668,762
303	Charges for Services	73,500
304	Miscellaneous Revenue	14,526
305	Fines & Forfeitures	15,000
306	Appropriated Reserves	<u>54,000</u>
307	TOTAL REVENUES	<u>825,788</u>

308 FF. That from BUILDING INSPECTION FUND set forth in Paragraph EE  
309 above, the following sums of money are hereby appropriated to  
310 the expense of principal and interest on the City's fund  
311 indebtedness, to-wit:

312 EXPENDITURES:

313 Protective Inspection 825,788

314 TOTAL APPROPRIATIONS 825,788

315 GG. That for DEBT SERVICE, SERIES 2005 GENERAL OBLIGATION BOND  
316 DEBT SERVICE FUND, the following sums of money are hereby  
317 appropriated from the following anticipated sources of  
318 revenue, to-wit:

319 REVENUES:

320 Ad Valorem Taxes 1,442,601

321 TOTAL REVENUES 1,442,601

322 HH. That from DEBT SERVICE, SERIES 2005 GENERAL OBLIGATION BOND  
323 DEBT SERVICE FUND set forth in Paragraph GG above, the  
324 following sums of money are hereby appropriated to the expense  
325 of principal and interest on the City's fund indebtedness, to-  
326 wit:

327 EXPENDITURES:

328 Debt Service Payments 1,442,601

329 TOTAL APPROPRIATIONS 1,442,601

330 II. That for DEBT SERVICE, STATE REVOLVING LOAN DEBT SERVICE FUND,  
331 the following sums of money are hereby appropriated from the  
332 following sources of revenue, to-wit:

333 REVENUES:

334 Transfers from Other Funds 246,751

335 TOTAL REVENUES 246,751

336 JJ. That from DEBT SERVICE, STATE REVOLVING LOAN DEBT SERVICE FUND  
337 set forth in Paragraph II above, the following sums of money  
338 are hereby appropriated, to-wit:

339 EXPENDITURES:

340	Debt Service Payments	<u>246,751</u>
341	TOTAL APPROPRIATIONS	<u>246,751</u>

342 KK. That for CITY MARINA FUND, the following sums of money are  
343 hereby appropriated from the following anticipated sources of  
344 revenue, to-wit:

345 REVENUES:

346	Leases/Rentals	266,000
347	Miscellaneous Revenue	<u>1,000</u>
348	TOTAL REVENUES	<u>267,000</u>

349 LL. That from CITY MARINA FUND set forth in Paragraph KK above,  
350 the following sums of money are hereby appropriated, to-wit:

351 EXPENDITURES:

352	Special Recreation	236,300
353	Transfers Out	<u>30,700</u>
354	TOTAL APPROPRIATIONS	<u>267,000</u>

355 MM. That for DEBT SERVICE, 2005 CAPITAL IMPROVEMENT REFUNDING  
356 REVENUE BOND DEBT SERVICE FUND, the following sums of money  
357 are hereby appropriated from the following anticipated sources  
358 of revenue, to-wit:

359 REVENUES:

360	Transfers from Other Funds	<u>499,892</u>
361	TOTAL REVENUES	<u>499,892</u>

362 NN. That from DEBT SERVICE, 2005 CAPITAL IMPROVEMENT REFUNDING  
363 REVENUE BOND DEBT SERVICE FUND set forth in Paragraph MM

364 above, the following sums of money are hereby appropriated,  
365 to-wit:

366 EXPENDITURES:

367 Debt Service Payments 499,892

368 TOTAL APPROPRIATIONS 499,892

369 **SECTION 2:** *Budget Amendments and Adjustments.* That changes in  
370 the adopted annual budget shall be made in accordance with state  
371 law, City Charter and as follows:

372 a) Increasing total appropriations within a fund from  
373 reserves or based upon an estimated increase in revenues  
374 shall be by ordinance.

375 b) Appropriations for specific expenditures within a fund  
376 may be increased without increasing total fund  
377 expenditures by resolution identifying the increases and  
378 offsetting decreases.

379 c) The City Manager may adjust line item expenditures within  
380 a department which do not increase total departmental  
381 expenditures or cause a change in functions, programs or  
382 capital projects.

383 **SECTION 3:** *Reversion of Unencumbered Funds.* That any funds  
384 appropriated by this ordinance, not encumbered or contracted for  
385 during the period herein set forth, shall revert to the fund from  
386 which said funds were to have been paid.

387 **SECTION 4:** *Public Hearings.* That public hearings considering  
388 the adoption of this ordinance held September 11, 2013, and  
389 September 25, 2013, in the City Commission Chambers at City Hall,  
390 210 Sams Avenue (south entrance on Julia Street), New Smyrna Beach,  
391 Florida, after notice is found to comply with §166.041(3)(a),  
392 §200.065, and §200.069, F.S.

393 **SECTION 5:** *Severability.* That if any section, sentence, clause  
394 or phrase of this ordinance is held to be invalid or  
395 unconstitutional by any court of competent jurisdiction, then said  
396 holding shall in no way affect the validity of the remaining  
397 portion of this ordinance.

398 **SECTION 6: Conflicting Ordinances.** That all ordinances or  
399 parts thereof that are in conflict with this ordinance shall be and  
400 the same are hereby rescinded and repealed.

401 **SECTION 7: Effective Date.** That this ordinance shall take  
402 effect immediately upon its final adoption.

403 **APPROVED AS TO FORM AND CORRECTNESS:**

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405  
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FRANK B. GUMMEY, III  
City Attorney

407

DATE: 9/6/13

Ordinance No. 191-13 of the City of New Smyrna Beach, Florida, was introduced before the City Commission at its Special Meeting September 11, 2013, and read by title only. Motion was made by Commissioner Reiker, to approve the Ordinance on first reading, and seconded by Commissioner McGuirk, the vote thereon being as follows:

MAYOR ADAM BARRINGER	Yes
VICE MAYOR J. S. GRASTY	Yes
COMMISSIONER JUDY REIKER	Yes
COMMISSIONER JASON MCGUIRK	Yes
COMMISSIONER KIRK JONES	Yes

Ordinance No. 191-13 was read by title only at the Special Meeting held by the City Commission on September 25, 2013, Motion was made by Commissioner Reiker, and seconded by Commissioner McGuirk, that Ordinance No. 191-13 be adopted on second and final reading, the vote thereon being as follows:

MAYOR ADAM BARRINGER	Yes
VICE MAYOR J. S. GRASTY	Yes
COMMISSIONER JUDY REIKER	Yes
COMMISSIONER JASON MCGUIRK	Yes
COMMISSIONER KIRK JONES	Yes

The City Clerk noted the passage of Ordinance No. 191-13 in the minutes of this meeting by its title only and recorded the same in full in the Ordinance Records of the City.

The Mayor of the City of New Smyrna Beach has hereunto set his official signature, duly attested by the City Clerk, and has caused the Official Seal of said City to be hereunto affixed for the purpose of authenticity as required by law.

(OFFICIAL SEAL)



*[Signature]*

As City Clerk of the City of  
New Smyrna Beach, Florida

*Adam Barry*

As Mayor of the City of New Smyrna  
Beach, Florida

ORDINANCE NO. 191-13