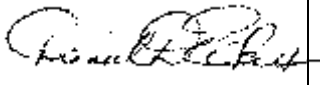
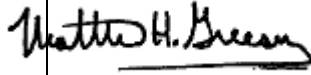
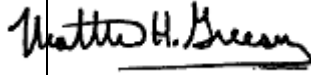


July 8, 2004		AGENDA ITEM		Item 08
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Budget Resolution	<input checked="" type="checkbox"/> Other	
Department: Leadership		File Number: VC-1087406166960-A		
Division: Leadership				
Subject: County Council Minutes - March 18, 2004				
Account Number(s): N/A				
Total Item Budget: N/A				
Staff Contact(s): Marcy Zimmerman-Rigsby Phone: 736-5920 ext. 2398				
Summary/Highlights: Attached are minutes of the County Council Meeting held: March 18, 2004 - Regular Session				
Recommended Motion: Request for approval of County Council minutes, as presented.				
	OMB	Legal	Matt Greeson County Manager's Office	
				
	Approved as to Budget Requirements	Approved as to Form and Legality	Approved Agenda Item For: July 8, 2004	
Council Action:		Modification:		
<input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:				

County Council of Volusia County, Florida
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COUNCIL MEMBERS:

Frank T. Bruno, Jr., Chair	District 2
Joseph C. Jaynes, Vice Chair	District 4
Dwight D. Lewis	District 1
Jack Hayman	District 3
Bill Long	District 5
Patricia Northey	At-Large
Joie Alexander	At-Large

STAFF:

Cynthia A. Coto, County Manager
Daniel D. Eckert, County Attorney
Ray W. Pennebaker, Deputy County Manager
Matt Greeson, Assistant County Manager
Betty J. Holness, Assistant to the County Manager
Sue Whittaker, Deputy Clerk
Marcy A. Zimmerman-Rigsby, Administrative Aide

PUBLIC PARTICIPATION – 8:30 a.m.

- **Mike Thompson** of Edgewater stated there are two types of chemicals; those tested by EPA which are safe, and those that are proven to be unsafe. He asked that the County use chemicals that are proven safe for animals and humans.
- **Sally MacKay** of New Smyrna Beach said she was present on behalf of all those supporting beach driving and requested a resolution be passed today supporting beach driving in New Smyrna Beach, as it exists today.

CALL TO ORDER – 9:00 a.m.

Chair Dwight Lewis called the March 18, 2004 Regular Session of the Volusia County Council to order at 9:00 a.m. in the County Council Chambers, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Volusia County, Florida

ROLL CALL

Council Members Long, Northey, Alexander, Hayman, Jaynes, Bruno and Chair Lewis were present.

INVOCATION AND PLEDGE OF ALLEGIANCE

Provided by Sam Lee, Stetson Baptist Church

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RETIREMENTS

Item 1

- Leon L. Dowdee, Reserve Deputy with the Sheriff's Office, who retired January 30, 2004, after more than twenty-six (26) years of service with the Volusia County Sheriff's Office.
- Ronald P. Emerson, Reserve Deputy with the Sheriff's Office, who retired January 30, 2004, after more than twenty-six (26) years of service with the Volusia County Sheriff's Office.
- Jess W. Cupp, Deputy Sergeant with the Sheriff's Office, who retires March 26, 2004, after more than thirty (30) years of service with the Volusia County Sheriff's Office.

Staff Contact: Michael D. Lary, 736-5951, ext. 2605

VC-1077807454474

Dave Byron and Chief Lee made presentations to each of the retirees.

Jess Cupp requested, for those retiring in good standing, back pay be provided to them once their new contract with the Teamsters is accepted. Council Member Long explained the option Deputy Cupp discussed is part of non-ratified contract and if the contract is accepted and ratified, that a window of opportunity be left open to get full sick leave time for six months after an employee with the Sheriff's Office retires.

APPROVAL OF MINUTES OF COUNTY COUNCIL

Item 2

Request for approval of Minutes from the January 22, 2004 Council Meeting.

Staff Contact: Marcy Zimmerman-Rigsby, 736-5920, ext. 2398

VC-1078781129546

Council Member Alexander moved for **APPROVAL** of the County Council minutes, with minor revisions, and after Council Member Hayman seconded the motion, the minutes were duly **ADOPTED**, 7-0.

Item 3

Request for approval of revised Minutes from the January 29, 2004 Goal Setting Workshop.

Staff Contact: Marcy Zimmerman-Rigsby, 736-5920, ext. 2398

VC-1078497430359

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Council Member Jaynes moved for **APPROVAL** of the County Council minutes, as written, and after Council Member Alexander seconded the motion, the minutes were duly **ADOPTED** 7-0.

PUBLIC HEARINGS AND TIME CERTAIN MATTERS

9:05 a.m.

Item 4

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Public Hearing and request to adopt Resolution 2004-__ abandoning the subject portion of the plat of Leona Park Subdivision, Map Book 9, Page 84, in the DeLeon Springs area, containing 2.3 acres. [Petitioner: Michael A. Barr]

Staff Contact: Joette Enfinger, 736-5967, ext. 2455

VC-1077111643525

This being the date for public hearing and there being no objection, Council Member Bruno moved to **ADOPT Resolution No. 2004-44** abandoning/vacating the following described portion of property (Michael A. Barr, Petitioner). After Council Member Long **seconded** the motion, it was duly **ADOPTED** 7 to 0.

RESOLUTION NO. 2004-44

RESOLUTION VACATING AND ABANDONING A CERTAIN PORTION OF SUBDIVISION
PLAT IN VOLUSIA COUNTY, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

Lots 1 through 20 inclusive, Block 10, LEONA PARK, according to the map thereof recorded in
Map Book 9, Page 84 of the Public Records of Volusia County, Florida.

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9:07 a.m.

Item 5

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Public Hearing and request to adopt Resolution 2004-__ abandoning the subject portion of the plat of Kalamazoo Subdivision, Map Book 5, Page 50, in the Osteen area, containing 44.5 acres. [Petitioner: the County of Volusia]

Staff Contact: Joette Enfinger, 736-5967, ext. 2455

VC-1077139197115

This being the date for public hearing and there being no objection, Council Member Alexander moved to **ADOPT Resolution No. 2004-45** abandoning/vacating the following described portion of property (County of Volusia, Petitioner). After Council Member Long **seconded** the motion, it was duly **ADOPTED** 7 to 0.

RESOLUTION NO. 2004-45

RESOLUTION VACATING AND ABANDONING A CERTAIN PORTION OF SUBDIVISION PLAT IN VOLUSIA COUNTY, FLORIDA AND PROVIDING AN EFFECTIVE DATE

The following described blocks or portions thereof and all portions of platted alleys included therein:

All of that portion of Blocks 62, 63, 64 and 65 inclusive which lie South of a line which is 1463.72 feet North of and parallel with the South line of Section 21, Township 19 South, Range 32 East, as shown on the map of KALAMAZOO, recorded in Map Book 5, Page 50 of the Public Records of Volusia County, Florida,

AND

All of Blocks 74, 75, 76, 77, 78, 79, 80 and 81 inclusive, as shown on the map of KALAMAZOO, recorded in Map Book 5, Page 50 of the Public Records of Volusia County, Florida,

AND

All of Blocks 90, 91, 92 and 93 inclusive, as shown on the map of KALAMAZOO, recorded in Map Book 5, Page 50 of the Public Records of Volusia County, Florida,

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TOGETHER WITH following portions of platted rights-of-way:

Those portions of Highland Avenue, Washington Avenue, Florida Avenue and Michigan Avenue, which lie South of a line which is 1463.72 feet North of and parallel with the South line of Section 21, Township 19 South, Range 32 East, as shown on the map of KALAMAZOO, recorded in Map Book 5, Page 50 of the Public Records of Volusia County, Florida,
AND

Those portions of Third Street, Forth Street, Fifth Street and Sixth Street, which lie West of the West right-of-way line of Kalamazoo Avenue, as shown on the map of KALAMAZOO, recorded in Map Book 5, Page 50 of the Public Records of Volusia County, Florida.

9:10 a.m.

Recess Volusia County Council and convene as the Inlet & Port District Advisory Board

Item PA1

Request authorization to designate \$185,000.00 of Inlet & Port District Funds as initial year funding assistance for habitat and water quality restoration projects related to the Halifax and Indian River Estuaries. [\$185,000.00]

Staff Contact: Joe Nolin, 248-8072, ext. 8335

VC-1077718338849

Joe Nolin provided the staff report. Research and a review as been performed of past activities of the Inlet & Port District.

According to Paul Haydt, Northern Coastal Basins Program Manager for the SJRWMD, there are the following 3 general program areas:

Waterway Investigations
Habitat Enhancement
Habitat and Manatee Protection

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Council Member Jaynes moved for **APPROVAL** as recommended and after Council Member Bruno seconded the motion it **CARRIED** 7 to 0.

Adjourn as the Inlet & Port District Advisory Board and reconvene as the Volusia County Council

9:15 a.m.

Item 6

Request to approve the Boat Facility Siting component of the Volusia County Manatee Protection Plan and its transmission to the Florida Fish and Wildlife Conservation Commission and the United States Fish and Wildlife Service for review and final approval regarding the Manatee Protection Plan – Phase II.

Staff Contact: Stephen Kintner, 736-5927, ext. 2839

VC-1078266108640

Georgia Zern, 736-5927, ext. 2839

Stephen Kintner and Kelli McGee provided a staff report. All factors, including environmental factors, have been taken into consideration for today's approach.

The Boat Facility Siting Plan has two Plans: siting requirements and mitigation plan.

Specific Siting Requirements

- 1 Preferred Boat Facility Siting Locations have a boater destination zone and a low risk to manatees.
- 2 Conditional Boat Facility Siting Locations do not meet preferred standards and will be judged on a case-by-case basis.
- 3 Non-Preferred Boat Facility Siting Locations are the greatest threat to manatees. Density restrictions are one powerboat slip per 100-feet of shoreline.
- 4 Siting Requirements consist of water depth and include water quality, dredging, seagrass, management practices, zoning and land policies.

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Mitigation plan:

- 1 Conservation measures: All new boat facilities must use conservation measures.
- 2 Increased Enforcement: Fees will be assessed to go into a trust fund to help the enforcement unit.

Public Participation:

- Sandra Clinger, Titusville, East Central Coordinator for Save the Manatee Club: Although they are anxious to have a meaningful comprehensive MPP for the manatees, they do not support this plan due to deficiencies in the plan.

Under Section 370, the plan is to be adopted in 2 parts. The 2 parts need to be brought together. There are deficiencies when phase 1 and phase 2 are brought together.

There is nothing in the plan regarding the eminent and ongoing threat to the refuge in Volusia County. Alternative water supply should be discussed in the plan. They have serious concerns with the mitigation fee structure. There is no County-wide speed zone document. There's no data analysis to support establishment of the fee structure, or that the proposed fee structure will collect sufficient money. The plan sets up a scenario, increasing a threat to manatees in order to increase protection.

- Betty O'Laughlin, Lake Helen, Co-Chair of Volusia Sierra Club: Provided a list of potential risks of the plan for consideration. She suggested that the plan drafted doesn't meet state requirements.
- Mike Thompson, Edgewater: He spent a year on the Halifax River Task Force. The bigger the boat, the faster it's moving and the higher the injury to the manatee. Speed zones are needed to protect the manatee. Manatees need a food supply to survive, and right now the river, as it exists, is killing the manatee due to storm water runoff. A plan is needed to clean the bottom of the river so that the grass the manatees eat is there instead of the black bottom that presently exists.
- Michelle Moen, New Smyrna Beach: Asked if Council read the plan in its entirety and can fully comprehend it. The plan leaves openings for interpretation, confusion and loopholes. She is concerned with the zoning labels and feels the plan does not protect the manatees. A better formula needs to be created.

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Steve Kintner advised everything the State wanted had been addressed. Staff strongly believes the plan meets all criteria. He thinks the plan should be adopted, sent to the State, and if there's something in the future that needs to be fixed, it can be done at a later date.

Council Member Long asked how many manatees are there right now? Mr. Kintner stated 5,700.

Council Member Long asked if there is a delay in the adoption of the ordinance, will it do more harm to the manatees? Mr. Kintner advised yes.

Council Member Long asked how often the plan is to be reviewed? Mr. Kintner said 5 years and if there is a grave situation, the plan can be reviewed prior to 5 years?

Council Member Long said he supports the plan.

Council Member Hayman asked how many times has the County appeared before the State with a draft plan? Mr. Kintner advised drafts have been given to the State many times, in increments. Staff has asked the State what needed to be changed. A list was provided and staff addressed all those items in this plan. Although the plan is strong, it does not stop economic growth. Most plans have a fixed dock density and a shoreline ratio. The County's plan tries to address the threat to existing manatees.

Council Member Hayman asked what has the County has done differently from other counties? Mr. Kintner stated the County is trying to put more deputies on the water.

Council Member Northey asked where the manatee breeding grounds were? Mr. Kintner advised that specific breeding areas on St. John's River are not identified but that breeding grounds are usually in backwater areas. The Wekiva River has some breeding areas.

Council Member Northey indicated the County has a special need to protect the manatees.

Council Member Bruno asked if there was a process for the review of the plan? Mr. Kintner advised there was a parallel process for State and Federal approval.

Council Member Bruno moved for **APPROVAL** to accept the plan and submit it to the appropriate agencies, as recommended, and after Council Member Northey seconded the motion, it **CARRIED** 7 to 0.

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9:45 a.m.

ITEM 7

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

V-03-130/Baranski-U-Haul-Five Sac:

APPEAL of the decision of the PLDRC to DENY a Variance to allow a maximum sign height of 16 feet in lieu of the required 8 feet for a ground sign in the U-Haul BPUD. The property is located on the west side of S. Volusia Avenue approximately 10 ft. north from its intersection with Enterprise Road, near the City of Orange City.

(Request for continuance to May 20, 2004 filed by Attorney James Morris)

Staff Contact: Scott Ashley, 943-7059, Ext. 2014

VC-1075476070999

Council Member Hayman moved to **CONTINUE** this item to the May 20, 2004 meeting and after Council Member Bruno seconded the motion, it **CARRIED** 7 to 0.

10:00 a.m.

ZONING

Item 8

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Z-04-008/McGuire

Application of Robert McGuire, Owner, requesting a Rezoning from the RC (Resource Corridor) and FR (Forestry Resource) zoning classifications to the A-2 (Rural Agriculture) zoning classification. The property is located on the east side of Indian Lake Road

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approximately 1 mile north from its intersection with N. Tiger Bay Road, near Rima Ridge W.M.A., near the City of Daytona Beach; ± 10 acres of undeveloped, wooded property.

PLDRC Recommendation: **APPROVAL**

No Opposition

Staff Recommendation: **APPROVAL**

Staff Contact: Mary Robinson, 943-7059, ext. 2013

VC-1077225412280

The staff report was provided by Mary Robinson.

Council Member Jaynes asked where the property was in relation to the County's potential site for the shooting range? Ms. Robinson pointed out the location on the small scale map.

Council Member Jaynes was concerned about the location of wells.

Bob Maguire, the owner, stated the RC and FR classifications are a carryover from prior to his purchasing the property. The A-2 zoning classification is consistent with rural as set forth in the comprehensive plan. Every agency has looked at the property. It's already rural and permissible to build two homes; he just needs the rezoning.

Council Member Northey asked why the City of Daytona Beach didn't want to annex the property into the City.

Mr. Maguire said his lot is 10 acres and adjacent to the property are one-acre lots. He wants lots that are 5 acres in size. The City isn't interested in a small piece of land.

Council Member Northey asked County staff if the reason the City does not want the property is because they don't want to provide services? Ms. Robinson indicated that's an assumption and that she hadn't been told why the City didn't annex the property. The RC classification and a small portion of the FR classification is non-conforming and is under one ownership. It doesn't meet the requirements of a 20 acre lot size.

Pursuant to discussion and there being no objection, Council Member Bruno moved to **ADOPT Resolution No. 2004-46**, on file in its entirety with the records of the County Council, **UPHOLDING** the recommendation of the Planning and Land Development Regulation Commission and Zoning staff to **APPROVE Zoning Case Z-04-008**, said motion **seconded** by Council Member Long and duly **ADOPTED** 7 to 0.

RESOLUTION NO. 2004-46

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY,
FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA
COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF

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CERTAIN HEREIN DESCRIBED PROPERTY FROM RC and FR TO A-2;
PROVIDING AN EFFECTIVE DATE.

Item 9

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Z-04-010/Weaver

Application of Mark & Merry Weaver, Owner, requesting a Rezoning from the A-2 (Rural Agriculture) zoning classification to the RA (Rural Agricultural Estate) zoning classification). The property is located on the east side of Grand Avenue approximately 400 ft. south from its intersection with Twin Oaks Drive, in the community of Glenwood; ± 16 acres developed with a single family dwelling

PLDRC Recommendation: ***APPROVAL***

No Opposition

Staff Recommendation: ***APPROVAL***

Staff Contact: Mary Robinson, 943-7059, ext. 2013

VC- 1077287381374

The staff report was provided by Mary Robinson who stated the property is eligible for an increase in density.

Public Participation:

- Gisela Salveson of DeLand said they already have a big fence around their property. Horseback riding makes it dusty and the paths are dangerous. She has nothing against the rezoning, but wants wording saying the property is privately owned by Glenwood Manor Farms, so that if the property is sold, it is clear the property is not part of the surrounding property. There is an easement.

Merry Weaver indicated the easement is private and they can't attach anything to it.

Pursuant to discussion and there being no objection, Council Member Long moved to **ADOPT Resolution No. 2004-47**, on file in its entirety with the records of the County Council, **UPHOLDING** the recommendation of the Planning and Land Development Regulation Commission and Zoning staff to **APPROVE Zoning Case Z-04-010** said motion **seconded** by Council Member Bruno and duly **ADOPTED** 7 to 0.

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RESOLUTION NO. 2004-47

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM A-2 TO RA; PROVIDING AN EFFECTIVE DATE.

Item 10

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Z-04-012/Pursley

Application of Ron Pursley, Owner, requesting a rezoning from the R-4 (Urban Single Family Residential) zoning classification to the R-6 (Urban Two-Family Residential) zoning classification. The property is located on the west side of Massachusetts Avenue approximately 150 ft. south from its intersection with E. New York Avenue, near Shark's Pub, east of the City of DeLand; ± 0.9 acre vacant property

PLDRC Recommendation: APPROVAL

No Opposition

Staff Recommendation: APPROVAL

Staff Contact: Mary Robinson, 943-7059, ext. 2013

VC-1077287994421

The staff report was provided by Mary Robinson. The property has 145 feet of frontage on each street which it fronts. R-6 allows for single or two-family dwellings. The City of DeLand has agreed with the staff recommendation of approval.

Council Member Alexander asked whether more than two duplexes could put on the property, such as seven duplexes? Ms. Robinson said the size of the property won't permit seven duplexes.

Pursuant to discussion and there being no objection, Council Member Long moved to **ADOPT Resolution No. 2004-48**, on file in its entirety with the records of the County Council, **UPHOLDING** the recommendation of the Planning and Land Development Regulation Commission and Zoning staff to **APPROVE Zoning Case Z-04-012**, said motion **seconded** by Council Member Hayman and duly **ADOPTED** 7 to 0.

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RESOLUTION NO. 2004-48

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM R-4 TO R-6; PROVIDING AN EFFECTIVE DATE

Item 11

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

PUD-03-139/Berry Walker

Application of Berry Walker, Jr., for Berry's Ridge, Owner, requesting a rezoning from the A-2 (Rural Agriculture) and B 2 (Neighborhood Commercial) zoning classifications to the RPUD (Residential Planned Unit Development) zoning classification. The property is located on the north side of Airport Road approximately 480 ft. northwest from its intersection with S.R. 15 A, north of the City of DeLand; ± 37 acres vacant land

PLDRC Recommendation: APPROVAL No Opposition

Staff Recommendation: APPROVAL (with modifications)

Staff Contact: Mary Robinson, 943-7059, ext. 2013

VC- 1077289486093

Mary Robinson provided the staff report. The applicants want to subdivide the property into 109 lots for single-family dwellings. The Airport Road connection will be closed and rerouted. The proposal is compatible with development to the east of the property. There will be landscape buffering. The City of DeLand will provide water and sewer. The traffic engineer stated there are no traffic problems with 15A. The City of DeLand supports this request. Staff recommends approval subject to the conditions set forth.

Council Member Alexander asked what was the actual number of acres. Ms. Robinson indicated 37 acres. There are 3.18 units per acre, which takes into consideration the whole 37 acres.

Council Member Hayman **MOVED** for approval, with conditions.

Public Participation:

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- The applicant, Berry Walker, said he discussed this with the neighbors to the west of his property. The neighbors indicated they would like the landscaping buffers on the west side to consist of scrub oaks and he agrees with that request. It should be part of the development order. The other request by the neighbors was that the 9 lots on the west be single story homes, and he agrees with that as well. In honor of Mr. Bob Lee, the street will be called Bob Lee Airport Road. The Applicant, at his own expense, agrees put in a gate on the property where it comes off Airport Road – where the dirt road is used for the neighbors' use. Also at his expense, the Applicant will put up a no trespassing sign, warning those who drive back there that they don't belong back there. The Declarations of Covenants & Restrictions will stated that no 3-wheelers are permitted. He will voluntarily restrict the subdivision. The neighbors also asked that the street lighting be the lowest level approved by the County, which Mr. Walker agreed to.

Ms. Robinson indicated there needs to be some clarification as to which roads are being closed off. Berry Walker provided direction as to that issue.

Council Member Lewis stated the County doesn't know if a gate can be put in and staff will have to look at that.

Ms. Robinson said that the Bob Lee Airport is a public airport. Berry Walker indicated he is looking at a private agreement with the neighbors, Bob Lee Airport and himself.

Ms. Robinson does not recommended the gated item be added to the developer agreement until it can be reviewed.

- Cindy Clark of DeLand said if a gate is not put up, several gates will have to be opened. Everybody is going to put gates up and they are entitled to put up gates. Everybody can get out and open the gates. What Berry Walker is taking about is having access to the gate by pushing a button. They are tired of the public driving up their private roads and that's why they will be putting up gates. None of the neighbors have any opposition to a gate.

Council Member Lewis stated the County needs to look at the legality of the gate.

Council Member Long asked how does the development have access to Bob Lee and it was pointed out on the map. He then asked if it was possible to put a crash gate at the back of the development where the roadway and 9 lots are. Ms. Robinson said there is a cul-d-sac there. Access is through private property.

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Council Member Long is concerned about what happens if there is an emergency. Berry Walker said if there was an emergency, the crash gate located on the property on the northwest corner under A-3 could be used.

Pursuant to discussion and there being no objection, Council Member Hayman moved to **ADOPT Resolution No. 2004-49**, on file in its entirety with the records of the County Council, **UPHOLDING** the recommendation of the Planning and Land Development Regulation Commission and Zoning staff to **APPROVE Zoning Case PUD-03-139**, with the recommended modifications and the applicant's additional voluntary conditions, excluding the addition of a gate, being put in the developer agreement, and said motion **seconded** by Council Member Alexander and duly **ADOPTED** 7 to 0.

Item 12

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

BPUD-03-125/Douglas and Barbara Fiano-Atkins

Application of Douglas and Barbara Fiano, Applicants, Wyman Atkins, Trustee Owner requesting a BPUD/C requesting a rezoning from the B-4/C (General Commercial/Thoroughfare Overlay Zone) and MH-4/C (Rural Mobile Home/Thoroughfare Overlay Zone) zoning classifications to the BPUD/C (Business Planned Unit Development/Thoroughfare Overlay Zone) zoning classification. The property is located on the north side of East International Speedway Boulevard (U. S. Highway 92) approximately 1250 feet east of Kepler Road and 500 feet west of the intersection of West Parkway and International Speedway Boulevard near the DeLand Highlands area; ± 3.44 acres

CONTINUATION OF COUNTY COUNCIL HEARING HELD FEBRUARY 19, 2004

PLDRC Recommendation: APPROVAL, with amendments

No Opposition

Staff Recommendation: APPROVAL, with amendments

Staff Contact: Mary Robinson, 943-7059, ext. 2013

VC-1077818593459

Mary Robinson provided the staff report.

Ty Harris, Attorney for Mr. and Mrs. Fiano, said his clients agree with all staff conditions except Item L on page 9 of the Development Agreement. He would like the language at middle of

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Section L to be stricken. He also requests a picture be added to the developer agreement and the plan regarding the fencing.

Council Member Lewis asked where the fence would be put? Mr. Harris indicated the fence would be where the barbed wire runs south to north and then west to east. The fencing will not be visible from 92 and will be placed behind the landscape buffer.

Pursuant to discussion and there being no objection, Council Member Northey moved to **ADOPT Resolution No. 2004-50**, on file in its entirety with the records of the County Council, **UPHOLDING** the recommendation of the Planning and Land Development Regulation Commission and Zoning staff to **APPROVE Zoning Case BPUD-03-125, with the modification** to exclude the language regarding lighting levels, said motion **seconded** by Council Member Alexander and duly **ADOPTED** 7 to 0.

10:30 a.m.

SPECIAL EXCEPTIONS

Item 13

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

S-03-084/Kinney Brothers

Application of Walton Kinney for Kinney Brothers, Inc., requesting a Special Exception for an excavation on A-1 (Prime Agriculture) zoned property. The property is located on the south side of C.R. 305 approximately 4,250 ft. from the Volusia/Flagler County line, in the community of Seville; Parent parcel of ± 107.3 acres of rural land with a mix of farm, timber, pasture (± 1 acre) and environmentally sensitive areas. The proposed excavation area (within the parent parcel) is ± 40 acres in area and restricted to the A-1 zoned area.

PLDRC Recommendation: ***APPROVAL (with conditions)***

No Opposition

Staff Recommendation: ***APPROVAL (with conditions)***

Staff Contact: Mary Robinson, 943-7059, ext. 2013

VC-1077291132921

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Mary Robinson provided the staff report. Two lakes are proposed, but it is all one large parcel. The applicant is excavating and recovering materials, so there are two separate staff reports and applications.

These comments only apply to the excavation. When completed, the lakes will be used for private recreational purposes and stocked with fish. The nearest dwelling is $\frac{3}{4}$ of a mile away. The property owner was cited by Code Enforcement for conducting a landfill on the property, but the application has now been submitted. Lake 1 will be 16 acres. Lake 2 will be 22 acres. The road system is adequate to handle the traffic of the dump trucks. The applicants still have to apply for a third special exception for utilizing special machinery. Landscape buffers, berms, etc. will be required. Staff is recommending approval with 18 conditions. The 18th condition pertains to hours of operation.

Mr. Kinney, the applicant, is present, along with his engineer.

Council Member Lewis indicated he had spoken with the neighbors up there and they don't have a problem with what Mr. Kinney is doing.

Ms. Robinson said the existing vegetation can be used as part of the buffer.

Council Member Northey indicated she agreed with PLDRRC Members Summer and Gove about the using the word "shall" instead of "may be", as mentioned on Page 13-71 of the February 10, 2004 PLDRRC Minutes. Ms. Robinson said the staff report is not changed and that's why the Minutes have the amendments in gray print. If Council wants to use "shall", that change will be accepted.

Council Member Northey is also concerned with Condition 3 mentioning "timely". Ms. Robinson stated the language will be clarified.

Council Member Bruno asked if the County has required funds be paid up front for these type of projects in the past, and will it create a hardship for the applicant? Ms. Robinson said that's one of the requirements of Section 817 regarding a bond. The amount can be lower or higher than the amount stated in the conditions.

Council Member Alexander asked if the 50-foot wide landscape buffer set forth in Condition 7 is the same vegetation mentioned earlier? Is 50 feet typical? Ms. Robinson said the excavation requirements provide a 50 foot buffer.

Council Member Alexander thinks the landscape architect language should say "shall" instead of "may", as mentioned by Council Member Northey.

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Council Member Jaynes would like to include a condition that there will be a dust suppression plan and submit the plan to the DRC, regarding the dust created by trucks. Council Member Alexander thinks that opens up a can of worms. Council Member Bruno agrees with Council Member Alexander. Council Member Jaynes said if trucks are going up and down the road and dust is not kept down, the dust spreads all over and he thinks the dust suppression plan is needed along the roadway as well as the excavation area. Council Member Hayman doesn't support dust suppression and doesn't think the County should get involved in that type of practice. Council Member Lewis indicated the property is in a farming area where thousands of acres are plowed.

Council Member Northey asked if the buffer required for a materials recovery facility is the same as what is required for excavation. Ms. Robinson said yes, 50 feet.

Public Participation

- Mike Thompson of Edgewater indicated we're destroying our agriculture base one lot at a time and killing our farmers off. We need to keep the agricultural land and leave it that way instead of developing it.

Pursuant to discussion and there being no objection, Council Member Hayman moved to **UPHOLD** the recommendation of the Planning and Land Development Regulation Commission and Zoning staff to **APPROVE** Special Exception Case S-03-084, with the **modification** to Condition 17 regarding using the term "shall" and **modification** to Condition 7 using the term "may". After Council Member Long **seconded** the motion it was duly ADOPTED 7 to 0.

Council Member Jaynes asked that a procedure be set in the development code regarding the dust issue, as a result of excavations, pits, etc. as mentioned above. Council Member Northey supported that.

Item 14

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

S-03-104/Kinney Brothers

Application of Walton Kinney for Kinney Brothers, Inc., requesting a Special Exception for a material recovery facility (MRF) on A-1 (Prime Agriculture) zoned property. The property

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Scott Ashley provided the staff report.

Jim Morris, Attorney for Mr. Luznar and his daughter, Shannon Luznar, a veterinarian, said that Ms. Luznar is leasing the property from her father and Mr. Luznar has other uses for the property down the road. His clients understand other uses for the property must be approved by Council, but they don't want to restrict being able to request other uses down the road. A 100-year flood plan limitation, as recommended by staff, is inappropriate and asked for that condition to be deleted. His clients have no problem with the condition regarding access.

Council Member Alexander asked what can be done with the property as it is zoned right now? Mr. Morris stated the current zoning isn't the question, as much as the future uses of the property. They are utilizing part of the property with the idea of future uses being consistent with surrounding areas. To have to relocate the building because of the 100-year flood plan, would hurt Ms. Luznar from the standpoint that her business won't be seen from Hwy. 44.

Council Member Northey asked how many of the conditions came out of PLDRC? Scott Ashley said three conditions. Condition 1 is a 100-year flood plan and the applicant is requesting that condition be removed.

Pursuant to discussion and there being no objection, Council Member Hayman moved to **UPHOLD** the recommendation of the Planning and Land Development Regulation Commission and Zoning staff to **APPROVE** Special Exception Case S-04-015, with staff's recommendations, to include Conditions 2 and 3, and there be revisions to Condition 1 regarding striking reference to the 100-year flood plan in the first sentence . Council Member Bruno seconded the motion.

County Member Alexander asked if something else is put on property, do the applicants come back to the County? Mr. Ashley said the property cannot be further subdivided under the current zoning. They could use it for other uses, but not subdivided. Mr. Ashley asked that Condition #1 be left in but that stated "approval is limited to the site improvements shown on the plan" can be deleted.

Council Member Northey stated she was concerned with the type of building that may be put up along the corridor.

The motion was duly **ADOPTED** 7 to 0.

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Item 16

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

S-04-018/Morris-Becks

Application of James Morris, Attorney; Berrien Becks, Owner requesting a Special Exception for a temporary campsite for 3 days before, during, and 3 days after regularly scheduling racing events at the Daytona International Speedway for Bikeweek and Biketoberfest for 7 years (March 2004 through October 2010) on A-2 (Rural Agriculture) zoned property. The property is located on the northeast quadrant of the intersection of I-95 and Beville Road, by the Daytona Beach International Airport, near the City of Daytona Beach; ± 70 acres.

PLDRC Recommendation: APPROVAL (with conditions)

No Opposition

Staff Recommendation: APPROVAL (with conditions)

Staff Contact: Scott Ashley, 386 943-7059, Extension 2014

VC-1076519643069

Scott Ashley provided the staff report.

Council Member Northey requests the special exception be reviewed every 5 years instead of giving another 2 years, as now set forth in Condition #1.

Council Member Alexander asked, what is in place to guarantee compliance with Condition 14? Mr. Ashley said camp grounds are inspected.

Council Member Alexander asked about the taxes? Mr. Morris said the tax returns for sales and tourist development are paid.

Pursuant to discussion and there being no objection, Council Member Northey moved to **UPHOLD** the recommendation of the Planning and Land Development Regulation Commission and Zoning staff to APPROVE Special Exception Case S-04-018, with the 15 conditions. After Council Member Alexander seconded the motion it was duly ADOPTED 7 to 0.

Mr. Morris says he doesn't object to the conditions as long as it's across the board, and application to other instances are uniformly applied.

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Item 17

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

S-03-137/Nix

Application of Richard & Joyce Nix, requesting a Special Exception for a garage apartment on A-4 (Transitional Agriculture) zoned property. The property is located on the north side of Manor Way approximately 1 mile east from its intersection with Grand Avenue, near Lighthouse Christian Academy, in the community of Glenwood, north of the City of DeLand; ± 3 acres developed with a single-family house.

PLDRC Recommendation: APPROVAL

No Opposition

Staff Recommendation: DENIAL

Staff Contact: Mary Robinson, 943-7059, Extension 2013

VC-1077825022975

The staff report was provided by Mary Robinson.

Council Member Hayman asked if staff took into consideration that there are Florida Statutes, that permit "granny flats"? He supports the applicants' request, not staff's recommendations.

Public Participation

- Richard Nix, the applicant, stated he is requesting this for his mother-in-law. Her husband passed away 4 years ago. She has fallen several times and she has had surgery. She's helped raise his kids and he wants to help take care of her.

Council Member Alexander said down the road, there would be 2 residences on this lot. Council Member Lewis said that's why the square footage was lowered.

Council Member Northey supports the separate residence for privacy purposes. Pursuant to discussion and there being no objection, Council Member Northey moved to **UPHOLD** the recommendation of the Planning and Land Development Regulation Commission **APPROVE** Special Exception Case S-03-137. After Council Member Jaynes seconded the motion it was duly ADOPTED 7 to 0.

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Item 18

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

S-04-006/Hart

Application of Glenn Storch, Attorney for Robert Hart, requesting a Special Exception for material recovery facility (MRF) on A-1 (Prime Agriculture) and RC (Resource Corridor) zoned property, for an initial five year time period with option to renew the Special Exception for additional five year time periods provided the applicant has continued to comply with all approved terms and conditions of the Special Exception for operation of the proposed MRF. The property is located on the east side of State Road (SR) 415 approximately one-half mile north from its intersection with Rasley Road, in the community of Samsula; ± 27.94 acres parent tract with +- 5 acre MRF site

PLDRC Recommendation: APPROVAL (subject to 17 conditions)

No Opposition

Staff Recommendation: DENIAL

Staff Contact: Mary Robinson, 943-7059, ext. 2013

VC-1077589281750

The staff report was provided by Mary Robinson.

Council Member Alexander said she went out and looked at the property and she thinks it is the perfect site for this type of a facility. She asked if the County can accept the fact that there isn't a 125-foot setback. Ms. Robinson said that's what was recommended.

Glenn Storch, attorney for Robert Hart, said this is the best location for a mulching operation. The County Comprehensive Plan encourages mulching operations such as this. There have been some issues as far as staff's interpretation of 817(p). It's drafted to apply to landfills and mulching operations. So monitoring wells, topography, etc. should not apply to a mulching operation, as it would to a landfill. Council has the authority to put conditions on the special exception for topography, etc. He displayed photos on the overhead, which showed the natural buffer area on the entrance road. There is thick vegetation from 415, so nothing is visible. His client is proposing to put a 25-foot vegetation buffer between the neighbor's fence line area and the mulching operation. He suggests Council waive the 1-foot contours to topography because this is

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a flat area, wet dry season elevations, and a requirement for 125 feet from an adjoining property line.

Council Member Northey stated that Condition 5 should be amended. She wants the special exception to come back to Council.

Pursuant to discussion and there being no objection, Council Member Alexander moved to **UPHOLD** the recommendation of the Planning and Land Development Regulation Commission to **APPROVE** Special Exception Case S-04-006, with the 17 conditions and approval to waive the requirements of a 125-foot setback on north line, waiving the topography, waiving 2a(i) (ii) (iii-B) in 817(p) of the ordinance, and waiving the registered landscape architect. After Council Member Long seconded the motion it was duly ADOPTED 7 to 0.

PULLED CONSENT AGENDA ITEMS :

Council Member Long - Items 22, 24
Council Member Jaynes - none
Council Member Northey - Items 35, 38, 39
Council Member Alexander – Items 22, 24, 29
Council Member Hayman – Items 23, 30
Council Member Bruno - none
Council Member Lewis - none
The Public Pulled Item 37

Council Member Jaynes moved to **APPROVE** the CONSENT AGENDA and all actions recommended therein, as amended to remove Items 22, 23, 24, 29, 30, 35, 37, 38, and 39 for discussion, said motion **seconded** by Council Member Alexander and duly ADOPTED 7-0.

BEGIN CONSENT AGENDA

11:00 a.m.

COMMUNITY SERVICES

- Community Assistance

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Item 19

Request to approve the amendments to the FY 2000/01, 2001/02, 2002/03, and 2003/04 Consolidated Plan for the purpose of amending the Community Development Block Grant (CDBG) Program and request to authorize the Community Services Director, or designee, to submit related grant documents to the U.S. Department of Housing and Urban Development and amend all subrecipient agreements as necessary.

Staff Contact: John V. Angiulli 943-7039, ext. 2957

VC-1077288146843

This item was approved at the time the CONSENT AGENDA was approved.

Item 20

Request to reaffirm the following members to the delegation to the Human Services Advisory Board:

- Pat Taylor(District #2)
- Toreatha Wood (District #3)
- Leslie Pearce (District #5)

Staff Contact: Gloria Fordham, 736-5956, ext. 2980

VC-1078155917714

This item was approved at the time the CONSENT AGENDA was approved.

- Votran

Item 21

Request to approve Budget Resolution 2004-____ authorizing the transfer of \$267,000.00 from General Fund to the VOTRAN budget and appropriation of \$6,591.00 from Mid Florida Community Services for the purchase of three vehicles; request for approval of the purchase order with Blue Bird Inc. for \$247,026.00; and request for approval of a proposed operating contract between VOTRAN and Head Start. [\$273,591.00]

Staff Contact: Kenneth R. Fischer, 756-7496, ext. 126

VC-1078405516265

This item was approved at the time the CONSENT AGENDA was approved. **Resolution No. 2004-51**, entitled as follows and on file in its entirety with the records of the County Council, was duly **ADOPTED**.

RESOLUTION NO. 2004-51

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RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003-04 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

ELECTIONS

- Elections

Item 22

Request to approve the Supervisor of Elections' request to contract with The News-Journal to print and distribute an Election Preparedness Guide tabloid, using funds disbursed by the State to the Elections Department for voter education purposes. [\$27,150.00]

Staff Contact: Deanie Lowe, 736-5930, ext. 108

VC-1078253469499

Council Member Alexander asked why the distribution and notification is to be provided by the News-Journal and not The Orlando Sentinel. Dave Byron advised that the News-Journal has an alternative distribution to all households in Volusia County, and not just the Westside. So it will come with the newspaper, but also be delivered, through other distributions, to those who don't receive the newspaper. 95% of the Volusia County households will receive the package. Research reflects no other services cover as large a number of residents as the News-Journal.

Council Member Lewis asked if it would be out on the internet. Deanie Lowe said staff could try to do that as well. This is grant funded, not out of the budget.

Council Member Long moved for **APPROVAL** as recommended and after Council Member Alexander seconded the motion it **CARRIED** 7 to 0.

FINANCIAL AND ADMINISTRATIVE SERVICES

- Budget

Item 23

Request for approval and adoption of Budget Resolution 2004-__ amending the FY 2002-03 budget as required for the fiscal year close-out adjustments.

Staff Contact: Doug Krueger, 736-5934, 2432

VC-1078777606640

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Council Member Hayman indicated he spoke with Doug Krueger and his concerns are answered.

Council Member Hayman moved for **APPROVAL** as recommended and after Council Member Long seconded the motion it **CARRIED** 7 to 0. **Resolution No. 2004-55**, entitled as follows and on file in its entirety with the records of the County Council, was duly **ADOPTED**.

RESOLUTION NO. 2004-55

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2002-03 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

- **Facilities**

Item 24

Request to approve a Lease for 4,000 square feet of office space, at the rate of \$13.47 per square foot per year, for an initial term of five (5) years with the option to renew for an additional five (5) years, in the building located at 2742-A Enterprise Road, Orange City, Florida, for the office of the Property Appraiser, effective April 1, 2004, as presented. [\$53,880.00 annually]

Staff Contact: Morgan B. Gilreath, Jr., 822-5717, ext. 2048
Cathy Natali, 822-5717, ext. 2625

VC-1078252378656

Council Member Long spoke with Fred Schwenck and Morgan Gilreath who satisfied his concerns.

Council Member Alexander said her questions were also answered.

Council Member Alexander moved for **APPROVAL** as recommended and after Council Member Long seconded the motion it **CARRIED** 7 to 0.

- **Information Technology**

Item 25

Request to award a one-year purchase agreement to M/A-COM with two one-year renewable options for the 800 MHz Trunked Radio FX Software Maintenance Program, and

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authorize the Purchasing Director to approve annual renewals for two years based on the recommendation of the Information Technology Director. [\$76,000.00 annually]

Staff Contact: Bill Clausen, 736-5922, ext. 5814

VC-1076509688358

This item was approved at the time the CONSENT AGENDA was approved.

- **Purchasing**

Item 26

Bid No. 03-B-166 BB PW - Mulch

Request to award the mulch portion of the Invitation to Bid to the following lowest, responsive and responsible vendors as presented, for an initial term to coincide with the existing lawn maintenance contracts, with two one-year renewals contingent upon Council approval. [\$55,093.80 annually]

- **ABC Express - Zones 1 and 4**
- **Servello & Sons - Zone 2**
- **JEM Enterprises - Zone 3 & 5.**

Staff Contact: Pam Wilsky, 822-5772, ext. 5772

VC-1077310024265

This item was approved at the time the CONSENT AGENDA was approved.

Item 27

Bid No. 04-B-27JJ - Commissary Services

Request to award the bid for commissary services for the Department of Corrections to the highest responsive and responsible bidder, Trinity Service Group, Inc., Oldsmar, Florida, for a period of three (3) years, renewable for two (2) additional one (1) year periods contingent upon Council approval. [Revenue: \$165,140.00]

Staff Contact: Kevin S. Hickey, 323-3505, ext. 1877

VC-1077554871405

This item was approved at the time the CONSENT AGENDA was approved.

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Item 28

Bid No. 04-B-22LB - Perimeter Service Road

Request to award the bid for the construction of Phase I of the perimeter service road at the Daytona International Airport (Contract No. 1092) to the lowest, responsive and responsible bidder, Halifax Paving, Inc., Ormond Beach, Florida, as presented. [\$1,933,424.87]

Staff Contact: Dennis McGee, 248-8030, ext. 8320

VC-1077220736733

This item was approved at the time the CONSENT AGENDA was approved.

Item 29

Bid No. 04-B-55 BB / Affordable Single Family Housing

Request to award contracts to the following lowest responsive and responsible bidders to construct an affordable home for an approved applicant on County owned land; and request to approve transfer of title of lots #1 and #7 to approved home buyers upon proper execution and close of home sale.

- Parcel #1 - RSB Homes, Inc. - \$84,502.00
- Parcel #7 - Coleman Builders, Inc. – 86,300.00

Staff Contact: Reggie Williams, 943-7029, ext. 2956

VC-1077891907077

Sandra W. Anderson, 736-5955, ext. 2872

Council Member Alexander said her questions have been answered.

Council Member Alexander moved for **APPROVAL** as recommended and after Council Member Bruno seconded the motion it **CARRIED** 7 to 0.

Item 30

RFP No. 03-P-169DW Intelligent Transportation Systems

Request to award contract to AVAIL Technologies, Inc., State College, PA, as presented, for hardware and software intended to enhance the operations of VOTRAN's current services, and request to authorize staff to enter into a contract approved by Legal, for the implementation of this project and for a two (2) year maintenance agreement to ensure continuity of VOTRAN's service to the community. [\$3,466,600.00 – Federal Capital Grants]

Staff Contact: Ken Fischer, 756-7496, ext. 126

VC-1076525881444

Council Member Lewis read the revised recommended motion.

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Council Member Hayman said he wanted an overview of what this will do for the public transportation of Volusia County.

Ken Fischer stated that this is a result of replacing the radio system, which has exceeded its life of 12 years. Staff decided to include the new technology out on the market.

- 1 Staff will be able to know where each vehicle is at any time. The dispatcher will be able to tell the public when they call. Also, staff hopes that 5 years down the road, the locator will be on the website.
- 2 A passenger counter and time of day is included, so they can do an analysis.
- 3 There are automatic stop announcements as required under the ADA.
- 4 Mobile data terminates on the paratransit side. As trips are changed, everybody in the paratransit operation will be notified.

In addition to formula grants, additional grant funds were obtained with the help of Congressman Mica.

The third rated vendor sent a letter regarding its concerns about validity. The letter was received last night and staff will check into it.

Council Member Alexander moved for **APPROVAL** as recommended and after Council Member Jaynes seconded the motion it **CARRIED** 7 to 0.

Item 31

03-P-226 BB/ Home Investment Partnership

Request to award contract to AIDS Coalition of Volusia/Flagler County in accordance with RFP 03-P-226 BB, for the special needs housing project targeting low to very-low income persons living with HIV/AIDS; and request to authorize the Community Services Director to execute all required contracts and amendments thereto. [\$200,000.00 - Home Program Grant Funds]

Staff Contact: John Angiulli, 943-7039, ext. 2957

VC-1077562802671

This item was approved at the time the CONSENT AGENDA was approved.

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GROWTH AND RESOURCE MANAGEMENT

- **Building and Zoning**

Item 32

Request to adopt the Interlocal Agreements for the City of Orange City and City of Daytona Beach for the collection of road and school impact fees for developments within each City's jurisdiction, and request to authorize the execution of each agreement.

Staff Contact: Ron Yates, 736-5924, ext. 2723

VC-1077743453617

This item was approved at the time the CONSENT AGENDA was approved.

- **Land Acquisition**

Item 33

Request for adoption of Resolution No. 2004- ____ declaring Parcel No. 7017-17-00-0143 as surplus property; request for approval of the transfer of the parcel to the City of DeLand; and request for authorization for the Council Chair and County Manager to execute a County Deed transferring the property, pursuant to Florida Statute 125.38. The Property is a 45 foot by 155 foot parcel located on South Orange Avenue with an assessed value of \$5,303.00.

Staff Contact: Douglas M. Weaver, 740-5261, ext. 2953

VC-1077550275483

William C. Gardner, 740-5261, ext. 2082

This item was approved at the time the CONSENT AGENDA was approved. **Resolution No. 2004-52**, entitled as follows and on file in its entirety with the records of the County Council, was duly **ADOPTED**.

RESOLUTION NO. 2004-52

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA
TRANSFERRING CERTAIN REAL PROPERTY WITHIN AN INCORPORATED AREA OF
THE COUNTY OF VOLUSIA, FLORIDA, TO THE CITY OF DELAND AND PROVIDING AN
EFFECTIVE DATE

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- Leisure Services

Item 34

Request to authorize the submittal of the grant application to F.I.N.D. Waterways Assistance Program regarding the Smyrna Dunes Environmental Education Park; request for the Chair to execute the Resolution for Assistance; request to allow Leisure Services to execute a project Agreement with F.I.N.D.; request for Council to accept the grant award and administer the funds, and request to adopt Budget Resolution 2004-____. [\$60,000.00: \$30,000.00 - F.I.N.D. Waterways Assistance Program Fund; \$30,000.00 - Park Capital Improvement Fund]

Staff Contact: John Harper, 736-5953

VC-1077543373140

This item was approved at the time the CONSENT AGENDA was approved. **Resolution No. 2004-53**, entitled as follows and on file in its entirety with the records of the County Council, was duly **ADOPTED**.

RESOLUTION NO. 2004-53

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,
AMENDING THE FISCAL YEAR 2004-05 BUDGET, CHANGING THE ESTIMATED TOTAL
REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

Item 35

Request to authorize the submittal of the grant application to F.I.N.D. Waterways Assistance Program regarding the Lighthouse Point Environmental Education Park; request for the Chair to execute the Resolution for Assistance; request to allow Leisure Services to execute a project Agreement with F.I.N.D.; request for Council to accept the grant award and administer the funds, and request to adopt Budget Resolution 2004-____. [\$260,000.00: \$130,000.00 - F.I.N.D. Waterways Assistance Program Fund; \$130,000.00 - Park Capital Improvement Fund]

Staff Contact: John Harper, 736-5953

VC-1078321144662

Council Member Northey asked for a more comprehensive overview with the park location. From looking at the maps, it looks like four picnic pavilions are being added. Bill Apgar indicated that was correct. This was generated from the Port Authority members. Some of the bathrooms are old and need renovation.

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Council Member Northey asked if there was additional parking? Mr. Apgar said no. Any improvements are worked through with the State of Florida.

Council Member Northey inquired about the boating aspect and whether boats will anchor offshore? Mr. Apgar said docking has never been a high priority because of the sensitivity of the area.

Council Member Northey asked if staff has considered applying for F.I.N.D. money. Mr. Apgar stated staff tried that for Lake Monroe, but it didn't make the cut so staff decided what would be best for the Port Authority money and what's best for F.I.N.D. money. Council Member Northey wants to try again for some F.I.N.D. money.

Council Member Northey moved for **APPROVAL** as recommended and after Council Member Bruno seconded the motion it **CARRIED** 7 to 0. **Resolution No. 2004-56** entitled as follows and on file in its entirety with the records of the County Council, was duly **ADOPTED**.

RESOLUTION NO. 2004-56

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,
AMENDING THE FISCAL YEAR 2004-05 BUDGET, CHANGING THE ESTIMATED TOTAL
REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

PUBLIC WORKS

- Engineering

Item 36

Request to approve the purchase of a portion of Tax Parcels 7450-01-00-0130 and 7450-01-00-0132, comprising Lots 10 and 11, of the proposed Nocatee Subdivision in Edgewater, in accordance with the Right of Way Purchase Agreement, for the future widening of 10th Street, Project-5061, Edgewater/New Smyrna Area. [\$81,000.00]

Staff Contact: Gerald Brinton, 736-5967, 2294

VC-1078172054589

This item was approved at the time the CONSENT AGENDA was approved.

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- Mosquito Control

Item 37

Request to approve a Sole Source Price Agreement for one (1) year with Clarke Mosquito Control Products Inc, Kissimmee Florida, for the purchase of ABATE 5% pellets for larviciding. [\$100,665.00]

Staff Contact: Jonas Stewart, 239-6516,

VC-1077906771171

Public Participation:

- Mike Thompson of Edgewater: He assumes the ABATE 5% pellets will end up in our water, and is making an official request, on behalf of the Sierra Club.
 - 1 What does the MSDS material data safety sheets say about this?
 - 2 EPA has to approve it, but there are different approval standards for chemicals. He would like to see the approval of the EPA to determine how it was approved.

Jonas Stewart stated that the County relies on the minimum levels to control most mosquito larvae and does use chemicals in retention ponds. ABATE 5% has been used in drinking water supplies around the world. He'll provide Mr. Thompson with the material safety data sheets. There are no ill affects on humans, animals, etc.

Council Member Bruno moved for **APPROVAL** as recommended and after Council Member Jaynes seconded the motion, it **CARRIED** 7 to 0.

- Water Resources/Utilities

Item 38

Request to approve a Contract with Quentin L. Hampton Associates, Inc. for Engineering Services for the construction of ground storage facilities and liquid chlorine conversion for the Southwest Regional Wastewater Treatment Plant, Project No. P-5195, as presented. [\$83,100.00]

Staff Contact: Gloria Marwick, 943-7027, ext. 2724

VC-1063638534554

Council Member Northey stated there were a number of groups which the County contracted with and asked how does staff recommend who gets the award? The award bid seems to be out of skew.

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Gloria Marwick said staff tries to look at the areas that the contractors have the most expertise. Quentin Hampton Associates has been chosen because they have the design that the County needs.

Council Member Northey moved for **APPROVAL** as recommended and after Council Member Hayman seconded the motion it **CARRIED** 7 to 0.

Item 39

Request to approve Change Order No. 1 to Task Assignment No. 33 to the contract with CPH Engineers, Inc., for utility engineering services to perform additional research, redesign plans, and transfer updated information to the Construction Plans for the Saxon Boulevard - Enterprise Road Utility Improvements and Widening Project in Orange City. [\$16,480.00]

Staff Contact: Gloria Marwick, 943-7027, ext. 2724

VC-1077630830343

Council Member Northey moved for **APPROVAL** as recommended and after Council Member Hayman seconded the motion it **CARRIED** 7 to 0.

Item 40

Request to approve Task Assignment No. 6 to the contract with Quentin L. Hampton Associates, Inc., for Utility Engineering Services to provide Mapping Services of the Volusia County Utilities in the Halifax Plantation Service Area. [\$33,238.00]

Staff Contact: Gloria Marwick, 943-7027, ext. 2724

VC-1078154514292

This item was approved at the time the CONSENT AGENDA was approved.

Item 41

Request for approval of the final project costs and final assessment roll for the Hazelwood River Road Special Assessment District for water lines in the unincorporated area south of Edgewater, and request to execute the attached Notice of Special Assessment Lien.

Staff Contact: Gloria Marwick, 943-7027, ext. 2724

VC-1077551901592

This item was approved at the time the CONSENT AGENDA was approved.

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SHERIFF'S OFFICE

- Administration

Item 42

Request to authorize the Sheriff's Office to apply for and accept a Florida Department of Transportation (FDOT) Aggressive Driving Prevention Grant; request to authorize the Purchasing Director to purchase specified capital items pursuant to County Purchasing ordinance; request to adopt Budget Resolution 2004-____. [\$199,864.00]

Staff Contact: Laura Bounds, 736-5961, ext. 2108

VC-1078327728522

This item was approved at the time the CONSENT AGENDA was approved. **Resolution No. 2004-54**, entitled as follows and on file in its entirety with the records of the County Council, was duly **ADOPTED**.

RESOLUTION NO. 2004-54

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003-04 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

END CONSENT AGENDA

12:00 noon

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LUNCH RECESS

2:00 p.m.

Item 43

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Request to transmit Comprehensive Plan Amendment Cycle 04-1, containing Future Land Use Element Plan Map Amendments; Comprehensive Plan Map Amendments; Future Land Use Element Text Amendments; and Transportation Element Amendments to Thoroughfare Maps, Tables and Figures, to the Florida Department of Community Affairs regarding the following fourteen (14) items:

- Item 1 4-1 [CPA-03-2-9-25-1] (Plum Creek)
- Item 2 04-1[CPA-03-2-3-28-2] (Spruce Creek Preserve Additions)
- Item 3 CPA-04-1-9-25-1 (Iron Bend Trail)
- Item 4 CPA-04-1-9-25-2 (Lake George Road)
- Item 5 CPA-04-1-9-25-3 (Pine Island Area)
- Item 6 CPA-04-1-9-25-4 (Lafayette Landings Drive)
- Item 7 CPA-04-1-9-25-5 (Heart Island Extension)
- Item 8 CPA-04-1-9-26-7 (Cole/Whitehouse)
- Item 9 Amendment to Policy 1.1.4.3
- Item 10 Amendment to Section E. LOCAL PLANS
- Item 11 Amendment for Rhode Island Road
- Item 12 Amendment for Fort Florida Road
- Item 13 Amendment for Josephine St./10th St.
- Item 14 Amendment to Table 2-1

Staff Contact: Montye Beamer, 736-5959, Extension 2000

VC-1076686963611

Montye Beamer provided the staff report. A large number of these items are administrative in nature. The first 7 are amendments for administrative purposes.

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Item 1

Council Member Bruno moved for **APPROVAL** to transmit, as recommended, and after Council Member Northey seconded the motion, it **CARRIED** 7 to 0.

Item 2

Council Member Hayman moved for **APPROVAL** to transmit, as recommended, and after Council Member Jaynes seconded the motion, it **CARRIED** 7 to 0.

Item 3

Council Member Jaynes for **APPROVAL** to transmit, as recommended, and after Council Member Northey seconded the motion, it **CARRIED** 7 to 0.

Item 4

Council Member Bruno moved for **APPROVAL** to transmit, as recommended, and after Council Member Northey seconded the motion, it **CARRIED** 7 to 0.

Item 5

Council Member Northey moved for **APPROVAL** to transmit, as recommended, and after Council Member Alexander seconded the motion, it **CARRIED** 7 to 0.

Item 6

Council Member Jaynes moved for **APPROVAL** to transmit, as recommended, and after Council Member Alexander seconded the motion, it **CARRIED** 7 to 0.

Item 7

Council Member Alexander moved for **APPROVAL** to transmit, as recommended, and after Council Member Jaynes seconded the motion, it **CARRIED** 7 to 0.

Item 8 was requested by an application. Staff recommended Urban Medium Intensity (UMI). What was voted consistent is not recommended by staff. The land owner is not present and no public spoke on this issue.

Council Member Northey moved for **APPROVAL** to transmit under UMI, and after Council Member Alexander seconded the motion, it **CARRIED** 7 to 0.

Item 9 was considered because of discussions about what is available within the environmental system corridor. The amendment is applicable to soils having a water table depth to six feet.

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Council Member Northey moved for **APPROVAL** to transmit, as recommended, and after Council Member Jaynes seconded the motion, it **CARRIED** 7 to 0.

Item 10 - Wilbur-By-The-Sea asked staff to do a local area plan and add them to the County's list.

Council Member Bruno moved for **APPROVAL** to transmit, as recommended, and after Council Member Alexander seconded the motion, it **CARRIED** 7 to 0.

The next 4 items pertain to Chapter 2, Transportation Element.

Item 11 supports the high school to be developed at Rhode Island.

Council Member Long moved for **APPROVAL** to transmit, as recommended, and after Council Member Alexander seconded the motion, it **CARRIED** 7 to 0.

Item 12 addresses some of the traffic engineering facts. Jon Cheney assisted with the staff report.

Richard Diamond, City Manager of DeBary indicated that the City of DeBary hoped to provide incentives to the property owners and provide the developer with impact fee credits, in order to get additional right-of-way, instead of using eminent domain proceedings. The road won't be a high-speed roadway. The City of DeBary will maintain the road, voted on the issue, and directed Mr. Diamond to advise it is the City's desire that the County transmit this item.

There were further discussions by Council Member Long and Hayman.

Mark Watts, representing the U.S. Trust and Empire Cattle, stated that the U.S. Trust holds property on Fort Florida Road and Highbanks. There are some areas of issue on Highbanks Road. This does provide connectivity into 17-92, but there are many alternatives to working out the curves and addressing safety concerns. This is an important area for future development and his clients ask for transmittal of this item.

Council Member Northey asked if this road becomes a thoroughfare road, does it become a County road and the County bares the costs of improvements? Mr. Cheney said that Richard Diamond indicated the City would repair the road. The only costs to the County would be the impact fee credits. The road will be built to County standards and then the City will maintain it.

Mary Connors indicated the City can be the maintaining agency after the road is built. The question is how it will be built, i.e. in segments, etc. There may be gaps in the building of the road. If it's part of the thoroughfare plan, it's available for impact fee credits.

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Council Member Northey said she is not supporting the transmittal of this item for a variety of reasons. First, because it is a scenic road, and secondly, because it requires purchasing property in a major corridor.

Council Member Jaynes suggested following the staff recommendation to not transmit, and therefore Council Member Jaynes moved to **NOT TRANSMIT** this item, and after Council Member Northey seconded the motion, it **CARRIED** 6 to 0, with Council Member Long opposed to the motion.

Item 13

Council Member Alexander moved for **APPROVAL** to transmit, as recommended, and after Council Member Hayman seconded the motion, it **CARRIED** 7 to 0.

Item 14

Council Member Jaynes moved for **APPROVAL** to transmit, as recommended, and after Council Member Bruno seconded the motion, it **CARRIED** 7 to 0.

2:15 p.m.

Item 44

Consider request from City of Daytona Beach to waive approximately \$5,000.00 in charges from early 1980 CETA Program and provide clean hands for the purposes of the ECHO Grant Program.

Staff Contact: Matt Greeson, 736-5920, ext. 5549

VC-1078861344374

Council Member Northey moved to deny the City's request and require payment of the debt from the 1980s, as reflected in the Clean Hands Search.

Ray Pennebaker provided a staff report. He advised the County was the recipient back in the 1980's for CETA grant funds. When the last audit was performed, the County auditor found these grants stayed on the books and they needed to be taken care of.

Council Member Lewis asked if there was backup for these charges? Ms. Coto advised no, and it was discussed with Charlene Weaver. County records reflected the County paid the money back, but the City didn't pay its share back.

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Paul McKittrick from City of Daytona Beach indicated that if the County wants to make another offer, he might have some authority. There has been a lot of discussion internally, but it's such an old case.

Council Member Northey **moved to split the costs**, and after Council Member Bruno seconded the motion, it **CARRIED** 6 to 0, with Council Member Long opposed.

2:20 p.m.

Item 45

Request for approval of the awards as recommended by the ECHO Advisory Board (Attachment 2) and the ECHO Award Agreement (Sample Agreement - Attachment 7) Balance Carryover Adjustment; and request to adopt Budget Resolution No._____ amending the FY 2003-04 budget by \$41,725. [\$4,012,716.00]

Staff Contact: Margaret Hodge, 740-5210, ext. 2009

VC-1077036917382

Margaret Hodge provided the staff report and explained the ECHO Advisory Board ranked the applications filed this year. The grant recipients are set forth on Attachment 2. The total awarded is \$3,412,716.00.

Council Member Northey asked about the project on page 4-10. She received some correspondence on the Tuscawilla Park Skateboard Facility Construction.

Charles Matousek answered questions. The Skateboard Park was designed for additional family space at the park, but there will not be staff there to watch.

Council Members Alexander, Bruno and Jaynes also received correspondence on the skateboard facility issue.

Council Member Jaynes doesn't want a skateboard park in Tuscawilla Park.

Gary Libby advised this is for the section from Orange Avenue, north. It's a Frisbee park that borders International Speedway Boulevard & Nova on the southwest side and has nothing to do with the preserve. It's a ¼ mile away from the museum property.

McKittrick from City of Daytona Beach indicated that the City had received letters from Highlands residents. When the park is ready to be built, the City requested it be brought back to the City of

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Daytona Beach for confirmation as the City wants to make certain it's in the right place with the highest level of support from the area.

Council Member Lewis suggested this item be pulled out so that the rest of the grants can be approved.

Frank Gummey, Deputy County Attorney, said the item can be pulled out and Council can do what it sees fit with the money, including putting funds into escrow.

Council Member Jaynes **moved to pull** the skateboard park from the grant and escrow the funds, to be reviewed at a later date, after the City of Daytona Beach reviews it. After Council Member Hayman seconded the motion, it **CARRIED** 7 to 0.

Council Member Bruno moved for **APPROVAL** of the rest of the grants, as recommended and after Council Member Hayman seconded the motion it **CARRIED** 7 to 0.

RESOLUTION NO. 2004-57

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2003-04 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

Discussion ensued regarding DBCC not being eligible for ECHO grant funds and the ECHO grants program.

Margaret Hodge provided some of the language regarding this issue.

Charles Matousek, Chair of Volusia ECHO, stated when the application was taken out of eligible pool, eligibility had not been provided. If Council wants money from ECHO to go to trails, a lot of the land that can be used is owned by SJWMD or State of Florida

Mr. Gummey advised that Council adopted in 2000 a resolution that had a determination of criteria and eligibility, which was considered by the voters. The committee has recommended, and Council approved, an application that refined those criteria. The parameters that should be looked at are those provided in the original resolution. Within those parameters, whoever has the discretion as to criteria under the application can be considered.

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Mr. Atkinson of DBCC asked if DBCC is eligible for the ECHO Program. DBCC has a 501-C classification and are not a state agency like FDOT, etc. DBCC is a single purpose political subdivision, not unlike the County. As near as DBCC can tell, the County has the latitude under the ordinance, that it can be eligible for funding.

Council Member Hayman asked what the difference was between DBCC and Bethune Cookman?

Council Member Bruno supports DBCC's position.

A workshop may be necessary to discuss this issue, and others that may come up like it.

The next meeting for the Committee on ECHO grants is April 14.

Council Member Northey has ranking concerns and other concerns to discuss.

2:30 p.m.

Item 46

LEGISLATIVE UPDATE

Staff Contact: Dona DeMarsh, Extension 5849

NO AGENDA ITEM

There were no updates; however, Dona DeMarsh spoke about Volusia Days.

REPORTS

May be heard anytime throughout County Council meeting as time permits

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OTHER BUSINESS - NOMINATIONS/APPOINTMENTS

Item 47

BOARD: Animal Control Board
INCUMBENT: Vacant
TERM EXPIRING: March 31, 2005
LENGTH OF TERM: Two (2) years

(Council Appointment)

Application from Walt Rubin, indicating his interest in serving the remainder of the 2-year term expiring on March 31, 2005.

Staff Contact: Sue Whittaker, 386 736-5920, Extension 2188

VC-1077808459010

Council Member Jaynes **nominated** Walt Rubin to serve the remainder of the 2-year term, expiring on March 31, 2005, and after Council Member Northey seconded the motion, it **CARRIED** 7 to 0.

Item 48

BOARD: Health Facilities Authority
INCUMBENT: Neil Samuels (willing to serve another term)
Glenn Smith (willing to serve another term)
TERM EXPIRING: April 15, 2004
LENGTH OF TERM: Four (4) years

Re-appointment of Neil Samuels and Glenn Smith to the Health Facilities Board, for another four-year term to expire April 15, 2008. (*All willing to serve another term.)

(Council Appointment)

Staff Contact: Sue Whittaker, 386 736-5920, Extension 2188

VC-1074026486685

Council Member Jaynes moved for the **reappointments** of both Neil Samuels and Glenn Smith each to serve another four-year term, to expire April 15, 2008, and after Council Member Long seconded the motion, it **CARRIED** 7 to 0

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Item 49

BOARD: Tourist Development Council
INCUMBENT: Darlene Yordon (willing to serve another term)
James Bazemore (willing to serve another term)
TERM EXPIRING: March 31, 2004
LENGTH OF TERM: Four (4) years

Re-appointment of Darlene Yordon, an Elected Official of a Municipality, and James Bazemore, a Tourism Businessperson, to the Tourist Development Council, for another four-year term to expire March 31, 2008. (*All willing to serve another term.)

(Council Appointment)

Staff Contact: Sue Whittaker, 386 736-5920, Extension 2188

VC-1072809448468

Council Member Bruno moved for the **reappointments** of Darlene Yordon and James Bazemore, both for another four-year term, to expire March 31, 2008, and after Council Member Alexander seconded the motion, it **CARRIED** 7 to 0.

PUBLIC PARTICIPATION

DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA AND COMMITTEE REPORTS

Item 49A

Request to adopt Resolution No. 2004-___; and request to authorize the Chairman of the County Council to sign the resolution of support for beach driving.

Staff Contact: Stephen Kintner, 736-5927, ext. 5851

VC-1079103474765

Council Member Alexander moved for **APPROVAL** and after Council Member Bruno seconded the motion.

Michael Porter of Port Orange, Handicapped Adults of Volusia County (H.A.V.O.C.) stated some of the beach crossovers are ADA compliant, but the ramps are too steep. He asked if the resolution would include the fishermen and the taking or not taking of salt water species? The prescriptive access doesn't permit pursuing the migrating fish under the current rules.

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Council Member Lewis advised this is Resolution 2004-58 supporting continued public access to the beach through beach driving. It doesn't do anything else.

The motion **CARRIED** 7 to 0. **Resolution No. 2004-58**, entitled as follows and on file in its entirety with the records of the County Council, was duly **ADOPTED**.

RESOLUTION NO. 2004-58

A RESOLUTION OF THE VOLUSIA COUNTY COUNCIL SUPPORTING CONTINUED PUBLIC ACCESS TO THE BEACH THROUGH BEACH DRIVING; AND PROVIDING AN EFFECTIVE DATE

Council Member Lewis

- Assignment of Council Members to serve on the following Selection Committees:
 1. RFP #04-P-47JG, Inmate Food Services - Assigned to Council Member Alexander
 2. RSQ #04-SQ-80BL, Professional Engineering Services for the Design of Multi-Use Trails - Assigned to Council Member Northey
 3. RSQ #04-SQ-74BL, Professional Traffic Engineering and Transportation Planning Services - Assigned to Council Member Jaynes
 4. RSQ 04-SQ-97BL, Testing and Threshold Inspection Services for the Ocean Center Expansion Project - Assigned to Council Member Bruno
- Council Member Lewis has a request from our Legislature to bring up a resolution for the naming of the I-4/St. John's River Bridge. House Bill 555 renames the bridge to the St. John's River Veteran's Memorial Bridge. The letter requests Council approve a resolution accepting that name.

Council Member Jaynes moved for **APPROVAL** of Resolution 2004-59 supporting the naming of the I-4 bridge to: The St. John's River Veteran's Memorial Bridge, and after Council Member Alexander seconded the motion it **CARRIED** 7 to 0. **Resolution No. 2004-59**, entitled as follows and on file in its entirety with the records of the County Council, was duly **ADOPTED**.

RESOLUTION 2004-59

A Resolution of the County of Volusia, Florida, asking the state Legislature to introduce and approve a measure officially naming the Interstate 4 bridge linking the Volusia County with Seminole County the "St. Johns River Veterans Memorial Bridge."

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- Shell Road wants a special assessment district.

Ms. Coto stated there were commitments made to those property owners. Special assessment districts are becoming more and more unusual. Staff will look at policies and changes that need to be made.

Council Member Long

- Council Member Long advised that he and Council Member Northey celebrated the arts festival last weekend at Gemini Springs. It was well attended.
- Regarding the retention pond policy, Council Member Long would like to examine the possibility of relocating the retention ponds off frontage roadways or highway frontage. Retention ponds diminish the values of property.

Council Member Lewis suggested that Mary Connors might be able to address the retention pond issue.

- DeBary Little League needs a resolution. A group of volunteers run a youth support group in DeBary. There's a breakdown in communication with the County's Building Department regarding constructing a simple concession stand. A meeting between Building Department, the Little League, Ms. Coto and Council Member Long will take place.
- Horn & Obrinsky, of the City of Deltona, has advised that they want a face-to-face meeting. Council Member Long suggested the Chair contact the Mayor of Deltona.
- The Enterprise Preservation Society met last week and thanked the County for support of the protection agreement.

Council Member Jaynes

- Council Member Jaynes received a copy of letter to the Volusia County Council from the East Central Regional Planning Council, who asked for a letter or resolution from Council, supporting them in becoming an economic development district.

Ms. Coto stated she sent it to the County Economic Development Department for review and is awaiting their response.

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Council Member Jaynes was concerned because Council doesn't meet again until April. He said timeliness with the application is important and asked if the Chair could write a letter in support of this.

Council Member Lewis wanted to wait for answer from Richard Michaels. There are so many groups looking to do this and he doesn't want to lessen their authority.

- Council Member Jaynes read a Proclamation regarding tuberculosis at the symposium yesterday.
- Council Member Jaynes attended the Economic Development Breakfast yesterday. Well done.
- Council Member Jaynes passed out a brochure on Volusia's Priority Risk Factors, Second Edition.

Council Member Northey

- Council Member Northey indicated she was disappointed with the fact that ¼ millions dollars was left on the table regarding the Lake Beresford Loop.
- Council Member Northey continually hears from cities about communication. There are 16 cities in this county. She suggested a quarterly workshop be scheduled with cities.

Council Member Alexander indicated that's in the County's goals for regional meetings.

- Janet Miller wants a "month-of-the-family" put on the calendar for recognition. Would money be well spent on a website similar to Orlando's? Ms. Miller has a number of requests she would like answers to.

Council Member Alexander said there are so many organizations that want recognition, but they call ahead and request a proclamation.

Reggie Williams

- Reggie Williams discussed dialing 211 for a Human Services network. United Way is working on purchasing the phone equipment for the phone line.

Council Member Alexander said she read great "Crisis Center" article in the paper today.

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Reggie Williams said on Tuesday afternoon, a staff member received a phone call from the News-Journal that they would write the article. Because of the phone calls, the monitoring was moved to Tuesday (from April), on the Crisis Center. The medical director resigned in February. They expect a new contract with a new medical director in place next week. There are resignations by nursing staff because of some changes that are occurring as a result of the hiring of a new director. The County has no control over the director and staffing and only looks for accountability issues, such as money spent appropriately, records of expenses, etc.

Council Member Hayman

- Council Member Hayman went to a meeting this week and gave a report, including the 16th Annual Halifax Cleanup. He wanted to clarify the \$500,000.00 pledge, as well as ideas and suggestions for funding. The first Wednesday in May is a workshop.

Council Member Lewis

- Council Member Lewis said that he would like to agenda the Westside meeting area. Three Cities want Council to work with them on some land.

Ms. Coto advised that she had meeting with the Chamber and they said they were taking the lead on this project. Ms. Coto will check and see what is needed.

- Council Member Lewis received an email from Donna Sue Sanders regarding putting your name on a trash can for \$7.00.

Council Member Jaynes

- Council Member Jaynes asked what the status was regarding the building over there where water is coming in.

Ms. Coto said it is being worked on.

County Manager

- Ms. Coto stated that a month ago, during staff time, Mary Connors made a brief presentation regarding Orange City/472 and the water and sewer service area. Council Member Lewis and Ms. Coto met with the mayor and the city manager. The area south of 472 will be an Orange City Service Area and Orange City will be responsible for putting in necessary infrastructure.

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DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA

None

ADJOURNMENT:

There being no further business, the meeting as adjourned at 5:15 p.m.