

County of Volusia, Florida

Date: July 3, 2002

**AGENDA ITEM**

**Department:** Leadership  
**Division:** County Manager's Office  
**File No:** DM-DMT-2002-09  
**Subject:** Council Minutes

**Amount(s):** N/A  
**Account Number(s):** N/A  
**Description(s):** N/A

**Attachments:**  
 Ordinance  
 Resolution  
 Budget Resolution  
 Other  
 Supporting Documents/Contracts available for review in the Service Center and County Manager's Office

**Summary/Highlights:**

Attached for your approval are minutes of the County Council meeting held:

- March 21, 2002 – Regular Session
- April 4, 2002 – Regular Session
- April 11, 2002 – Water Workshop
- June 13, 2002 – Regular Session
- June 20, 2002 – Regular Session

Staff Contact: Diane Marinaro Tyler, Extension 2398

**Recommended Motion:**

Request for approval/adoption of County Council minutes as presented.

	<b>OMB</b>	<b>Legal</b>	<b>County Manager's Office</b>
	<b>Approved as to Budget Requirements</b>	<b>Approved as to Form and Legality</b>	<b>Approved Agenda Item for: July 18, 2002</b>

**Council Action:**  
 Approved as Recommended  
 Approved with Modification  
 Disapproved  
 Continued Date:

**Modification**

# County Council of Volusia County, Florida

## Minutes

### March 21, 2002

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#### COUNCIL MEMBERS:

Ann McFall, Chair	District 5
Frank T. Bruno, Jr., Vice Chair	District 2
Joseph C. Jaynes	District 4
Big John	At-Large
Dwight D. Lewis	District 1
Patricia Northey	At-Large
James E. Ward	District 3

#### STAFF:

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

### **PUBLIC PARTICIPATION**

- Mr. Mark Reed, Concessionaire, said he has to leave but wanted to remark for the record regarding Item 21. See Item 21.
- Mr. Donald O'Lone spoke regarding the Volusia County Charter Review Committee. He said he prefers the collective unity of the Council rather than a strong Chair.
- Mr. Donald O'Lone said Emory L. Bennett Nursing Home would provide the traditional memorial service on May 30 and invited all council members to attend.
- Mr. Dave Rigsby said Mr. Richard D. Russell would like to locate the Florida wing of the Commemorative Air Force in DeLand. The Commemorative Air Force restores aircraft from different world wars. It is a 501C3 organization operating with the recognition of the Secretary of State for the past seven years but is not eligible for an ECHO grant because it is not registered in Florida.

Mr. Frank Gummey, III, explained the said the criteria states that an organization must be Florida not-for-profit corporation to obtain ECHO grant funds because the desire is to have local control of assets through ECHO funds. He explained that the organization would not be eligible for Florida Forever funds under cultural programs.

Council reach consensus that adjustments to the qualifying guidelines should be consider following the first grant cycle.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### CALL TO ORDER

Chair Ann McFall called the March 21, 2002, 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 John, Bruno, Jaynes, Lewis, Northey, Ward and Chair McFall were present.

### INVOCATION AND PLEDGE OF ALLEGIANCE

By Pastor Michael Modica, First Assembly of God, DeLand

### PROCLAMATIONS

#### Item 1

Proclaiming March 24 - 30, 2002, as *"CITY OF PORT ORANGE 135<sup>TH</sup> ANNIVERSARY WEEK"* in Volusia County

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

### LEGISLATIVE UPDATE

Ms. Dona DeMarsh, Special Projects Coordinator for the County Manager's Office, presented a handout and brief review. A copy of the handout in its entirety is in the County Council records.

Council Member Northey requested staff monitor the proposed legislation regarding closing some public records.

Mr. Daniel Eckert, County Attorney, said some records would be closed and it would not be optional.

Council Member Northey suggested Council should ask the Governor to veto the legislation regarding billboards.

Council Member John said House Bill 1419 and Senate Bill 1956 would authorize funding for local convention centers and is awaiting final action in the House.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### PUBLIC HEARINGS AND TIME CERTAIN MATTERS

#### Item 2

**Public hearing and request to transmit Comprehensive Plan Amendment Cycle 02-1, containing text changes to the Future Land Use Element, Coastal Element, Conservation Element, Recreation and Open Space Element, Transportation Element and Capital Improvements Element, to the Florida Department of Community Affairs.**

Staff Contact: Montye Beamer, Extension 2000

File No. PLA-02-002

Ms. Montye Beamer, Director of the Planning Division, explained the Department of Community Affairs Outreach Program and said there are sign up sheets in lobby for anyone interested in receiving information regarding any actions the Department of Community Affairs takes regarding this issue. She then provided the staff report.

City of New Smyrna Beach Mayor Jim Vandergrift said this is part of the Transportation Element of the Comprehensive Plan. He discussed some of the road plans.

City of Port Orange Planner Clay Ervin also discussed road plans and said he concurs with the Volusia County staff report.

Mr. James Morris said the Sinotti Partnership objects to the proposed changes to Williamson Road because no study was performed prior to proposing the change. He said the workshop discussing this change was not advertised as a change to the Comprehensive Plan and suggested staff has not provided enough information for Council to make a decision today. Council should not amend the Comprehensive Plan with the lack of a study but should instead work with the cities involved and transmit at a later date.

Council Member Northey asked the County Attorney if the County is legally bound to any proposed alignments.

Mr. Eckert said Council is at liberty to change proposed alignments. Mr. Eckert asked Mr. Morris if it was his intention to say that the County is acting to depress value of property to acquire that property for public ownership.

Mr. Morris said the workshop discussing the proposed change to the road alignment was held July 2001 and was not properly advertised. Plans have been made upon what is adopted today and this amendment could change those plans. He said his client has relied upon the adopted plan. Mr. Morris agreed that Council could change the plan but said the change should be based on the same level of study that is typically required of private applicants requesting changes to the Comprehensive Plan. He said Council might reach the same conclusion after reviewing all the information but does not have enough information to make the decision today.

Council Member Ward said the proposed road alignment was moved, as it would have adversely impacted publicly owned property.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

Council Member Northey said the alignment change was proposed in a public forum and was proposed to protect property in public trust.

Mr. Daniel Hunter said his property would back up on western alignment of the proposed roadway and he purchased his lot and is building a home upon it based on the Comprehensive Plan today.

Council Member Ward moved for **APPROVAL** to add Yorktown Road from Taylor Road to Willow Run Boulevard to the 2020 Thoroughfare Roadway System Map as recommended and after Council Member Lewis seconded the motion it **CARRIED** 7 to 0.

Council Member Northey moved to **CONTINUE** the realignment of Williamson Boulevard to the next Comprehensive Plan Amendment Cycle. After Council Member Ward seconded the motion it **CARRIED** 7 to 0.

Council Member Ward moved for **APPROVAL** to transmit Cycle 02-1 without the realignment of Williamson Boulevard to the Florida Department of Community Affairs. After Council Member Bruno seconded the motion it **CARRIED** 7 to 0.

### Item 3

#### **Request for confirmation of William Ford as the Internal Auditor.**

Staff Contact: Cynthia A. Coto, Extension 2730

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

### Item 4

#### **Request for confirmation of Matthew S. Zavadsky as the Emergency Medical Services Manager.**

Staff Contact: Jim Willits, Extension 2904

File No. DPP-02-021

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

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### Item 5

**Request for adoption of Resolution No. 2002-50, awarding a non-exclusive commercial solid waste collection franchise to One Waste Services, doing business as Metro Waste Services, Inc.**

Staff Contact: Josef F. Grusauskas, Extension 6021

File No. VC-101283747937-A

Pursuant to discussion and there being no objection, Council Member Ward moved to **ADOPT Resolution No. 2002-50**, entitled as follows and on file in its entirety with the records of the County Council. Council Member Northey seconded the motion, which was duly **ADOPTED** 7 to 0.

#### RESOLUTION NO. 2002-50

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, GRANTING A NON-EXCLUSIVE COMMERCIAL FRANCHISE FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE UNINCORPORATED AREA OF VOLUSIA COUNTY TO ONE WASTE SERVICES, INC., D/B/A METRO WASTE SERVICES, INC., FOR A PERIOD OF FIVE YEARS, PROVIDING THAT THE REQUIREMENTS OF COUNTY OF VOLUSIA CODE SECTIONS 106-61 THROUGH 106-66 ARE FULLY OBSERVED; SUBJECT TO A TWELVE MONTHS CANCELLATION PRIVILEGE; PROVIDING THAT THE FRANCHISE MAY NOT BE TRANSFERRED WITHOUT COUNTY APPROVAL; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

### Item 6

**Request for approval of the renewal of the Certificate of Public Convenience and Necessity for advanced life support non-transport services to Ponce Inlet Fire Rescue.**

Staff Contact: Jim Willits, Extension 2904

File No. DPP-02-017

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

### Item 7

**Presentation by the City of Daytona Beach regarding the proposed Downtown-Balough Road Development Plan.**

Staff Contact: Betty Holness, Extension 2603

Mr. Peter Alluto, City of Daytona Beach, said the City is revising a plan that was developed twenty years ago. He explained there is a low 24-hour population in the downtown area. He said the City needs more population to support the businesses but has seen very little growth in the past 10 years. He further explained a portion of downtown area is tax exempt. Mr. Alluto said the City has encountered opposition some of the proposed changes so those changes were removed from the plan. He said one of the proposed changes that was removed from the plan was moving the

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

City Island Library. He said the City's Planning Board and the City Commission must review the plan. Mr. Alluto said the only proposal for change on public property is relocation of the armory, which could possibly be replaced with a hotel.

Discussion ensued.

Ms. Kathy Marsh, Volusia/Flagler Sierra Club, said she is delighted that the City plans to keep the green space and does not plan to move the library. She said there is a stormwater problem at the base of the old bridge and asked City to acquire land from the Department of Transportation to construct a stormwater park. She asked that no big public buildings be constructed along the river especially in light of the stormwater that drains into the Halifax River.

### Item 8

#### **Presentation of the Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2001.**

Staff Contact: Douglas A. Gross, Extension 2687

File No. ACT0201

Ms. Charlene Weaver, Chief Financial Officer, provided opening remarks. She said Volusia County has installed GASB a year early and could serve as a model for other jurisdictions. GASB (Government Accounting Standards Board) establishes standards for state and local governments and has required that all local governments meet new standards and reporting requirements.

Ms. Weaver introduced Mr. Dan O'Keefe of Harris, Cotherman, O'Keefe and Associates and Mr. Alex Kish, Audit Principal of Brent Millikan and Company, who reviewed the highlights of the Comprehensive Annual Financial Report. A copy of the report in its entirety is in the County Council records.

Council Member Jaynes moved for **APPROVAL** to accept the report. After Council Member Northey seconded the motion it **CARRIED** 7 to 0.

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→ → → **BEGIN CONSENT AGENDA** ← ← ←

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Council Member Jaynes moved to **APPROVE** the CONSENT AGENDA and all actions recommended therein, as amended to **remove Items 12 and 14**, for discussion, said motion seconded by Council Member Lewis and duly **ADOPTED** 7 to 0.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### COMMUNITY SERVICES

#### Community Assistance

#### Item 9

**Request for approval of an amendment to the Consolidated Annual Contributions Contract (CACC) with the Department of Urban Development (HUD) to renew an expiring voucher funding increment under the Section 8 Housing Vouchers and Certificate Program. Request for adoption of Budget Resolution No. 2002-51, reflecting the contract authority increase. [+\$15,283.00]**

Staff Contact: Gloria K. Fordham, Extension 2980

File No. CA-HS-02-01

#### RESOLUTION NO. 2002-51

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

#### Item 10

**Request for approval to amend the Community Development Block Grant (CDBG) for the program years 2000/2001 and 2001/2002. Request for authorization for the Community services Director or designee to submit related grant documents to the United States Department of Housing and Urban Development and amend agreements as necessary.**

Staff Contact: John Angiulli, Extension 2957

File No. CS-PM-02-05

#### Votran

#### Item 11

**Request for adoption of Budget Resolution No. 2002-52, adjusting the Fiscal Year 2001-2002 budget to appropriate Federal Transit Administration (FTA), Section 5309 Discretionary Grant funds for the purchase of ten replacement buses. [\$2,722,580.00 – Grant Funds]**

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

File No. TR-02-04

#### RESOLUTION NO. 2002-52

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.



## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### FINANCIAL AND ADMINISTRATIVE SERVICES

#### Purchasing

#### **Item 12 – Removed by Council Member John**

**Request for approval to award Bid No. 02-B-33 to Knight Jon Boy, Bunnell, Florida for a three-year period with an option for Council to renew it for two additional one-year periods, to provide portable toilet rentals as required for Volusia County government. [Approximately \$35,000.00 Per Year]**

Staff Contact: Tim Baylie, Extension 2636

File No. PR-M-02-102

Council Member John asked if there are two separate contracts for this service.

Mr. William Apgar, Director of Leisure Services, explained there are two separate contracts. One contract is for Beach Services and the other contract covers all other areas. Purchasing could probably combine the contracts but separate contracts ensure enough units would be available when needed.

Ms. Cheryl Olson, Director of the Purchasing Division, explained the cost for rental is \$1.50 per day for regular portable units and \$4 per day for handicapped units.

Council Member John said the portable units on the beach are in poor condition and asked staff to look into replacement units.

Council Member Jaynes moved for **APPROVAL** as recommended and after Council Member Lewis seconded the motion it **CARRIED** 5 to 1 with Council Member John dissenting and Council Member Bruno out of chambers.

#### **Item 13**

**Request for approval of the contract for the leasing of Homeguard Electronic Monitoring equipment from BI, Inc. for a period of 30 months, for 29 electronic monitoring devices as an effective means of monitoring defendants on Pretrial Release. [\$63,000.00 Annually]**

Staff Contact: John DuPree, Extension 7780

File No. PR-M-02-105

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### **Item 14 – Removed by Council Member Lewis**

**Request for approval to award Bid No. 02-B-52, Contract No. 1015, to Antinori Group, Inc., New Smyrna Beach, Florida for the 27<sup>th</sup> Avenue Beach Ramp Rehabilitation in New Smyrna Beach. [\$54,150.00]**

Staff Contact: William G. Gray, Extension 2294

File No. PR-M-02-108

Council Member Lewis said that Mr. William Gray, County Engineer, turned in his resignation.

Mr. Gray said having provided 42 years of public service between the State and the County he has decided to retire.

Council Member Lewis asked if the rehabilitation could be completed prior to the commencement of turtle season and if not what kind of arrangements the contractor would make on behalf of the County. The County should not have to pay rental for his equipment to remain on the beach until he could resume work

Mr. Gray said that one of the terms of the contract is that work must be completed by May 1, 2002, and there is no "what if" clause. The work could be completed by May 1 because the contract would just lower the ocean end of the ramp so it would not wash away. If the job were not complete, the contractor would have to remove all equipment.

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

## GROWTH AND RESOURCE MANAGEMENT

### Land Acquisition

### **Item 15**

**Request for approval of the transfer of Parcel Number 7441-12-03-0062 on Washington Street near Myrtle Avenue, New Smyrna Beach to the City of New Smyrna Beach for the expansion of Babe James Youth center on adjacent land. Request for execution of the Quit Claim Deed transferring this property to the City of New Smyrna Beach.**

Staff Contact: Douglas M. Weaver, Extension 2953  
William C. Gardner, Extension 2082

File No. LAM-02-004

**COUNTY COUNCIL MINUTES – MARCH 21, 2002**

**Item 16**

**Request for authorization for P-3 Ventures, Inc. to seek Comprehensive Plan amendment, rezoning and/or land use permits on County-owned Lot 1 Kinnell Subdivision of the Town of Pierson, Parcel No. 4834-05-00-0010, located at 216 Frederick Street in Pierson, Florida and enter into a 30-year lease for a health care facility. [\$1 Per Year]**

Staff Contact: Douglas M. Weaver, Extension 2953  
William C. Gardner, Extension 2082

File No. LAM-02-005

**LEADERSHIP**

**Sheriff's Office**

**Item 17**

**Request for submission and acceptance of the Florida High Intensity Drug Trafficking Area (HIDTA) Fugitive Apprehension Strike Team Grant. Request for adoption of Budget Resolution No. 2002-53, appropriating for the expenditure of grant funds to locate and capture violent criminals with outstanding drug warrants issued within the Central Florida area. Request for authorization for the Purchasing Director to amend the Mears lease agreement to include the High Intensity Drug Trafficking Area (HIDTA) Fugitive Apprehension vehicle. [+\$15,940.00]**

Staff Contact: Laura Bounds, Extension 2108

File No. SO-AG-02-05

**RESOLUTION NO. 2002-53**

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

**Item 18**

**Request for approval of the contract to purchase an Andros Bomb Robot from Remotec, Inc. of Oak Ridge, Tennessee. Request for waiver of the formalities of the purchasing ordinance to award to a single source vendor. Request for adoption of Budget Resolution No. 2002-54, appropriating funds for the purchase of the bomb robot. [\$140,000.00]**

Staff Contact: Laura Bounds, Extension 2108

File No. SO-AG-02-06

**RESOLUTION NO. 2002-54**

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### PUBLIC PROTECTION

#### Item 19

**Request to set a public hearing for the review of the application to renew the current Certificate of Public Convenience and Necessity for Advanced Life Support (ALS) non-transport emergency medical services to Holly Hill Fire Rescue. *The suggested date and time is April 18, 2002, at 9:15 a.m.***

Staff Contact: Jim Willits, Extension 2904

File No. DPP-02-023

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→ → → **END CONSENT AGENDA** ← ← ←

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#### Item 20

**Presentation by Glenn Storch and Senta Goudy of the Beach Services Strategic Plan as proposed by the Beach Policy Advisory Board.**

Staff Contact: Nancy Maddox, Extension 5953

Mr. Bill Apgar, Director of the Leisure Services Division, introduced Beach Advisory Board members Glenn Storch and Senta Goudy.

Mr. Storch said The Committee examined all the hot issues and developed an overall vision for the beach. The Committee crafted the following overall mission statement:

It is the mission of the Volusia County Beach Policy Advisory Board to create a vision for the use of the beach for the next century through fostering public involvement in the development of a long-term beach policy and recommendations to the County Council that provide for:

- The Creation of a beach manager/coordinator who will be responsible for the overall beach services, preservation, operation and implementation of the beach strategic plan
- The preservation and protection of the beach physical environment for future generations
- The safety of our beach goers
- Public access to Volusia County's beaches
- Efficient beach operations and services
- A diversity of uses on the beach, and
- Enhance education, awareness and public relations.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

Mr. Storch discussed public safety, aesthetics, beach access and beach parks, beach facilities, beach maintenance, beach environment, dune and wildlife protection, public information, public relations and public education, beach concessions, customer service and marketing.

Ms. Goudy said the Board came to consensus about a beach manager/coordinator who will be responsible for the overall beach services, preservation, operation and implementation of the beach strategic plan. The Board is not proposing another layer of management but rather a park ranger who could look at marketing as well as protection. She suggested the County should consider more sponsorship. Ms. Goudy said the Board examined the time-share issue as well as core area and recommended redefining the core area. The Board is willing to continue as commissioned by staff or Council.

Ms. Marion Kyser, Vice Mayor of Daytona Beach Shores, says she agrees with most aspects of the Beach Services Strategic Plan and likes the idea of partnering with the County regarding beach issues. Beach approaches are the initial impression that visitors receive to the beach and the City of Daytona Beach Shores would like to partner with the County on the Dunlawton beach approach to work toward beautification as well as repaving.

Mr. John Harper, Planning and Development Manager for Leisure Services, explained the County recently placed a Request for Proposal (RFP) for the repaving of the Dunlawton beach approach and the work would be completed by the end of the summer.

Ms. Goudy said Mr. John Harper has done an analysis of beach ramps and due to budget constraints thought two approach upgrades a year would be reasonable along with partnerships.

Ms. Elizabeth Layton said the landscaping for beach approaches should not require water.

Mr. John Williams agreed there should be one person to coordinate the Volusia County beaches. He suggested Mr. Kevin Sweat, Beach Operations Chief. He said it is a good plan but should not span one hundred years.

Mr. Jim Cameron, Halifax Area Chamber of Commerce, said there must be a strategic plan to run the beach effectively and the proposed plan is a good plan. He said the Chamber agrees with the idea of a park director.

Council deferred to the County Manager regarding a beach manager but was not supportive of adding additional personnel. They supported the proposed strategic plan but questioned funding.

Council Member Bruno asked if there is a long-term solution to concessionaires rather than assisting them on as-needed basis.

Ms. Goudy said the concessionaire contracts are renewable in six years and not much can be done until the contracts are renegotiated.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

Council Member Ward suggested one-way driving could be implemented to assist with traffic control and avoid driving back and forth on the beach.

Chair McFall asked if the Board considered parking meters as they could resolve some parking issues involving small hotels.

Mr. Storch said the Board did consider parking meters and while they might be appropriate they would conflict with beautification.

Mr. William G. Rocca, Concessionaire, said he likes the idea of a beach manager so concessionaires will have a person to call regarding issues on the beach. The other day, Pepsi representatives were handing out Pepsi Twist at one of the beach approaches, slowing traffic and in conflict with the Coca-Cola sponsorship agreement.

Council Member Northey moved for **APPROVAL** to accept the Beach Services Strategic Plan. After Council Member Bruno seconded the motion it **CARRIED** 7 to 0.

Chair McFall requested a report in April regarding items that have been implemented and the cost associated with the remaining items.

### **Item 21**

**Request for approval of a temporary, one (1) year reduction of 60 percent of the fees for the concessions in the area between the Seabreeze and University ramps. [\$17,770.74]**

Staff Contact: Terry Moore, Extension 1938

Mr. Terry Moore, Director of the Public Protection Department, provided the staff report.

Mr. Mark Reed, Concessionaire, spoke during Public Participation in the morning. He explained that he could not stay to discuss this item but asked that his remarks be part of the record. Mr. Reed said closing the beach to vehicular traffic has negatively affected concessionaires in the no drive zone as well as north of the zone and asked that the terms of the affected concessionaires' contracts be re-negotiated decreasing the fee to match the fees of concessionaires not in the "core area."

Mr. Don Amara said a one-year reduction does not help concessionaires and concessionaires in the "core area" want to be able to pay the same rate as concessionaires in the non-core area. Concessionaires are paying the same fees they paid before the beach was closed to vehicular traffic but they are not making the same money. What was once the core area is no longer the core area and there is no traffic on the north beach. The proposed reduction would apply to fees already paid for this year but next year's fees will be due in a couple of months.

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Mr. John Williams suggested beach fees be waived for vehicles entering the beach during the State sales tax relief week.

Mr. William Rocca explained he owns a roving concession and spoke on Mr. Amara's behalf.

Pursuant to discussion, Council Member Bruno moved for **APPROVAL** as recommended and after Council Member John seconded the motion it **CARRIED** 6 to 1, with Council Member Northey dissenting.

### Item 22

**Request by concessionaires for an extension of the closing date for concessionaires to commit to converting their roving concessions to two "gator" type vehicles for one or two years.**

**Staff Recommendation: Staff finds no justification to support this request.**

Staff Contact: Terry Moore, Extension 1938

File No. DPP-02-008

Mr. William Rocca, Concessionaire, explained he lost one mile of beach for his business when the no drive zone was imposed. One year after he purchased his ice cream truck, the County announced only gators would be permitted in the no drive zone. He said January 2000 Council decided that concessionaires could have two gators instead of one truck. According to his concessionaire contract with Volusia County, he would be competing against five ice cream trucks and now he could be competing against ten gators. One concessionaire said that the gator she purchased was the worst business decision she ever made. Motor homes and trailers are allowed on the beach but he is told his ice cream truck is intrusive. He would like two years to research another vehicle.

Mr. Frank B. Gummey, III, said he is not sure why Mr. Rocca is requesting an extension to convert to gators as he does not plan to purchase gators. Gator are permitted in the no drive zone as well as outside the drive lanes and Mr. Rocca does not want gators for competition. Only two concessionaires have converted to gators.

No action taken.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### Item 23

**Request for adoption of Resolution No. 2002-55, inviting the Florida Department of Transportation (FDOT) Turnpike District to conduct a study to determine whether a toll road is financially feasible within Volusia County contingent upon the Seminole County Expressway Authority's agreement that such a study is worthwhile.**

Staff Contact: Jon Cheney, Extension 2709

File No. VC-1015281059015-A

Mr. Jon Cheney , Traffic Engineer, provided the staff report.

Council Member Lewis asked if there would be any cost to County or any obligation.

Mr. Cheney said there is no cost or obligation and it is a win-win situation. The Florida Department of Transportation Turnpike District would begin the study by looking at wetlands and come up with alignments that have no or little impact on the wetlands. He said environmentalists would be involved and if the alignment involves wetlands, a bridge over the wetland would have to be constructed so as not to impact the wetlands. The objective of the study is to obtain information regarding financial feasibility. The only issue would be one of ownership – would the study be completed for the turnpike district or for Volusia County.

Pursuant to discussion, Council Member Northey moved to **ADOPT Resolution No. 2002-55**, entitled as follows and on file in its entirety with the records of the County Council, as recommended, said motion seconded by Council Member John and duly **ADOPTED** 6 to 1, with Council Member Jaynes dissenting.

#### RESOLUTION NO. 2002-55

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, INVITING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S TURNPIKE DISTRICT TO CONDUCT A STUDY TO DETERMINE WITHER A TOLL ROAD IS FINANCIALLY FEASIBLE WITHIN VOLUSIA COUNTY. SAID TOLL ROAD WOULD CONNECT TO STATE ROAD 417/GREENWAY IN SEMINOLE COUNTY. THIS INVITATION IS CONTINGENT UPON THE SEMINOLE COUNTY EXPRESSWAY AUTHORITY ALSO AGREEING THAT SUCH A STUDY IS WORTHWHILE.

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***Recess Volusia County Council and convene as the Ponce DeLeon Port Authority***

### Item PA1

**Request for and execution of the attached Resolution for Assistance seeking continued cost-share assistance from the Florida Inland Navigation District for the South Jetty Extension at Ponce DeLeon Inlet.**

Staff Contact: Joe Nolin, Extension 8335

File No. IM-I and P/D-2002-1

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

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***Adjourn as the Ponce DeLeon Port Authority and reconvene as the Volusia County Council***



## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### Item 24

No Attachment

#### **Presentation by Gerald Chester regarding the Central Florida Community Development Corporation Micro-Loan Plan.**

Staff Contact: Richard Michael, Extension 8048

Mr. Gerald Chester, President and CEO of Central Florida Community Development Corporation, provided the Council's investment toward the Micro-Loan Plan. He provided a Power Point presentation.

Mr. Rick Michael, Director of the Economic Development Department, said the Community Development Corporation has used the \$75,000 the County provided as seed money to leverage a good deal more money. The Community Development Corporation still has the \$75,000 the County provided.

Mr. Chester said there were workshops in DeLand, Daytona Beach, Ormond Beach and Deltona. Most loans have been made on east side but Central Florida Community Development Corporation has made an effort on the west side of the County as well. It has received many applications from Deltona but none were successful.

Mr. Michael said the applications that came forward were weak but the workshops on the west side of Volusia had a strong showing. The Central Florida Community Development Corporation expected 15 participants at the Deltona workshop but over 100 participants attended.

Council Member Northey said this program had been fairly exclusive to Daytona Beach but she commended Mr. Chester for Central Florida Community Development Corporation's outreach. She said she understands the workshops were well done and suggested working with the Chambers of Commerce to determine why there were no successful applications from the west side of the County.

## OTHER BUSINESS - NOMINATIONS/APPOINTMENTS

### Item 25

**BOARD:** Tourist Development Council  
**INCUMBENT:** \* Mayor John Masiarczyk (Elected Official; Largest Municipality)  
\* Ms. Dana Li (Owner/Operator Hotel or Motel)  
**TERM EXPIRING:** March 31, 2002  
**LENGTH OF TERM:** Four Years  
**\*Willing to serve another term.**

Staff Contact: Sue Whittaker, Extension 2188

Memorandum CMSW-02-010

Council Member John nominated and Council **REAPPOINTED Mayor John Masiarczyk and Ms. Dana Li** to the board and after Council Member Northey seconded the motion it **CARRIED 7 to 0.**

COUNTY COUNCIL MINUTES – MARCH 21, 2002

**Item 26**

**No Attachment**

**BOARD:** Building Trades Board  
**INCUMBENT:** ✓ John Amaral (Engineer)  
**TERM EXPIRING:** January 2, 2002  
**LENGTH OF TERM:** Two Years  
✓ Does not wish to serve another term.

**COUNCIL APPOINTMENT**

*Continued from the March 7, 2002, meeting.*  
Staff Contact: Sue Whittaker, Extension 2188

File No. CMSW-01-166

Council Member Jaynes moved to **CONTINUE** this item to the April 4, 2002 meeting and after Council Member Lewis seconded the motion it **CARRIED** 7 to 0.

**Item 27**

**No Attachment**

**BOARD:** Environmental & Natural Resources Advisory Committee  
**INCUMBENT:** Vacant (Ms. Corinne Butler)  
**TERM EXPIRING:** March 31, 2003  
**LENGTH OF TERM:** Two Years

**DISTRICT 2 APPOINTMENT (BRUNO)**

*There are no current applications on file.*  
*Continued from the March 7, 2002, meeting.*  
Staff Contact: Sue Whittaker, Extension 2188

File No. CM-01-055

Council Member Bruno moved to **CONTINUE** this item to the May 16, 2002 meeting and after Council Member Jaynes seconded the motion it **CARRIED** 7 to 0.

**Item 28**

**No Attachment**

**BOARD:** North Peninsula Municipal Service District Board  
**INCUMBENT:** Vacant (4 Positions)  
**TERM EXPIRING:** March 31, 2003  
**LENGTH OF TERM:** Two Years

**DISTRICT 4 APPOINTMENTS (JAYNES)**

*Attached are applications from Howard Bowman, Ronald Cahen, Richard Falkenberg, Cliff Leutner, Raymond Ruester, Carolyn Shank, Robert Souza and Stanley Smernoski, who are willing to serve.*

*Continued from the March 7, 2002, meeting.*  
Staff Contact: Sue Whittaker, Extension 2188

Memorandum CMSW-02-010

Council Member Jaynes nominated and Council **APPOINTED** Cliff Leutner to the board and after Council Member Ward seconded the motion it **CARRIED** 7 to 0.  
*(Mr. Leutner later declined the appointment.)*

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### Item 29

**BOARD:** Daytona Beach Racing and Recreational Facilities Commission  
**INCUMBENT:** Vacant (Commissioner George W. Engram, Jr.)  
**TERM EXPIRING:** February 28, 2002  
**LENGTH OF TERM:** Four Years

#### **THIS IS A JOINT COUNTY/CITY OF DAYTONA BEACH APPOINTMENT**

*Attached is an application from George "Sandy" Dunn indicating his desire to serve on the commission. The City Commissioners of Daytona Beach have recommended Dr. Aubrey Long as their appointment. His application is also attached.*

Staff Contact: Sue Whittaker, Extension 2188

Memorandum CMSW-02-111

Council Member Northey nominated Sandy Dunn to the board. There was no second to the motion.

Council Member Bruno nominated and Council **APPOINTED Dr. Aubrey E. Long** as the Joint Appointment with the City of Daytona Beach to the Daytona Beach Racing and Recreational Facilities Commission. After Council Member Ward seconded the motion it **CARRIED 7 to 0**.

#### RESOLUTION NO. 2002-56

RESOLUTION ACCEPTING THE RESIGNATION OF GEORGE W. ENGRAM, JR., AS A MEMBER OF THE DAYTONA BEACH RACING AND RECREATIONAL FACILITIES DISTRICT COMMISSION; APPOINTING DR. AUBREY E. LONG AS A MEMBER OF THE DAYTONA BEACH RACING AND RECREATIONAL FACILITIES DISTRICT COMMISSION TO FILL THE UNEXPIRED TERM OF MR. ENGRAM EXPIRING JULY 1, 2002; AND FOR AN ADDITIONAL FOUR-YEAR TERM BEGINNING JULY 2, 2002 AND EXPIRING JULY 1, 2006; AND PROVIDING AN EFFECTIVE DATE.

## DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA AND COMMITTEE REPORTS

### Council Member Ward

- Council Member Ward requested that staff examine and report on the speeding and noise problems South Beach is experiencing.
- Council Member Ward said he is opposed to amending ECHO application guidelines in the middle of the cycle. Pursuant to Council discussion, consensus was reached that the guidelines would be reviewed after the first year cycle has been completed and Chair McFall would send a letter to Mr. Rigsby explaining Council's decision.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

### **Council Member Lewis**

- Council Member Lewis did not have any issues for discussion.

### **Council Member Bruno**

- Council Member Bruno did not have any issues for discussion.

### **Council Member Jaynes**

- Council Member Jaynes requested staff investigate the stormwater issues on Shockney Drive in Ormond Beach.
- Council Member Jaynes reported the space research park near the visitor center in Cape Canaveral would receive State and Federal funds. The Regional Planning Council also discussed regional water issues.
- Council Member Jaynes said 300 copies of the Volusia Water Alliance's final executive summary of the water plan would be distributed.

### **Council Member Northey**

- Council Member Northey did not have any issues for discussion.

### **Council Member John**

- Council Member John said the beach approach at Granada Boulevard is closed due to soft sand and suggested staff should open the Seminole approach.
- Council Member John requested a report on the Peabody Auditorium negotiations.

### **Chair McFall**

- Chair McFall said Daytona Beach Commissioner Darlene Yordon invited all County Council Members to Daytona Beach to observe spring break.

## COUNTY COUNCIL MINUTES – MARCH 21, 2002

- Chair McFall said she received a letter regarding salaries for Council members from State Representative Evelyn J. Lynn, District 27. She read the letter into the record. The letter in its entirety is in the County Council records.
- Council Member Bruno was appointed to serve on the selection committee for the Daytona Beach International Airport entrance signs.
- Council Member Jaynes was appointed to serve on the selection committee for Professional Surveying Services.
- Chair McFall said the Charter Issues Advisory Committee meetings are open to the public. She said the Chair of the Committee is Jonathan Kaney.

### DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA

Mr. Dan Eckert, County Attorney, said attorney costs regarding the NAACP lawsuit would exceed \$25,000 and requested approval of funds up to \$50,000. He said the County would attempt to recover costs if it prevails but was not certain whether expenses could be recovered. The suit is set for trial August 26 in Federal Court in Miami.

Pursuant to discussion, Council Member Northey moved for **APPROVAL** as requested and after Council Member Lewis seconded the motion it **CARRIED** 7 to 0.

### ADJOURNMENT

There being no further business before the Volusia County Council, the meeting was adjourned at 5:00 p.m.

APPROVED  
COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

BY \_\_\_\_\_  
Ann McFall, Chair

ATTEST \_\_\_\_\_  
Cynthia A. Coto  
County Manager

# County Council of Volusia County, Florida

## Minutes

### April 4, 2002

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#### COUNCIL MEMBERS:

Ann McFall, Chair  
Frank T. Bruno, Jr., Vice Chair  
Joseph C. Jaynes  
Big John  
Dwight D. Lewis  
Patricia Northey  
James E. Ward

District 5  
District 2  
District 4  
At-Large  
District 1  
At-Large  
District 3

#### STAFF:

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

### **PUBLIC PARTICIPATION**

- Mr. Robert Monyek described the problem of fugitive dust caused by the neighboring trucking company, which is ¼ mile west of Interstate 95. He said the trucks run along the dirt road 24 hours a day.

Council Member Jaynes said he met with representatives from Salem Leasing, who said they would take measures to control fugitive dust.

Mr. Steve Kintner, Director of the Environmental Services Division, said staff has been working on this issue, has met with the owners, and has asked Code Compliance to examine the operation. The site is properly zoned for a trucking company; Salem Leasing has been watering the dirt road and is not violating any ordinances.

### **CALL TO ORDER**

Chair Ann McFall called the April 4, 2002, 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 Ward, John, Bruno, Jaynes, Lewis, Northey, and Chair McFall were present.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

By Pastor Linda Cyr, At the Well Ministry and Church, New Smyrna Beach

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### PROCLAMATIONS

#### Item 1

##### Proclaiming April 4, 2002, as “*GREG NORTHRUP DAY*” in Volusia County

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

##### Proclaiming April 5, 2002, as “*DONNA BELFIORE DAY*” in Volusia County

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

##### Proclaiming April 14, 2002, as “*TALKING BOOK LIBRARY DAY*” in Volusia County

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

### FINANCIAL REPORT

Staff Contact: Doug Krueger, Extension 2649

Mr. Doug Krueger, Director of the Management and Budget Division, provided a report; a copy of the report in its entirety is in the County Council records. Mr. Krueger said there have been no major changes in the economic indicators and the next report would cover this fiscal year only.

### LEGISLATIVE UPDATE

Staff Contact: Dona DeMarsh, Extension 5849

Ms. Dona DeMarsh, Special Projects Coordinator for the County Manager’s Office, provided a handout, a copy of which is in the County Council records in its entirety.

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### APPROVAL OF MINUTES OF COUNTY COUNCIL

#### Item 2

Request for approval of County Council minutes.  
February 7, 2002 – Regular Session

Staff Contact: Diane Marinaro Tyler, Extension 2398

Memorandum No. CM-DMT-2002-06

- *Item 6*  
*Mr. Morrell ~~said that~~ the study was partly based on cost considerations and that desalinization is considerably more expensive than the proposed alternatives.*  
  
*Ms. Elizabeth Layton said that ~~cell-~~ self-supply has to be part of the plan and that the agricultural industry should use the reclaimed water.*
- *Item 9*  
*Council Member Jaynes moved for **APPROVAL** of a lease agreement with the Children's Medical Services on the Keech Street site and after Council Member Ward Bruno seconded the motion it **CARRIED** 6 to 1, with Council Member Bruno dissenting.*

Council Member Ward moved for **APPROVAL** of the County Council minutes as written and after Council Member Jaynes seconded the motion the minutes were duly **ADOPTED**.

### PUBLIC HEARINGS AND TIME CERTAIN MATTERS

#### Item 3

Public hearing and request to adopt Resolution No. 2002-57 abandoning/vacating a portion of the plat of Howe and Currier's Allotment in the Samsula area. [Daniel J. Hammett and Laurie Marie Hammett, Petitioners]

Staff Contact: William G. Gray, Extension 2294

File No. VC-1015426657781-A

This being the date for public hearing and there being no objection, Council Member Ward moved to **ADOPT Resolution No. 2002-57**, abandoning/vacating the following described portion of property (Daniel J. Hammett and Laurie Marie Hammett, Petitioners). After Council Member Lewis seconded the motion, it was duly **ADOPTED** 7 to 0.



## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### RESOLUTION NO. 2002-57

THOSE PORTIONS OF TRACTS 7 AND 8, BLOCK 2 AND THOSE PORTIONS OF TRACTS 4, 5 AND 6, BLOCK 3, SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST OF HOWE AND CURRIERS ALLOTMENT, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 4, PAGE 44 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE RUN N 01 05'17" W ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1 BEING ALSO THE WEST LINE OF SAID BLOCK 3, A DISTANCE OF 1338.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 01 05'17" W ALONG SAID WEST LINE A DISTANCE OF 1319.85 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE RUN N 01 08'35" W ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 1, BEING ALSO THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 728.99 FEET TO THE CENTER OF AN EXISTING CREEK; THENCE DEPARTING SAID WEST LINE ALONG THE CENTERLINE OF SAID CREEK THE FOLLOWING EIGHT COURSES, N 72 09'13" E A DISTANCE OF 206.75 FEET; THENCE N 58 52'49" E A DISTANCE OF 91.40 FEET; THENCE S 80 41'12" E A DISTANCE OF 47.56 FEET; THENCE N 41 05'30" E A DISTANCE OF 83.36 FEET; THENCE N 87 23'54" E A DISTANCE OF 93.91 FEET; THENCE N 19 07'47" E A DISTANCE OF 75.78 FEET; THENCE N 67 44'43" E A DISTANCE OF 157.57 FEET; THENCE N 49 00'56" E A DISTANCE OF 19.58 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 7, BLOCK 2; THENCE DEPARTING THE CENTERLINE OF SAID CREEK RUN S 01 03'00" E ALONG THE EAST LINE OF SAID TRACTS 7 AND 8, BLOCK 2, A DISTANCE OF 1028.35 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE RUN N 88 43'40" E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1, BEING ALSO THE NORTH LINE OF SAID BLOCK 3, A DISTANCE OF 660.51 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE RUN S 01 00'46" E ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1, BEING ALSO THE EAST LINE OF SAID TRACT 4, BLOCK 3, A DISTANCE OF 57.24 FEET; THENCE RUN S 88 43'36" W A DISTANCE OF 760.94 FEET; THENCE RUN S 01 05'17" W AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 3, A DISTANCE OF 1262.66 FEET TO THE SOUTH LINE OF SAID TRACT 6, BLOCK 3; THENCE RUN S 88 43'25" W ALONG THE SOUTH LINE OF SAID TRACT 6, BLOCK 3, A DISTANCE OF 560.00 FEET TO THE POINT OF BEGINNING. AND INCLUDING ANY PORTION OF AN UNNAMED 30 FOOT WIDE PLATTED RIGHT OF WAY WHICH LIES 15.00 FEET ON EACH SIDE OF THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 1, BEING ALSO THE NORTH LINE OF SAID BLOCK 3, BEING BOUNDED ON THE EAST BY THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT 8, BLOCK 2 AND BEING BOUNDED ON THE WEST BY A LINE WHICH LIES 35.00 FEET EASTERLY OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 1, LESS AND EXCEPT ANY PORTION OF AN UNNAMED 30 FOOT WIDE PLATTED ROAD RIGHT OF WAY WHICH LIES WITHIN 15.00 FEET OF THE WEST LINE OF SAID SECTION 1.

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### Item 4

**Public hearing and request to adopt Resolution No. 2002-58 abandoning/vacating a portion of the plat of Sherburne Manor Subdivision in the Deltona area. [Felicidad C. Gonzales, Trustee for Chicago Trust, Petitioner]**

Staff Contact: William G. Gray, Extension 2294

File No. VC-1014817847640-A

This being the date for public hearing and there being no objection, Council Member Ward moved to **ADOPT Resolution No. 2002-58** abandoning/vacating the following described portion of property (Felicidad C. Gonzales, Trustee for Chicago Trust, Petitioner), said motion seconded by Council Member Bruno and duly **ADOPTED** 7 to 0.

#### RESOLUTION NO. 2002-58

LEGAL DESCRIPTION FOR THE PROPOSED ABANDONMENT OF A PORTION OF THE PLAT OF SHERBURNE MANOR, MB 10, PG.117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA ALL OF BLOCKS 1, 2, 7, 8, 9, 10, 11, 16, 17, 18, AND 19, AS SHOWN ON THE PLAT OF SHERBURNE MANOR, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 10, PAGE 117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,

AND

THAT PORTION OF PALMETTO STREET WHICH LIES SOUTH OF A LINE WHICH IS 17 FEET SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 2, SHERBURNE MANOR,

AND

ALL OF LAKE DRIVE AS SHOWN ON SAID PLAT OF SHERBURNE MANOR,

AND

THOSE PORTIONS OF THE 15 FOOT WIDE ALLEY SHOWN IN BLOCKS 1 AND 2, AS SHOWN ON THE PLAT OF SAID SHERBURNE MANOR

AND

THOSE PORTIONS OF LAKE BOULEVARD, FIRST AVENUE AND SECOND AVENUE WHICH LIE EAST OF A LINE WHICH IS 35 FEET EAST OF THE CENTERLINE OF CYPRESS STREET AND WHICH LIE WEST OF LAKE LEONARDY AS SHOWN ON THE PLAT OF SAID SHERBURNE MANOR

AND

THAT PORTION OF THIRD AVENUE WHICH LIES EAST OF A LINE WHICH IS 35 FEET EAST OF THE CENTERLINE OF CYPRESS STREET AND WHICH LIES WEST OF THE EAST LINE OF SAID SHERBURNE MANOR.

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### Item 5

**Public hearing and request to adopt Resolution No. 2002-59 abandoning/vacating a portion of the plat of Howe and Currier's Allotment in the Samsula area. [Michael M. Dietch III and Valerie D. Dietch, Petitioners]**

Staff Contact: William G. Gray, Extension 2294

File No. VC-1015259708515-A

This being the date for public hearing and there being no objection, Council Member Lewis moved to **ADOPT Resolution No. 2002-59** abandoning/vacating the following described portion of property (Michael M. Dietch III and Valerie D. Dietch, Petitioners), said motion seconded by Council Member Ward and duly **ADOPTED** 7 to 0.

#### RESOLUTION NO. 2002-59

THOSE PORTIONS OF TRACTS 7, 8 AND 9, BLOCK 3, SECTION 1, TOWNSHIP 17 SOUTH, RANGE 32 EAST OF HOWE AND CURRIERS ALLOTMENT, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 4, PAGE 44 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE RUN N 01 05'17" W ALONG THE WEST LINE OF SAID SECTION 1, BEING ALSO THE WEST LINE OF SAID BLOCK 3, A DISTANCE OF 347.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 01 05'17" W ALONG SAID WEST LINE A DISTANCE OF 991.04 FEET; THENCE RUN N 88 43'29" E ALONG THE NORTH LINE OF SAID TRACTS 7 AND 9, A DISTANCE OF 1319.28 FEET; THENCE RUN S 01 00'46" E ALONG THE EAST LINE OF SAID TRACT 9, A DISTANCE OF 991.05 FEET; THENCE RUN S 88 43'29" W, A DISTANCE OF 1317.98 TO THE POINT OF BEGINNING; LESS AND EXCEPT THAT PORTION OF AN UNNAMED 30 FOOT WIDE PLATTED ROAD RIGHT OF WAY WHICH LIES WITHIN 15.00 FEET OF THE WEST LINE OF SAID SECTION 1.

### Item 6

**Public hearing and request to adopt Resolution No. 2002-60 abandoning/vacating the 60-foot road easement as shown on the East Wind Subdivision and recorded map. [Norman and Janet Kerns and Daniel and Martha Crawford, Petitioners]**

Staff Contact: William G. Gray, Extension 2294

File No. VC-1014389759859-A

This being the date for public hearing and there being no objection, Council Member Bruno moved to **ADOPT Resolution No. 2002-60** abandoning/vacating the following described portion of property (Norman and Janet Kerns and Daniel and Martha Crawford, Petitioners), said motion seconded by Council Member Jaynes and duly **ADOPTED** 7 to 0.

#### RESOLUTION NO. 2002-60

A ROAD EASEMENT LYING ON BOTH SIDES OF THE COMMON LINE BETWEEN LOT 1, BLOCK "A" AND LOT 12, BLOCK "C", EAST WIND SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 39, PAGE 57, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

BEGIN AT THE MOST EASTERLY CORNER OF SAID LOT 1, BLOCK "A"; THENCE RUN N 22 54'41" W ALONG THE EASTERLY LINE OF SAID LOT 1, BLOCK "A" FOR A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 20.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 00'00" FOR AN ARC LENGTH OF 31.42 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN S 67 05'19" W ALONG A LINE THAT IS 30.00 FEET NORTHERLY OF AND PARALLEL WITH THE COMMON LINE BETWEEN SAID LOT 1, BLOCK "A" AND LOT 12, BLOCK "B", A DISTANCE OF 190.25 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 1, BLOCK "A"; THENCE RUN S 22 54'41" E ALONG SAID LINE AND THE WESTERLY LINE OF SAID LOT 12, BLOCK "B", A DISTANCE OF 60.00 FEET; THENCE RUN N 67 05'19" E ALONG A LINE WHICH IS 30.00 FEET SOUTHERLY OF AND PARALLEL WITH THE COMMON LINE BETWEEN SAID LOT 1, BLOCK "A" AND LOT 12, BLOCK "B", A DISTANCE OF 190.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 20.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90 00'00" FOR AN ARC LENGTH OF 31.42 FEET TO THE POINT OF TANGENCY OF SAID CURVE SAID POINT BEING ON THE EASTERLY LINE OF SAID LOT 12, BLOCK "B"; THENCE RUN N 22 54'41" W ALONG THE EASTERLY LINE OF SAID LOT 12, BLOCK "B", A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING. IT IS NOT THE INTENT OF THIS RESOLUTION TO TERMINATE, VACATE OR ABANDON THE 60-FOOT DRAINAGE EASEMENT, THE 20-FOOT MAINTENANCE EASEMENT OR THE 50-FOOT DRAINAGE EASEMENT AS SHOWN ON THE SUBDIVISION PLAT.

### Item 7

**Request to award a non-exclusive commercial solid waste collection franchise to American Disposal Services, LLC. Request for adoption of Resolution No. 2002-61, awarding said franchise.**

Staff Contact: Josef F. Grusauskas, Extension 6021

File No. VC-1015274564734-A

Mr. Josef Grusauskas, Director of the Solid Waste Division, provided the staff report.

Pursuant to discussion and there being no objection, Council Member John moved to **ADOPT Resolution No. 2002-61**, entitled as follows and on file in its entirety with the records of the County Council, as recommended, said motion seconded by Council Member Northey and duly **ADOPTED 7 to 0**.

#### RESOLUTION NO. 2002-61

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, GRANTING A NON-EXCLUSIVE COMMERCIAL FRANCHISE FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE WITHIN THE UNINCORPORATED AREA FOR VOLUSIA COUNTY, TO AMERICAN DISPOSAL SERVICES, LLC, FOR A PERIOD OF FIVE YEARS, PROVIDING THAT THE REQUIREMENTS OF COUNTY OF VOLUSIA CODE SECTIONS 106-61 THROUGH 106-66 ARE FULLY OBSERVED; SUBJECT TO A TWELVE MONTHS CANCELLATION PRIVILEGE; PROVIDING THAT THE FRANCHISE MAY NOT BE TRANSFERRED WITHOUT COUNTY APPROVAL; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

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*Recess Volusia County Council and convene as the Ponce DeLeon Port Authority*

### Item PA1

**Request to award Bid No. 02-B-61 for artificial reef construction, Contract No. 1018, to McCulley Marine Services, Inc. Request for adoption of Budget Resolution No. 2002-62 appropriating funds. [\$48,900.00]**

Staff Contact: Joe Nolin, Extension 8335

File No. AR-I&PD-2002-2

Mr. Joe Nolin, Special Projects Coordinator for the Airport/Port Services Department, presented the staff report.

Pursuant to discussion and there being no objection, Council Member Jaynes moved to **ADOPT Budget Resolution No. 2002-62**, entitled as follows and on file in its entirety with the records of the County Council, as recommended, said motion seconded by Council Member Lewis and duly **ADOPTED** 7 to 0

RESOLUTION NO. 2002-62

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

*Adjourn as the Ponce DeLeon Port Authority and reconvene as the Volusia County Council*

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### Item 8

**Request for approval and execution of the Joint Planning Area Agreement between the County of Volusia and the City of DeLand, establishing DeLand's participation in the area wide Development Regional Impact at State Road 472 and Interstate 4.**

Staff Contact: Montye E. Beamer, Extension 2000

File No. GM-PD-02-002

Ms. Montye Beamer, Director of the Planning and Development Services Division, provided the staff report.

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

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### Item 9

**Request for approval and execution of the first amendment to the Interlocal Planning Agreement between the County of Volusia and the City of Port Orange adopting the City's land use amendment regarding the Coraci property as transmitted to the Department of Community Affairs.**

Staff Contact: Montye E. Beamer, Extension 2000

File No. GM-PD-02-003

Ms. Montye Beamer, Director of the Planning and Development Services Division, provided the staff report.

Mr. Clay Ervin, Planning and Development Manager for the City of Port Orange, said the City would review the status of the transportation issues for the Coraci property annually.

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

### Item 10

**Presentation of Soil and Water Conservation District audit and approval of the second half of the Fiscal Year 2002 budget.**

Staff Contact: Doug Krueger, Extension 2649

Mr. Doug Krueger, Director of the Management and Budget Division, provided the staff report. Based on staff research, counties with many agricultural uses fund Soil and Water Conservation Districts and counties with fewer agricultural uses provide less funding toward Soil and Water Conservation Districts.

Mr. Joe Grasauskas, Director of the Solid Waste Division, said that Solid Waste had a strong relationship with the Soil and Water Conservation District in the past, but the District's expertise is no longer meeting the Solid Waste Division's needs.

Mr. Krueger said the Solid Waste Division would prefer not to fund the Soil and Water Conservation District through its budget for the next fiscal year.

Mr. Tom Craft, Soil and Water Conservation District, said the District would have to make adjustments if it does not work with Solid Waste in the next fiscal year and possibly decrease staff. He said the District staff would like to continue the Home Fuel Oil Recovery Program and continue developing the Sod Field Master Plan with regard to irrigation planning and a tail water recovery pond.

Mr. Grasauskas said Solid Waste would like to continue working with the District on those projects but has not worked out the scope of work.

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

Council Member Northey said it seems the County is moving to a fee-for-service basis. She said she expected a work plan today and was hoping the District would seek alternate funding sources such as grants.

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

### Item 11

**Request for consideration of the Halifax/Indian River Task Force's request to include the Halifax River and its tributaries in the formal boundaries of the Indian River Lagoon National Estuary Program.**

Staff Contacts: Steve Kintner, Extension 5851  
Lisa Bush, Extension 2845

File No. GRM-EM-AD-02-03

Mr. Steve Kintner, Director of the Environmental Services Division, provided a staff report

Ms. Carrie Stewart, Halifax Indian River Task Force, said that she serves on the Indian River Lagoon National Estuary Program Committee and explained there would be grant advantages to expanding the boundaries. South Volusia County is already included up to the inlet and Flagler County is included within the boundaries.

Mr. Kintner explained the criteria for expanding the boundaries. If Council approves this request, the next step would present the request to the Indian River Lagoon National Estuary Program Committee. If they approve the proposed boundaries, the issue would be presented to Council with costs attached. All cities involved would have to agree as well.

Council Member Ward asked if the cities would assist with the funding.

Ms. Stewart said Port Orange and Ormond Beach are supportive and she has been talking to Holly Hill and Daytona Beach about expanding the boundaries but there has been no discussion regarding funding.

Council Member Ward asked if a city could elect to opt out.

Ms. Stewart said she did not know the answer but that the proposed boundary expansion would make the cities and county eligible for all kinds of grants.

Mr. Kintner said the Indian River Lagoon National Estuary Program Committee would have to advise the County of what would result if a city chose not to participate. Mr. Kintner said the requested action is for inquiry and does not obligate the County in any way.

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

Council Member Lewis asked if the rules imposed by the Indian River Lagoon National Estuary Program would supersede Volusia County's rules and regulations.

Mr. Kintner explained no regulatory process comes from this action but local governments often impose further regulation or overlay zones.

Ms. Stewart said the Indian River Lagoon National Estuary Program Committee has not denied any grant funds requested south of the inlet but unless the boundaries are expanded, the County and cities cannot obtain funds for any area north of the inlet. Edgewater obtained \$600,000 in grant funds.

Council discussion ensued.

Council Member Lewis moved for **APPROVAL** as recommended and after Council Member Jaynes seconded the motion it **CARRIED** 6 to 1, with Council Member Northey dissenting.

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→ → → **BEGIN CONSENT AGENDA** ← ← ←

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Council Member Lewis moved to **APPROVE** the CONSENT AGENDA and all actions recommended therein, as amended to **remove Items 13, 15, 17, 26, 29, 34 and 37**, for discussion, said motion seconded by Council Member Bruno and duly **ADOPTED** 7 to 0.

### COMMUNITY INFORMATION

#### Item 12

**Request for approval of funds to print and distribute the 2002 Disaster Preparedness Guide in partnership with the Daytona Beach News Journal. [\$30,650.00]**

Staff Contacts: Dave Byron, Extension 2616  
Jim Ryan, Extension 1500



## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### FINANCIAL AND ADMINISTRATIVE SERVICES

#### Purchasing

#### **Item 13 – Removed by Council Members Ward, Bruno, and John**

**Request to award Bid No. 02-B-40, Contract No. 1013, to Antinori Group, Inc., New Smyrna Beach, Florida, for Phase II to increase parking facilities and provide additional picnicking areas to Sunsplash Park, Daytona Beach, Florida. [\$309,253.66]**

Staff Contact: Bill Apgar, Extension 5953

File No. PR-M-02-95

Council Member Ward requested clarification.

Mr. Bill Apgar, Director of the Leisure Services Division, provided a site plan. This project is required to add 85 parking spaces (two handicapped accessible), three picnic pavilions with grills and picnic tables, restroom facility and storage area, new canopy for shade, dumpster enclosure, irrigation system, concrete curb, limerock base, asphalt, floratam sod, sabal palms, silverthorns, parsons junipers, new fiberglass doors and frames, signage, road markings and other components at Sunsplash Park in Daytona Beach.

Council Member John requested that staff address the graffiti at Sunsplash Park.

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

#### **Item 14**

**Request to award Request for Statements of Qualifications (RSQ) No. RSQ-02-SQ-48, for professional architectural, engineering and architectural landscape services including master planning, park design, construction administration services, and design services for the improvement of existing parks and related professional services as required.**

Bellomo, Herbert & Co., Edgewater, FL

Glating Jackson Kercher Anglin Lopez Rinehart, Orlando, FL

CPH Engineers, Inc., DeLand, FL

Ivy, Harris & Walls, Winter Park, FL

Staff Contact: Bill Apgar, Extension 5953

File No. PR-M-02-117

**COUNTY COUNCIL MINUTES – APRIL 4, 2002**

**Item 15 – Removed by Council Member John**

Request to award Bid No. 02-B-65 to the following firms for a period of three years to supply plants for the coastal vegetation nursery as funded under the Florida Coastal Impact Assistance Grant Program through the National Oceanic and Atmospheric Administration (NOAA). **[\$41,500.00]**

Aquatic Plants of Florida, Inc., Sarasota, Florida  
Florida Environmental of North Port, Florida

Southern Native Plants, Inc., Milton, Florida

Staff Contacts: Steve Kintner, Extension 5851  
Lisa Bush, Extension 2845

File No. PR-M-02-112

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

**Item 16**

Request to award a three-year contract with two additional one-year options to Waste Management Inc. of Florida, for garbage collection services for Volusia County facilities, in accordance with Request for Proposals (RFP) 01-P-232. **[\$564,552.96 over three years]**

Staff Contact: Fred Schwenck, Extension 1264

File No. 02-PR-L-69

**Item 17 – Removed by Council Member John**

Request to award Bid No. 02-B-38 to the following respondents for a period of three years renewable for two additional one-year periods for tire repair services. **[\$115,000.00**

**Approximate Annual Usage]**

AA Accurate Truck & Tire Repair, Ormond Beach  
A.O.K. Tire Mart, Sanford  
Boulevard Tire Center, DeLand

Fleet Tire and Diesel Services, Port Orange  
McGee Tire Stores, Inc., Daytona Beach  
Miller Brothers Tire, Inc., Orlando

Staff Contact: Dave Crocker Extension 1595

File No. PR-L-02-100

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

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### Item 18

Request to award Bid No. 02-B-44 to Conrad Yelvington Distributors, Daytona Beach, to provide coquina and granite stone as required for a three-year period, with an option for Council to renew for two additional one-year periods for bank protection to control erosion. [Approximately \$35,000.00 per year]

Staff Contact: George Recktenwald, Phone 822-6422

File No. PR-M-02-104

### Item 19

Request to award Bid No. 02-B-55 to Conrad Yelvington Distributors, Daytona Beach and B. A. Roberts of Avon Park, to provide granite rock and concrete sand as required for a three-year period, with an option for Council to renew for two additional one-year periods for the Dirt Road Reduction Program and stormwater drainage projects. [Approximately \$100,000.00 per year]

Staff Contact: George Recktenwald, Phone 822-6422

File No. PR-M-02-127

### Item 20

Request to award Bid No. 02-B-67 to R.H. Moore Associates, Inc., Tampa, for a three-year period, with an option for Council to renew for two additional one-year periods for non-woven filter fabric for erosion control projects. [Approximately \$30,000.00 per year]

Staff Contact: George Recktenwald, Phone 822-6422

File No. PR-M-02-128

### Item 21

Request to award Bid No. 02-B-31 to D & W Paving, Inc., Holly Hill, for the resurfacing of various roads throughout Volusia County. [\$1,227,794.00]

Staff Contact: William G. Gray, Extension 2294

File No. PR-M-02-111

### Item 22

Request to negotiate three-year contracts with the following firms for a period of three years to provide utility financial consultation services as set for in the Request for Statements of Qualifications RSQ-02-SQ-45.

Burton & Associates, Jacksonville Beach, FL      Public Resource Management Group, Inc., Maitland, FL

Staff Contact: Gloria Marwick, Extension 2724

File No. PR-M-02-116

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### Item 23

**Request to negotiate three-year contracts with the following firms for professional architectural, engineering and architectural landscape services as set forth. Request for Statements of Qualifications RSW-02-SQ-48.**

HNTB – Ghyabi Lassiter, Orlando, FL  
Ivy, Harris & Walls, Winter Park, FL  
MEA Group, Inc., Daytona Beach FL

Reynolds, Smith & Hills, Jacksonville, FL  
The LPA Group, Inc., Tampa, FL

Staff Contact: Jack Abbott, Extension 8341

File No. PR-M-02-118

### Item 24

**Request to award BellSouth Communications Systems, Roanoke, Virginia, to provide high-speed internet access to conventioners and arena users at the Ocean Center off State of Florida Contract 250-040-99-1. [\$29,420.25]**

Staff Contact: Rick Hamilton, Phone 254-4500

File No. PR-M-02-124

### Item 25

**Request for authorization for Coach Crafters, Inc., to repair and paint VOTRAN Bus Number 1212, a 2000 Model Gillig Phantom, that was involved in an accident that resulted in damage to the body, frame and engine/transmission components. [\$40,904.38]**

Staff Contact: Ken Fischer, Phone 756-7496

File No. PR-L-02-135

### Item 26 – Removed by Chair McFall

**Request for authorization of a purchase order to Collins & Aikman Floor Coverings, Inc., Dalton, Georgia, to remove existing carpeting and base cover; remove and replace all furniture, shelving and library equipment; scarify and float complete area; and provide and install the new carpet at Deltona Regional Library. [\$82,459.18]**

Staff Contact: Mike Knievel, Extension 1212

File No. PR-M-02-137

Chair McFall asked why the library would be closed for a week to install carpet.

Mr. Bill Bowden, Deltona Regional Library Manager, said staff has made arrangements to have the installation done in the evenings and the library would not have to be closed.

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

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### LEADERSHIP

#### County Attorney's Office

#### Item 27

**Request for approval of settlement to resolve all claims by Earl Stewart King and Judy King, his wife, against the County of Volusia, Case No. 2001-10531-CIDL. [\$125,000.00]**

Staff Contact: L. Roland Blossom, Extension 2952

File No. LEG-2002-04

### GROWTH AND RESOURCE MANAGEMENT

#### Building and Zoning

#### Item 28

**Request for approval to release the Subdivision Maintenance Agreement and Guaranty, agree to maintain the dedicated public improvements and approve turning over the private improvements to the Spruce Creek Property Owners Association for maintenance for the Tailwind Subdivision.**

Staff Contact: Palmer M. Panton, Extension 2736

File No. GRM-LD-02-0011

#### Environmental Management

#### Item 29 – Removed by Council Members Ward and John

**Request for approval of the proposed contract with Ecological Associates, Inc., for protected species specialist services during Year 7 of the County's Habitat Conservation Plan (HCP). [\$155,000.00]**

Staff Contact: Stephen Kintner, Extension 5851

File No. FAAS-CA-02-027

Council Member Ward said the turtle volunteers collect a lot of the data and asked why the contract is for \$155,000.

Mr. Steve Kintner, Director of the Environmental Services Division, said the contract amount has not changed for the past three years. Ecological Associates, Inc., of Jensen Beach designed the beachfront lighting program and continues to provide enforcement. They are the leading experts in the world on many of these issues. Staff does not have the same expertise. Ecological Associates also prepared a draft amended habitat conservation plan and supplemental environmental assessment in support of the County's request to the U.S. Fish and Wildlife Services to renew its incidental take

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

permit for a period of 25 years. The protected species specialist will also provide supplemental services as directed by the County until the incidental take permit is renewed. Last year Ecological Associates only billed the County \$88,064 rather than the full contract amount. They have an international reputation as experts in the field and only bill for services performed.

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

### Item 30

**Request for approval of the Florida Inland Navigational District Waterway Cleanup interagency agreement to provide waterway cleanup assistance to the Halifax/Indian River Cleanup. Request for adoption of Budget Resolution No. 2002-63, appropriating funds. [\$5,000.00]**

Staff Contacts: Stephen Kintner, Extension 5851  
Michelle Leigh, Extension 2330

File No. GMES-EMD-NR-00-11A

#### RESOLUTION NO. 2002-63

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

### Land Acquisition

### Item 31

**Request for approval of the St. Johns River Water Management District's cooperative management agreements for Lake George and Spruce Creek.**

Staff Contact: Randall Sleister, Extension 2092

File No. LAM-02-006

### Item 32

**Request for approval of the U.S. Fish and Wildlife Services' Wildlife Cooperative Extension Agreement. Request for adoption of Budget Resolution No. 2002-64, appropriating funds. [\$22,260.00 Total - \$10,000.00 the U.S. Fish and Wildlife; \$12,260.00 In-Kind Match]**

Staff Contact: Randall Sleister, Extension 2092

File No. LAM-02-007

#### RESOLUTION NO. 2002-64

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

### Leisure Services

#### Item 33

**Request for approval to accept State of Florida, Department of Environmental Protection funds for reimbursement of playground surfacing materials made from Florida waste tires for the purpose of improving playground safety in Florida parks and schools while also promoting waste tire recycling. Request for adoption of Budget Resolution No. 2002-\_\_\_, accepting and appropriating the funds. [+\$16,502.00]**

Staff Contact: Tim Baylie, Extension 5953

#### Item 34 – Removed by Council Member Northey

**Request for approval of the submission of a grant application between the County of Volusia and the City of Deltona to the Florida Fish and Wildlife Conservation Commission, Florida Boating Improvement Program 2002. Request for adoption of Budget Resolution No. 2002-68, accepting the grant award and administering the funds to the City of Deltona upon completion of the project at Campbell Park in Deltona. [+\$79,140.00]**

Staff Contact: Bill Apgar, Extension 5953

Council Member Northey asked if the County prepared and is submitting the application on behalf of the City of Deltona.

Mr. Bill Apgar, Director of the Leisure Services Division, explained the City prepared the application but the County must forward it to Florida Fish and Wildlife.

Council Member Northey asked if filing the application places any liability on the County.

Mr. Apgar said the City owns and maintains Campbell Park for which the grant application is being submitted.

Mr. Dan Eckert, County Attorney, said he was sensitive to Council's concerns regarding liability but the issue of whether to place boat ramp at Campbell is a sovereign one. As a "pass-through" the County would not be risk free but the risk would be minimal. If the County is negligent in applying for the grant, it could be liable to the City. If the County does not own and/or maintain the park, it would not be liable.

Pursuant to discussion and there being no objection, Council Member John moved to **ADOPT Budget Resolution No. 2002-68**, entitled as follows and on file in its entirety with the records of the County Council, said motion seconded by Council Member Lewis and duly **ADOPTED** 6 to 0,

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

with Council Member Bruno out of chambers.

### RESOLUTION NO. 2002-68

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

## PUBLIC WORKS

### Engineering

#### Item 35

**Request for adoption of Resolution No. 2002-66, transferring all the rights and interest to intersection County roads along State Road 15A from Highway 17/92 (Woodland Boulevard) to Beresford Avenue in the DeLand Area to the Florida Department of Transportation for the road-widening project.**

Staff Contact: William G. Gray, Extension 2294

File No. VC-1014842290609

#### Item 36

**Request for approval to purchase Parcel 85 as part of the widening of Saxon Boulevard from Sumatra Drive to Tivoli in Deltona. [\$37,068.38]**

Staff Contact: William G. Gray, Extension 2294

File No. VC-1015254043750-A

#### Item 37 – Removed by Council Member Northey

**Request for approval of Change Order No. 1 to Contract No. 982, which was awarded to Halifax Paving, Inc., for the construction of Hamilton Avenue in Orange City. [\$40,500.00]**

Staff Contact: William G. Gray, Extension 2294

File No. FAAS-CA-02-026

Council Member Northey said she supports the construction of sidewalks but questioned why sidewalks were not part of original order noting sidewalks are an important part of roads.

Mr. Bill Gray, County Engineer, explained this project did not have sufficient right of way to include sidewalks in the original design but due to the pedestrian traffic, the staff is recommending a four foot wide concrete extension to the paved shoulder to provide an eight foot wide pedestrian way.



## COUNTY COUNCIL MINUTES – APRIL 4, 2002

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

### Mosquito Control

#### Item 38

**Request for adoption of Resolution No. 2002-67, authorizing low-level helicopter flights over congested areas in all unincorporated portions of Volusia County for control of mosquitoes.**

Staff Contact: Jonas Stewart, 239-6516

File No. VC-1015601788625-A

#### RESOLUTION NO. 2002-67

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, REQUESTING AND AUTHORIZING LOW-LEVEL HELICOPTER FLIGHTS OVER CONGESTED AREAS IN ALL UNINCORPORATED PORTIONS OF VOLUSIA COUNTY FOR THE CONTROL OF MOSQUITOES.

### Solid Waste

#### Item 39

**Request for approval of the proposed contract for on-call solid waste engineering services with WCG, Inc., of Maitland, Florida, Project No. P-5047-A, for a three-year period. [\$75,000.00]**

Staff Contact: Josef Grusauskas, 943-7889

File No. FAAS-CA-01-024

#### Item 40

**Request for approval of the proposed contract with WCG, Inc., of Maitland, for design, preparation of construction documents, bidding phase services and permitting assistance for the construction of improvements at the solid waste transfer facility, Project No. P-5048. [\$55,000.00]**

Staff Contact: Josef Grusauskas, 943-7889

File No. FAAS-CA-01-025

### Traffic Engineering

#### Item 41 – Withdrawn by Staff

~~Request for adoption of Resolution No. 2002—, whereby Volusia County Council requests that the Florida Department of Transportation construct sidewalks and/or not oppose any developer building sidewalks as part of a development order if they start construction~~

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

~~before the Florida Department of Transportation along State Road 44 from County Road 4139/Summit Avenue to the County Fairgrounds.~~

Staff Contact: Jon Cheney, Extension 2709

File No. VC-1015866435109-A

### Water Resources/Utilities

#### Item 42

Request for approval to contribute \$50,000 to the joint stormwater project, Reed Canal Stormwater Improvements, between the County of Volusia, the City of South Daytona and the St. Johns River Water Management District. [\$50,000.00]

Staff Contact: Gary Cook, Extension 2309

File No. VC-1015333949140-A

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→ → → **END CONSENT AGENDA** ← ← ←

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#### Item 43

Request for direction regarding how to proceed with the proposed changes to the Volusia County Tree Protection Ordinance.

Staff Contact: Stephen Kintner, Extension 5851

File No. GRM-EM-AD-02-02A

Pursuant to discussion, the following consensus was reached.

##### Section 1002. Removal of Trees

- Retain the current ordinance, which only requires a permit for removal of trees; a tree is defined as 6"DBH or larger.

4 to 3, with Council Members Northey, Jaynes and John dissenting

##### Section 1003.01 Exemption for Single Family Owner-Occupied Dwellings

- Retain the current ordinance, which exempts owner occupied dwellings

4 to 3, with Council Members Northey, Jaynes and John dissenting

##### Section 1003.02 Agricultural Exemptions

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

- Delete the phrase “or used for agriculture” and leave the definition to include agricultural zoning and agricultural exemption per the Property Appraiser.

7 to 0

- Provide only 3 year period after clearing where tree replacement is required if the zoning or land use changes

5 to 2, with Council Members Northey and John dissenting

### **Section 1003.03 Deteriorated Trees**

- Modify §1003.03 to require inspection by the County Forester prior to removal of a tree under this exemption. Trees removed with prior review would be considered in good condition and would require replacement.

7 to 0

### **Section 1004.01(3) Subdivision Development**

- Add §1004.01 to provide a method to allow pre-clearing of subdivision lots and provide that the pre-clearing be limited based (*staff was requested to insert percentage*) on the determination of the County Forester.

7 to 0

### **Section 1004.03 Statistical Tree Survey**

- Modify §1004.03 to establish the option of a statistical tree survey at the discretion of the County Forester.

7 to 0

### **Section 1004.05a Historic Trees**

- Modify §1004.05 to allow the County Forester to authorize removal of trees that are deteriorated, dying, or considered to be a hazard.

5 to 2, with Council Members Northey and John dissenting

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### **Section 1004.08 Residential Application – Certification of Compliance**

- Modify §1004.08 to clarify that the residential permit is valid for one year unless extended by application for a building permit. If not, replacement of the protected trees removed would be required.

4 to 3 with Council Members Bruno, Lewis and Chair McFall dissenting

### **Section 1004.10 Designation of Property Boundaries**

- Modify §1004.10 to require boundary surveys upon submission and that property corners be adequately marked and intervisible. ~~This policy change was implemented by the Building Department in January, 2001; this ordinance language tracks that policy change.~~

7 to 0

### **Section 1006 Relocation and Replacement**

- Modify §1006 to adopt the Grades and Standards, State of Florida, Florida Department of Agriculture and Consumer Services as the county standard for tree measurement and requiring that all replacement trees meet Florida no. 1 grade or better. In addition, the replacement requirement is to be increased to 15% of the cross-sectional area removed.

5 to 2, with Council Members John and Lewis dissenting

### **Section 1006.03 Maintenance of Replacement Trees**

- Modify §1006.03 to require that the trees planted for tree replacement or minimum standards be maintained for a period of two years following final inspection and approval of the home.

6 to 1, with Council Member Lewis dissenting

### **Section 1006.05 Residential Construction**

- Modify §1006.05 to reflect split requirements for residential lots based on lot size. Section 1006.05(A) should address lots 20,000 square feet or larger; essentially, the requirements for these larger lots should remain as currently defined by the ordinance. Requirements for lots smaller than 20,000 square feet should be modified by Section 1006.05(B) as follows:
  - A minimum of one tree per 1000 square feet would be required at CO (as opposed to one tree per 2500 square feet in the larger lots)
  - There would be no protected trees on the lots other than historic trees
  - No replacement would be required for tree removal on the lots existing and trees retained and adequately protected would count toward the 1/1000 requirement.

6 to 1, with Council Member Bruno dissenting

**COUNTY COUNCIL MINUTES – APRIL 4, 2002**

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### Section 10007 Standards for Tree Protection During Construction

- Modify §1007 to include specific protection requirements as follow:
  - Specifies standards for construction of barricades and requires that dripline area of tree be protected unless approved by the County Forester.
  - Requires approval of the barricades as a condition of tree removal permit approval and prior to any clearing.
  - Requires hand clearing within dripline of protected trees (no machine clearing) unless approved by the County Forester.
  - Requires that utility trenches be routed away from protected root systems outside of the dripline of the tree. Tunneling is allowed in lieu of trenching within dripline areas.
  - Encroachments into the protected dripline area would be allowed upon approval of a dripline encroachment plan specifying protection and mitigation measures to be utilized to protect the tree.
  - Specifies that pruning of trees on development sites meet industry standards as defined by the ANSI A300 standard.
  - Specifies root protection measures.
  - Requires repair and replacement of trees damaged by construction. Trees damaged by negligent construction will be replaced by a tree of comparable size or multiple trees with equivalent cross-sectional area.
  - Maintenance of trees required during construction.

4 to 3, with Council Members Bruno, Lewis and Chair McFall dissenting

### Section 1010.01 Tree Replacement Fee

- §1010.01 should be added to establish the account and clarify the uses of the money in the account.

7 to 0

## OTHER BUSINESS - NOMINATIONS/APPOINTMENTS

### Item 44

**BOARD:** Cultural Council of Volusia County

**INCUMBENT:** Vacant (Pat James)

**DISTRICT 5 APPOINTMENT**

**TERM EXPIRING:** March 31, 2003

**LENGTH OF TERM:** Two Years

Staff Contact: Sue Whittaker, Extension 2188

File No. CMSW-02-011

Council Member Northey moved to **CONTINUE** this item to the April 18, 2002 meeting and after Council Member John seconded the motion it **CARRIED** 7 to 0.

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### Item 45

**BOARD:** Halifax/Indian River Task Force  
**INCUMBENT:** Vacant (Charles Richardson) **COUNCIL APPOINTMENT**  
**TERM EXPIRING:** March 31, 2003  
**LENGTH OF TERM:** Two Years  
Staff Contacts: Lisa Bush, Extension 2845 File No. GRM-EM-NR-02-05  
Michelle Leigh, Extension 2330

Council Member Ward nominated and Council **APPOINTED Joann O'Bannon** to the board and after Council Member Jaynes seconded the motion it **CARRIED 7 to 0.**

**BOARD:** West Volusia Tourism Advertising Authority  
**INCUMBENT:** Vacant (Gus Gibbs) **AT-LARGE JOHN APPOINTMENT**  
**TERM EXPIRING:** September 31, 2003  
**LENGTH OF TERM:** Two Years

Council Member John nominated and Council **APPOINTED Brian Hill** to the board and after Council Member Lewis seconded the motion it **CARRIED 7 to 0.**

**BOARD:** Building Trades Board  
**INCUMBENT:** ✓ John Amaral (Engineer) **AT-LARGE NORTHEY APPOINTMENT**  
**TERM EXPIRING:** January 2, 2002  
**LENGTH OF TERM:** Two Years

Council Member Northey nominated and Council **APPOINTED Richard Mohler** to the board and after Council Member John seconded the motion it **CARRIED 7 to 0.**

## DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA

### Council Member Ward

- Council Member Ward requested a report regarding the sewer hook-up in the Silver Sands – Bethune Beach area.
- Council Member Ward said staff should have discussed the realignment of Madeline Avenue with the City of Daytona Beach and the City of Port Orange before placing it on the proposed map.

## COUNTY COUNCIL MINUTES – APRIL 4, 2002

### **Council Member Lewis**

- Council Member Lewis requested that staff place the issue of the Clean Hands Policy and how it affects the bidding process on the Council agenda for discussion. He also requested that a spreadsheet detailing qualifications be included with purchasing items requesting the award of bids. Pursuant to further discussion, there was Council consensus that this issue should be placed on the agenda.

### **Council Member Bruno**

- Council Member Bruno did not have any issues for discussion.

### **Council Member Jaynes**

- Council Member Jaynes did not have any issues for discussion.

### **Council Member Northey**

- Council Member Northey requested an analysis of entrance fees at Gemini Springs in light of the no swimming provision still in place.
- Council Member Northey requested a report regarding usage of the parking lot for the trail.
- Council Member Northey said Lake Monroe scored well in the application process for grant funding. She requested that it be coordinated with the spring-to-spring trail.

### **Council Member John**

- Council Member John requested a report regarding the parking garage next to the Ocean Center in Daytona Beach.
- Council Member John requested a report regarding tickets issued by the Beach Patrol for littering on the beach for a three-year period.
- Council Member John said the Orlando Sentinel is only providing a Volusia County section on Wednesday, Friday and Saturday and asked the Council members to write to the Sentinel to express their disappointment.



## COUNTY COUNCIL MINUTES – APRIL 4, 2002

- Council Member John requested report regarding Economic Development and the strategic plan.
- Council Member John said in 1992 South Waterfront Park residents voted in favor of allowing residents to park their boats in their front yards.

Council Member Ward said he spoke to Ms. Mary Robinson, Director of the Building and Zoning Division, who explained the residents were not aware they were no longer allowed to do this and would like the privilege reinstated. Code enforcement cases regarding this issue are on hold until the issue is resolved.

### Chair McFall

- Chair McFall appointed Council Member Northey to serve on the selection committee for the historic courthouse construction manager/general contractor.

## DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA

- Mr. Matt Greeson, Assistant to the County Manager, said the May 30 joint workshop with the City of Daytona Beach would attempt to resolve several issues and could possibly be combined with a redevelopment update at the Ocean Center, which would precede the workshop.
- Ms. Cynthia A. Coto, County Manager, explained staff would be replacing the old tile at the 250 North Beach office in Daytona beach to match the new tile that replaced carpet. In the future, staff will prepare a color board prior to doing work of this type.

## ADJOURNMENT

There being no further business before the Volusia County Council, the meeting was adjourned at 3:40 p.m.

APPROVED  
COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

BY \_\_\_\_\_  
Ann McFall, Chair

ATTEST \_\_\_\_\_  
Cynthia A. Coto, County Manager

**COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA  
WORKSHOP MINUTES  
APRIL 11, 2002**

**RE: Water Issues**

The County Council met in workshop session at 9:00 a.m. on April 11, 2002 in the Training Rooms of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Volusia County, Florida.

Public Notice of this workshop was given in The News-Journal.

**The following Council Members were present:** Council Members John, Bruno, Jaynes, Lewis, Northey, and Ward.

**Also present were:** Cynthia A. Coto, County Manager and Daniel Eckert, County Attorney. Diane Marinaro Tyler, Administrative Aide for the County Manager's Office, served as the Recording Secretary.

Several members of the public and the media were present at the workshop.

**Water Supply Plan**

Ms. Gloria Marwick, Director of the Water Resources and Utilities Division, provided a PowerPoint presentation regarding water supply planning mandates, the St. John River Water Management District Water 2020 Plan and the Volusian Water Alliance Water Supply Plan. A copy of the presentation in its entirety is in the County Council records.

Council Member Ward said economic development is a priority and asked how the County could resolve the decreased consumptive use permit issue.

Ms. Marwick explained staff is attempting to obtain an increased consumptive use permit on a temporary basis until another water source could be established. The St. John River Water Management District will re-address the County's consumptive use permit after setting the minimum flow for Blue Springs. Blue Springs has been targeted because it is a manatee habitat.

While water usage varies greatly from one area of Volusia County to another, water customers on average use about 9,000 – 10,000 gallons of water. State statistics reveal about half the water is used in homes and the other half for irrigation but staff has not examined the Volusia County customer base. The County now has computer software to calculate this information; it can tell when large amounts of water are used at the same time during permitted irrigation times. Staff will forward the information to Council when it becomes available as well as sending letters to very large users. Staff recognizes the need for an alternate water source and is examining the feasibility of a water supply plant.

## COUNTY COUNCIL MINUTES – APRIL 11, 2002

Volusia County has been seeing a growing interest in landscaping that requires a good deal of water and should examine how it approaches development. Staff has begun working with developers toward xeriscaping residential areas.

### **Volusia County Related Utility Projects**

Mr. Jake Varn, Consultant, explained if the County needed water beyond the permit limits, it could continue withdrawing but would have to devise a recovery strategy.

Council discussion ensued.

Council Member Ward suggested the Home Builders Association should be involved in the Volusian Water Alliance's Governance Study as they develop property for private use.

Ms. Connors said staff is tasked with showing developers xeriscaping is marketable and is currently attempting to do so.

### **Status of Water Policy Review Commission Recommendations**

Mr. Bill Scovell said landscaping regulations to conserve water should be passed for residential and commercial development. The Commission is also recommending a referendum be placed on the ballot proposing a centrally managed wholesale water plant for production and distribution. The Water Policy Review Commission's main issues are consistency with the Comprehensive Plan, landscaping and a water wholesale plant.

Mr. Scovell explained the County represents a minority in water production for Volusia County so an authority including only the County would be ineffective; there must be other membership through interlocal agreements. The authority must have a majority of the larger players.

Council Member Jaynes asked if the County could adopt minimum standards to create an authority.

Mr. Dan Eckert, County Attorney, explained the County could not adopt minimum standards to create an authority but could do so through the Charter. The most effective policy to create an authority would be interlocal agreements.

Mr. Don McLellan, Water Policy Review Commission, said the perception of a threat to ownership would be cleared up and the commission could evolve. The Commission also suggested review of the development codes to discourage grass. The County could work with the cities toward conservative use of water and examining their development codes with regard to landscaping and expanding conservation efforts.

## COUNTY COUNCIL MINUTES – APRIL 11, 2002

### **Status of the Water Supply Plan Implementation Strategy and Financial Framework**

Mr. Jake Varn, Consultant, explained his firm is preparing a report for the Volusia Water Alliance. The task of the study was to examine alternatives and come up with feasible options. An option is to create an entity that would not present threat to local governments with regard to their utility revenue stream.

The entity could only wholesale water to its members. The County provides water to the City of Deltona so Deltona is a member. The Florida Governmental Utility Authority has advised that they would cooperate if they acquire Florida Water.

There are three models, small, medium and large users. The model shows with participation of the major providers, it could deliver water less expensively than any local government could do alone. The smaller providers would most benefit. The model would also compare pricing. The entity would be bare bones and would assume operation and maintenance of existing facilities while ownership would remain the same. Any new facilities would be built by the entity. Interconnections should be completed from one side of the County to the other, partnering when possible. How to fund the interconnects would have to be explored. If an entity does not opt in, it could not interconnect. It is best to have full participation from providers. One funding possibility would be to add ½ mil to ad valorem for a period of one year. The entity could be formed by interlocal agreements or through creation of a 501C3 organization. The model would predict efficiency for DeLand and Rima Ridge projects. The key is that the providers would be stronger collectively than they would be individually. The entity could obtain assistance from St. John River Water Management District toward obtaining longer-term consumptive use permits and would ask for some funding.

Mr. Varn said the entity would wholesale water to providers and should not impose conservation requirements. This would be the most cost effective way to supply water. Another issue would be water reuse. Single management of wells would optimize the resource and allow for a long-term supply. The target of the entity is to find out what is the most economic, sustainable option of water supply. Mr. Varn said the entity could only operate if there is trust and should start by distributing water through operation and maintenance of existing plants. All other issues would remain with local governments. The entity could purchase stormwater from one local government to supply another local government or perhaps agricultural pursuits. There should be one wholesale rate. The entity would only deal with government entities, not agricultural pursuits or private wells.

The St. John River Water Management District has advised that Central Florida must acknowledge the limitation of groundwater and Orange County Chair Richard Crotty is attempting to prompt a regional approach by getting the counties to talk to each other about the issue.

### **Summary**

Ms. Connors said Council has heard a menu of recommendations, options and opportunities. Staff does not necessarily agree with all of the options but will examine the no lose options – such as interconnects. Florida Water's system is small and will require larger lines. Centralization could be a benefit. Different systems have different opportunities. Daytona Beach has opportunities for grant funds but newer systems like Volusia County have larger lines. A central management entity could be beneficial. There is consensus that everyone must participate in whatever comes next. The

**COUNTY COUNCIL MINUTES – APRIL 11, 2002**

membership in the proposed entity is different from the Volusia Water Alliance in that members are users rather than suppliers. Staff recommends the County take the leadership role in supporting this entity.

The largest growth is in residential use. A surcharge could be imposed per 10,000 gallons of water, which would place the cost upon the users. An addition to ad valorem taxes would spread out the funding. St. John River Water Management District should also be a partner.

Discussion ensued.

**Public Participation**

A couple of members of the public addressed Council, expressing concerns about wetlands drying and vegetation changing and affecting wildlife; and withdrawing more water than is being replenished.

**Discussion and Direction by Council**

Ms. Connors asked for Council direction regarding the Volusia Water Alliance's Water Supply Plan.

Council Member John said he would prefer to wait for Mr. Varn's plan before making a decision regarding the Volusia Water Alliance's Water Supply Plan. The County should work on conservation issues, landscaping issues and stormwater issues.

Council Member Ward said his initial reaction to Mr. Varn's recommendation is favorable but would like to see the entire plan. He did not want to review the Volusia Water Alliance's Water Supply Plan again until after Mr. Varn's plan is complete and becomes available. The County should take the leadership role by working cooperatively with the Alliance in taking the next step.

Council Member Jaynes said he has no problem waiting for Mr. Varn's report but would like to move forward. The County should adopt a stronger xeriscaping-landscaping plan. The County should also match development with its ability to provide water

Ms. Connors summarized that Council would like staff to research funding, landscaping and conservation and present the issue to Council after reviewing Mr. Varn's report.

APPROVED  
COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

BY \_\_\_\_\_  
Ann McFall  
Chair

ATTEST \_\_\_\_\_  
Cynthia A. Coto

**COUNTY COUNCIL MINUTES – APRIL 11, 2002**

County Manager

# County Council of Volusia County, Florida

## Minutes

### June 13, 2002

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#### COUNCIL MEMBERS:

Ann McFall, Chair

Frank T. Bruno, Jr., Vice Chair

Joseph C. Jaynes

Big John

Dwight D. Lewis

Patricia Northey

James E. Ward

District 5

District 2

District 4

At-Large

District 1

At-Large

District 3

#### STAFF:

Cynthia A. Coto, County Manager

Daniel D. Eckert, County Attorney

Ray W. Pennebaker, Deputy County Manager

Betty J. Holness, Assistant to the County Manager

Matt Greeson, Assistant to the County Manager

Sue Whittaker, Deputy Clerk

Diane Marinaro Tyler, Administrative Aide

### **PUBLIC PARTICIPATION**

- Ms. Evelyn Seabrook said she lives on Sterling Silver Boulevard and asked that an un-named cross street be named Amethyst way.

Mr. Bill Grief explained that the street in question is within the city limits of Deltona and could be a duplication of street names. Traditionally, staff discusses street naming within cities with the city involved prior to assigning a new name.

Chair McFall said she would forward a letter to the City Commission detailing Ms. Seabrook's request and suggested Ms. Seabrook also appear before the City Commission.

- Mr. Cornelius Finley said the County is condemning his daughter's property at the Happy Whale condominium. The County then filed an application for a building permit on the adjoining property using part of his daughter's property for the construction without his permission. The County was listed as the property owner on the application but the actual owner is Mr. Clinton Zavakos.

### **CALL TO ORDER**

Chair Ann McFall called the June 13, 2002, 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 John, Bruno, Jaynes, Lewis, Northey, Ward and Chair McFall were present.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### INVOCATION AND PLEDGE OF ALLEGIANCE

By Reverend Michael Fronk

### PUBLIC HEARINGS AND TIME CERTAIN MATTERS

#### Item 1

**Public hearing and request for review of the application to renew the current certificate of public convenience and necessity for Advanced Life Support (ALS) non-transport emergency medical services to the Orange City Fire Department.**

Staff Contact: Matt Zavadsky, Extension 2096

File No. DPP-02-046

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

#### Item 2

**Request for approval of submission of grant applications to the Florida Communities Trust for the purpose of requesting funds for the acquisition of the Southern Pine Plantations and Catholic Diocese properties (ranked as “Group A” projects by the Volusia Forever program) and that the local match for each of these applications be 60 percent. [\$2,377,856.40]**

Staff Contacts: Douglas M. Weaver, Extension 2953  
William C. Gardner, Extension 2082

VC-1022845327968

Mr. Douglas M. Weaver, Director of the Land Acquisition and Management Division, provided the staff report.

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

#### Item 3

**Request that Council accept the report of the Charter Issues Advisory Committee and provide direction regarding the specific recommendations.**

Staff Contact: Matt Greeson, Extension 5549

Mr. Matt Greeson, Assistant to the County Manager, introduced Ms. Senta Goudy, Vice Chair of the Charter Issues Advisory Committee.



## COUNTY COUNCIL MINUTES – JUNE 13, 2002

Ms. Goudy explained there have been some changes in the Committee's recommendations since the preliminary report as a result of information provided by speakers that appeared before the Committee. The changes in the Committee's recommendation are: three large districts with two representatives in each district; the Chair should be the only at-large member of the County Council; and the Chair should have veto power.

Council Member Northey said she supports accepting the report but is not prepared to vote on placing the recommendations on the ballot.

Council elected to proceed on an item-by-item basis.

***There was a 7 to 0 Council consensus in favor of the following:***

- 1) The Council-Manager form of government should be retained and there should be no changes to the charter definition of the responsibilities of the County Manager.

***There was a 7 to 0 Council consensus in favor of the following:***

- 2) The Chair should be elected at-large by popular vote

***There was a 7 to 0 Council consensus in favor of the following:***

- 3) The term of office for the Chair should be four (4) years

***There was a 7 to 0 Council consensus in favor of the following:***

- 4) The Chair should be limited to two (2), four (4) year terms

***There was a 7 to 0 Council consensus in favor of the following, except:***

- 5) The duties of the Chair should be as follows:
  - a. Presides at meeting
  - b. The Chair would serve as the official representative and ceremonial dignitary for the government of Volusia County, with the prerogative to issue proclamations. The Chair would be required to advise the Volusia County Council of the issuance of said proclamations.
  - c. Has all rights, privileges and duties of the other members
  - d. The County Manager proposes the agenda, the Chair supplements the agenda, and the County Council controls the agenda when in session.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

***There was a 5 to 2 Council consensus in favor of the following, with Council Members Ward and John dissenting:***

- ~~e. The Chair shall annually make a report to the County Council and citizens that outlines the major accomplishments of the County Council for the previous year, clarifies the status of unfinished business, and sets forth goals, objectives and a plan of action for the upcoming year.~~
- e. The Chair shall annually make a report to the County Council and citizens that outlines the major accomplishments of the County Council for the previous year and clarify the status of unfinished business. The Chair shall lead an annual meeting to set forth goals, objectives and a plan of action for the upcoming year with Council.
- f. The Chair would sign ordinances, resolutions and other legislative documents for the Volusia County Council, which will also be attested to by the County Manager.

***There was a 7 to 0 Council consensus in favor of the following:***

- ~~g. The Chair may make external appointments without the advice and consent of the County Council. All other appointments will be made by the Chair and confirmed with the advice and consent of the County Council. This power can be delegated to other Council members.~~
- g. The Chair shall make appointments except district appointments, which will be made by the Council member and confirmed by the Council.

***There was a 5 to 2 Council consensus against the following, with Council Members Northey and John in favor of the following:***

- h. The Chair can veto ordinances and resolutions. A veto could be overturned by a super-majority (2/3 vote of the full County Council) vote of the Council.

***There was a 7 to 0 Council consensus in favor of the following:***

- 6) The position of Chair shall be referred to as the "County Chair."

***There was a 7 to 0 Council consensus in favor of the following:***

- 7) The Charter will not require the Chair to be full-time, nor preclude outside employment. It should be silent on the issue of part-time vs. full-time.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

***There was a 7 to 0 Council consensus in favor of the following:***

- 8) The County Council Chair will receive for salary 60% of the state statutory guidelines for County Commissioners (approximately \$42,000).

***There was a 7 to 0 Council consensus in favor of the following:***

- 9) The salary of the County Council members should be ~~46.79376~~ 50% of the state guidelines for County Commissioners.

***Council requested the County Attorney craft alternate wording.***

- 10) That the salary be used to cover expenses and that no additional stipend be provided or reimbursement be given for in-County expenses.

***There was a 7 to 0 Council consensus in favor of the following:***

- 11) The Chair and members of the Council should have adequate administrative support for performance of their duties. It was the consensus not to have any politically appointed positions or positions directly hired by Council members that provide administrative support to the County Council. These positions would remain under the County Manager and the merit system.

***There was a 7 to 0 Council consensus in favor of the following:***

- 12) That County Council seats will be limited to two- (2), four- (4) year terms.

***Council requested further information and continued the following to the June 20, 2002, meeting:***

- 13) There will be seven (7) members of the Volusia County Council. The Chair will be elected at-large. There will be three- (3) districts. Two- (2) members will be elected from each of the three- (3) districts.
- 14) Terms of the Volusia County Council members should be staggered so that the Chair and one- (1) member from each of the three- (3) districts would run at the same time and that the three- (3) other district seats would run at another time.

***There was a 7 to 0 Council consensus in favor of the following:***

- 15) The Committee voted unanimously to recommend that the Vice-Chair be selected annually from and by the membership of the Volusia County Council.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

***There was a 7 to 0 Council consensus in favor of the following:***

16) The Committee recommended that the changes outlined above, if adopted by the voters of Volusia County, be implemented in 2004 as follows:

- All seven- (7) seats would be filled in 2004.
- One- (1) seat in each district would run for an initial two- (2) year term, while the other would run for a four- (4) year term.
- Individuals who are elected to the district seats that are initially limited to two- (2) years would be eligible for two- (2) additional four- (4) year terms for a total of ten- (10) years.
- The current at-large County Council seat that is up in 2002 will exist until December 31, 2006 unless vacated. This member could potentially serve, for two- (2) years, as the 8<sup>th</sup> member of the County Council.
- These are new positions and current County Council members would be eligible to run for them regardless of the number of years of prior service.

### **Item 4**

**Z-02-067 - Application of George & Kathleen Dahm, Owners, requesting a Rezoning from the A-1 (Prime Agriculture) zoning classification to the A-2 (Rural Agriculture) zoning classification. The property is located on the south side of Doyle Road approximately 3000 ft. east from its intersection with Saxon Boulevard, west of Wild Horse Run, near the City of Deltona; ± 10 acres**

**PLDRC Recommendation: APPROVAL**

**NO OPPOSITION at PLDRC**

**Staff Recommendation: APPROVAL**

Staff Contact: Mary Robinson, Extension 2013

VC-1022005020562

Ms. Mary Robinson, Director of the Building and Zoning Division, provided the staff report.

Pursuant to discussion and there being no objection, Council Member John moved to **ADOPT Resolution No. 2002-106**, 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-02-067**, said motion seconded by Council Member Lewis and duly **ADOPTED** 6 to 0, with Council Member Northey out of chambers.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### Item 5

**Z-02-069 - Application of Dimitrios Haralambous, Contract Purchaser, Charles Williams, Jr., Owner, requesting a Rezoning from the R-8 (Urban Multifamily Residential) zoning classification to the B-8 (Tourist) zoning classification. The property is located on the northwest corner of the intersection of Ocean Shore Boulevard (A-1-A) and Sunset Boulevard in the community of Ormond by the Sea; ± 1 acre**

**PLDRC Recommendation: DENIAL**

**OPPOSITION at PLDRC**

**Staff Recommendation: DENIAL**

Staff Contact: Mary Robinson, Extension 2013

VC-1022248941937

Ms. Mary Robinson, Director of the Building and Zoning Division, provided the staff report.

Mr. Edward Schumacher, Mr. Richard C. Faulkenberg and Mr. Todd Hardy spoke in opposition to the rezoning request.

Mr. Andex Papas, architect for the project, provided handouts to Council displaying the proposed project. The proposed structure would contain 8 upscale units rather than 16 units, which are currently permitted. The site is surrounded by condominiums, which are rented by the week/month.

Mr. Carr, Attorney for the Owner, explained the current building code requires breakaway walls on the first floor making it impossible to market a condominium on the first floor, therefore, the proposed structure would feature an office and enclosed pool on the first floor. The proposed structure represents half the density that is currently allowed so would have less impact on water, sewer, infrastructure, traffic and schools. Mr. Carr explained most upscale condominiums feature nine feet ceilings rather than eight feet, which along with the requirement of breakaway walls on the first floor place pressure on the current height limit of a structure. The proposed structure is compatible with the Comprehensive Plan. He said staff argues that if the property is rezoned, Council must allow every use permitted in the proposed zoning classification but that is not the case. Council could approve the B-8 zoning classification and deny commercial uses such as nightclubs since they are inconsistent with the land use plan. Mr. Carr suggested Council could list and record the limitations of acceptable land uses that would be approved on this parcel, protecting the Council's interests. The owner is requesting the County surrender height limitations but is receiving open space by way of a smaller footprint in return.

Council Member Bruno asked if any other property is zoned B-8 in the immediate area.

Ms. Robinson said there may be property zoned B-8 in the area but not in the immediate area.

Pursuant to discussion and there being no objection, Council Member Jaynes moved to **DENY** the zoning change request and **UPHOLD** the recommendation of the Planning and Land Development Regulation Commission to **DENY Zoning Case Z-02-069**. After Council Member Northey seconded the motion, it carried 7 to 0.

COUNTY COUNCIL MINUTES – JUNE 13, 2002

**Item 6 – This item was withdrawn**

~~PUD-02-028 – Application of Mary Hansen, Attorney for Owners, Bayou Bay, Inc., William Riveiro & Hawk McMillan, Contract Purchaser, Owners, requesting a Rezoning from the R-7 (Urban Multifamily Residential), B-4 (General Commercial), RC (Resource Corridor), and A-2 (Rural Agriculture) zoning classifications to the RPUD (Residential Planned Unit Development) and RC (Resource Corridor) zoning classifications. The property is located on the east side of U.S. 1 approximately 1½ miles south from its intersection with Nova Road, near Rose Bay, south of the City of Port Orange; ± 20.8 acres~~

~~PLDRG Recommendation: DENIAL~~ ~~OPPOSITION at PLDRG~~

~~Staff Recommendation: DENIAL~~

Staff Contact: Mary Robinson, Extension 2013

VC-1021997959484

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→ → → **BEGIN CONSENT AGENDA** ← ← ←

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Council Member Jaynes moved to **APPROVE** the CONSENT AGENDA and all actions recommended therein, as amended to **remove Items 9, 10 and 12**, for discussion. **Item 11 was withdrawn.** After Council Member Lewis seconded the motion, it carried and was duly **ADOPTED** 7 to 0.

**COMMUNITY SERVICES**

**Community Assistance**

**Item 7**

Request for approval of the amendments to the Program Years 2000/2001 and 2001/2002 Consolidated Plan and authorization for the Community Services Director or designee to submit related grant documents to the U.S. Department of Housing and Urban Development and amend all sub-recipient agreements as necessary.

Staff Contact: John Angiulli, Extension 2957

CS-M-02-210

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### FINANCIAL AND ADMINISTRATIVE SERVICES

#### Facilities

#### Item 8

Request for approval of the proposed Change Order No. 1 to Task Assignment No. 6 to the contract with Kenneth Smith Architects for architectural and engineering services for the re-roofing of the historic Volusia County Courthouse and extension of the basic contract as presented. [\$27,000.00]

Staff Contact: Fred Schwenck, Extension 1264

VC-1022761485453

### GROWTH AND RESOURCE MANAGEMENT

#### Land Acquisition

#### Item 9 – Removed by Council Member Northey

Request for approval to declare Parcel No. 9004-01-11-0010, located on the southwest corner of Benson Junction Road and Shell Road in DeBary, as surplus property and authorize staff to proceed with the sale of the property through the bidding process for a minimum bid of \$119,100.00 subject to an agreement to provide an alternate ¼ acre site to the County within two miles of the subject site for storage of raw materials.

Staff Contacts: Douglas M. Weaver, Extension 2953

VC-1022165531906

William C. Gardner, Extension 2082

Council Member Northey expressed concerns about selling this property when the County is considering commuter rail as this property could be used for parking.

Mr. Ray Pennebaker, Deputy County Manager, said this 1½- acre parcel is about 2,000 feet from the proposed rail site and it would not lend itself to a parking lot use.

Council Member Ward requested that staff explore all options.

Council Member Northey moved for **DENIAL** of the request and after Council Member John seconded the motion it **CARRIED** 7 to 0.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### LEADERSHIP

#### County Manager's Office

#### **Item 10 – Removed by Council Member Jaynes**

**Request for approval and adoption of the meeting summary as presented.**

Staff Contact: Betty Holness, Extension 2603

CM-CM-2002-13

Council Member Jaynes referred to Agenda Item Page 10-3, Manatee Protection Plan/Marinas and requested that the following change be made. "Council Chair ~~McFall~~ McFall has faxed to the City Commissioners the March 7, 2002 Council meeting minutes that approved the County's Manatee Protection Plan.

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

#### Economic Development

#### **Item 11 – This item was withdrawn**

~~Request for adoption of Resolution No. 2002 \_\_, authorizing payment up to \$18,000 to support the 20 percent local community match requirement for an application to the State's Qualified Target Industrial Tax Refund Program (QTI) on behalf of Phantom Products, Inc., a manufacturer of emergency electronics and lighting equipment for relocation to New Smyrna Beach. [\$18,000.00 in four payments of \$4,500.00 each]~~

Staff Contact: Richard Michael, Extension 8377

DOED04-Phantom Products, Inc.



**COUNTY COUNCIL MINUTES – JUNE 13, 2002**

**PUBLIC WORKS**

**Engineering**

**Item 12 – Removed by Council Member Northey**

**Request for approval of the purchase of Parcel No. 97 on Saxon Boulevard between Sumatra Drive and Tivoli Drive in Deltona in accordance with the right of way purchase agreement. [\$38,371.93]**

Staff Contact: William G. Gray, Extension 2236

VC-1021647646859

Council Member Northey said Saxon Boulevard is an entranceway into the City of Deltona and the County's zigzag pattern of parcel purchases has created serious problems in this area. Volusia is an urban county and Deltona is an urban community. The County should work with Deltona toward consistency.

Chair McFall said the County could purchase property along one side of the road rather than a little off each side of the road.

Ms. Joette Palmer explained the County has acquired all but 8 to 10 of the required parcels and is too invested in this phase to change but staff could look at a different design for the next phase.

Council Member Lewis said the County should discuss projects of this magnitude with cities involved and perhaps the cities would pay for the portion that an alternate plan would cost. He said the County should also look at a more realistic value because it pays too much more than appraisals of properties.

Council Member John said Council approved the design and should look at designs more closely in the future. He agreed the County might need partners to complete more attractive projects.

Ms. Cynthia A. Coto, County Manager, said Council has discussed urban design for roadways and the Public Works Department is looking at enhanced standards, which it will present to Council. She said the County could purchase the homes and remove them but it would be very expensive.

Pursuant to further discussion, Council Member Lewis moved for **APPROVAL** as recommended and after Council Member Jaynes seconded the motion it **CARRIED** 6 to 1, with Council Member Northey dissenting.

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→ → → **END CONSENT AGENDA** ← ← ←

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## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### PUBLIC HEARINGS AND TIME CERTAIN MATTERS (continued)

#### Item 13

Presentations and request for ranking of firms to provide professional auditing services and authorization for staff to negotiate a five-year contract with the firm Council selects. Request for authorization for the County Manager to sign the contract.

- **Brent, Millikan and Company, P.A., New Smyrna Beach and Harris, Cotherman, O’Keefe and Associates, Winter Park**
- **Ernst and Young LLP, Orlando**
- **James Moore and Company, Daytona Beach**

Staff Contact: Doug Gross, Extension 2687

VC-1022165363671

Chair McFall said it is her understanding the Clerk of the Court is not included in this bid process.

Ms. Cheryl Olson, Director of the Purchasing Division, explained the Clerk of the Court had been included in contracts for professional auditing services with the County in the past but this year issued a separate Requisition for Proposal.

#### **Brent Millikan and Company**

Mr. Alex H. Kish, P.P.A., Engagement Partner with Brent Millikan & Company, P.A. and Mr. Daniel J. O’Keefe, C.P.A., Audit Partner with Harris Cotherman, O’Keefe & Associates, provided a handout. A copy of the handout in its entirety is in the Purchasing Division’s bid file.

They listed their team strengths as continued extensive partner involvement, knowledge of technical requirements, staff continuity, low turnover in personnel, extensive governmental experience, and first-hand knowledge of Volusia County’s governmental organization. They discussed their proven performance with Volusia County as well as their availability and the fact that they are a local firm.

#### **Ernst & Young**

Mr. John P. Vodenicker, Jr., Partner with Ernest & Young, provided a handout. A copy of the handout in its entirety is in the Purchasing Division’s bid file.

Mr. Vodenicker discussed the firm’s qualifications and experience including government expertise in the State of Florida. He also discussed the team’s qualifications and experience. He explained the firm’s commitment to diversity and minority advancement. He discussed the team’s specific audit approach.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### **James Moore and Company**

Ms. Bernadette Britz-Parker, C.P.A., with James Moore and Company, provided a handout and PowerPoint presentation. A copy of the handout in its entirety is in the Purchasing Division's bid file.

She discussed the firm's qualifications, experience, audit approach, and the audit team members' professional affiliations. Ms. Britz-Parker also discussed the firm's community service in Volusia County and their policy toward diversity and minority advancement. James Moore and Company is a local firm.

Ms. Olson provided Council with ballots. Council voted and their choices were read into the record.

Council Members Bruno, Lewis, Ward, Jaynes, John and Chair McFall selected James Moore & Company.

Council Member Northey selected Brent Milliken and Company

Council Member Northey moved for **APPROVAL** for staff to negotiate a five-year contract with **James Moore and Company**. After Council Member Jaynes seconded the motion it **CARRIED 7** to 0.

## **OTHER BUSINESS - NOMINATIONS/APPOINTMENTS**

### **Item 14**

<b>BOARD:</b>	<b>Building Trades Board</b>	
<b>INCUMBENT:</b>	<b>Vacant (Michael Dyer)</b>	<b>COUNCIL APPOINTMENT</b>
<b>TERM EXPIRING:</b>	<b>January 20, 2003</b>	
<b>LENGTH OF TERM:</b>	<b>Three Years</b>	

***Attached is an application from Eleonore Nash indicating her interest in serving.***

Staff Contact: Sue Whittaker, Extension 2188

CMSW-02-166

Council Member Lewis moved to **CONTINUE** this item to the July 18, 2002 meeting and after Council Member Bruno seconded the motion it **CARRIED 7** to 0.

COUNTY COUNCIL MINUTES – JUNE 13, 2002

**Item 15**

**BOARD:** Environmental & Natural Resources Advisory Committee  
**INCUMBENT:** Vacant (Corinne Butler) **DISTRICT 2 APPOINTMENT**  
**TERM EXPIRING:** March 31, 2002  
**LENGTH OF TERM:** Two Years

*There are no District 2 applications on file at this time.*

Staff Contact: Sue Whittaker, Extension 2188

CMSW-02-055

Council Member Bruno moved to **CONTINUE** this item to the July 18, 2002 meeting and after Council Member Northey seconded the motion it **CARRIED** 7 to 0.

**Item 16**

**BOARD:** Growth Management Commission  
**INCUMBENT:** \* Chuck Potter **COUNCIL APPOINTMENT**  
\* Joan Lee **COUNCIL APPOINTMENT**  
**TERM EXPIRING:** June 30, 2002  
**LENGTH OF TERM:** Three Years

*\*Willing to serve another term.*

Staff Contact: Sue Whittaker, Extension 2188

CMSW-02-222

Council Member Lewis nominated and Council **REAPPOINTED** Chuck Potter and Joan Lee to the board and after Council Member Ward seconded the motion it **CARRIED** 7 to 0.

**Item 17**

**BOARD:** Health Facilities Authority  
**INCUMBENT:** x Gloria Ceballos **COUNCIL APPOINTMENT**  
**TERM EXPIRING:** April 15, 2002  
**LENGTH OF TERM:** Four Years

x Not willing to serve another term.

*Attached is an application from Mr. Richard Brown who is interested in serving.*

Staff Contact: Sue Whittaker, Extension 2188

CMSW-02-029

Council Member Bruno nominated and Council **APPOINTED** Richard Brown to the board and after Council Member Northey seconded the motion it **CARRIED** 7 to 0.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### Item 18

**BOARD:** Human Services Advisory Board  
**INCUMBENT:** Vacant (Ken Brown) **DISTRICT 1 APPOINTMENT**  
**TERM EXPIRING:** February 1, 2005  
**LENGTH OF TERM:** Three Years  
*There are no current applications on file at this time.*  
Staff Contact: Sue Whittaker, Extension 2188 CMSW-02-001

Council Member Lewis moved to **CONTINUE** this item to the July 18, 2002 meeting and after Council Member Bruno seconded the motion it **CARRIED** 7 to 0.

### Item 19

**BOARD:** Industrial Development Authority  
**INCUMBENT:** \* David Perryman **COUNCIL APPOINTMENT**  
**TERM EXPIRING:** July 19, 2002  
**LENGTH OF TERM:** Four Years  
*\*Willing to serve another term.*  
Staff Contact: Sue Whittaker, Extension 2188 CMSW-02-223

Council Member Lewis nominated and Council **REAPPOINTED** David Perryman to the board and after Council Member Ward seconded the motion it **CARRIED** 7 to 0.

### Item 20

**BOARD:** North Peninsula Municipal Services District Advisory Board  
**INCUMBENT:** Vacant (Michael Del Ninno) **DISTRICT 4 APPOINTMENT**  
**TERM EXPIRING:** March 31, 2003  
**LENGTH OF TERM:** Two Years  
Staff Contact: Sue Whittaker, Extension 2188 CMSW-02-010

Council Member Jaynes nominated and Council **APPOINTED** Ray Ruester to the board and after Council Member John seconded the motion it **CARRIED** 7 to 0.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### Item 21

**BOARD:** Silver Sands – Bethune Beach Municipal Services District Advisory Board  
**INCUMBENT:** Vacant **DISTRICT 3 APPOINTMENT**  
**TERM EXPIRING:** March 31, 2003  
**LENGTH OF TERM:** Two Years

*Attached is an application from Robert Howard indicating his desire to serve.*

Staff Contact: Sue Whittaker, Extension 2188

CMSW-02-010

Council Member Ward nominated and Council **APPOINTED Wendy Rowan** to the board and after Council Member Bruno seconded the motion it **CARRIED** 7 to 0.

### Item 22

**BOARD:** West Volusia Tourism Advertising Authority  
**INCUMBENT:** Vacant (Linda White) **AT-LARGE NORTHEY APPOINTMENT**  
**TERM EXPIRING:** September 30, 2003  
**LENGTH OF TERM:** Two Years

*There are no current applications on file at this time.*

Staff Contact: Sue Whittaker, Extension 2188

CMSW-02-010

Council Member Northey nominated and Council **APPOINTED David Bridgeman** to the board and after Council Member Lewis seconded the motion it **CARRIED** 7 to 0.

## PUBLIC PARTICIPATION

- Ms. Elizabeth Layton respectfully requested appointment to the Volusian Water Alliance as the Agricultural Industry alternate representative.

Council Member Lewis said the Agricultural Industry alternate representative should be a member of the agricultural community.

Council Member John nominated and Council **APPOINTED Elizabeth Layton** to the Volusian Water Alliance as an Agricultural Industry alternate representative. After Council Member Bruno seconded the motion it **CARRIED** 6 to 1, with Council Member Lewis dissenting.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

### DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA

#### Council Member John

- Council Member John said he understood if a builder pays their permit fees when they submit their application, examination of their plans will be expedited.

Ms. Cynthia A. Coto, County Manager, explained that staff is examining plans submitted prior to the new building code and Pico, an outside company with whom the County has a contract, is examining plans submitted after the new building code went into effect.

Mr. Don Vancini, Building Official, said that contractors were told if they sent and paid Pico directly, their plans would be examined first and that option is still available.

Mr. Ray Pennebaker, Deputy County Manager, said he understands Pico is experiencing a backlog because they have contracts with many other counties and are not accepting any more plans from contractors.

Council Member John asked why the positions in the Building Division have not been filled.

Ms. Coto said the incentive offers have not been successful in attracting qualified applicants. The City of New Smyrna Beach has offered a County employee about \$7,000 more than the County pays him and requires fewer qualifications. Staff is examining salaries to see if the County is competitive. Staff will address “recouping dollars” and fees charged during the budget process.

Discussion ensued.

- Council Member John said the necessary hookup for a generator has been installed at the landfill in case of emergency but no generator has been purchased.

Ms. Cynthia A. Coto, County Manager, said the Landfill Director has not requested a generator through their budget. The necessary hookup was installed in case of an emergency and the County has a contract for the rental of generators as needed.

- Council Member John recalled a change over program allowing employees to convert from sick leave and vacation leave to personal leave. He asked if that conversion program would be offered again.

Ms. Cynthia A. Coto, County Manager, explained the conversion option was a one-time offer to existing employees but all new employees are not given the option, they all receive only personal leave.

Council Member John asked why the conversion option would not be offered again.

## COUNTY COUNCIL MINUTES – JUNE 13, 2002

Mr. Ray Pennebaker, Deputy County Manager, explained two of the contracts with union employees still include the vacation/sick leave option but staff is working toward changing the option to offer personal leave.

### **Council Member Ward**

- Council Member Ward said he did not have any issues for discussion at the time.

### **Council Member Lewis**

- Council Member Lewis said he did not have any issues for discussion at the time.

### **Council Member Bruno**

- Council Member Bruno said he did not have any issues for discussion at the time.

### **Council Member Northey**

- Council Member Northey said she did not have any issues for discussion at the time.

### **Council Member Jaynes**

- Council Member Jaynes said he is not receiving mail in a timely manner. Discussion ensued.

### **Chair McFall**

- Chair McFall said when Mr. Dick Kelton resigned from Volusia County employment; he had to resign from the Independent Board of Directors for the parking garage. Ms. Jamie Seaman has resigned from County employment and should not serve on the board. Chair McFall said she had spoken to Mr. Tom Kelly and Mr. Al Gault, neither of who could serve at this time but both recommended Mr. Joe Benedict for the position.

Mr. Dan Eckert, County Attorney, said a current or former County employee must fill the position.

Council Member John said no changes should be made for the next 45 days until issues are resolved.



## COUNTY COUNCIL MINUTES – JUNE 13, 2002

Mr. Frank B. Gummey, III, Deputy County Attorney, explained the appointment procedure is that members appoint their successors or Council may appoint.

Council Member John asked if a new person would fully understand the issues in a timely manner for resolution.

Mr. Gummey replied Ms. Seaman is very well aware of the issues but Council should select someone in whom they have confidence.

Council Member John said Ms. Seaman has a strong position on the board.

Council Member Northey agreed with Council Member John and suggested Council should ask Ms. Seaman to serve for the next 45 days. She expressed her confidence in Ms. Seaman, if she has the time to serve until the crisis is resolved.

Ms. Coto said that Ms. Seaman indicated she would continue to serve and has advised her new employer of her commitment, but would step aside if the will of Council

Pursuant to discussion, Council reached consensus that Ms. Seaman should continue to serve until the crisis has been resolved.

- Chair McFall requested that staff advise how a member of the Volusia Soil and Water Committee is replaced and if an extra seat could be added.
- Chair McFall reminded Council that the Water Alliance Study would be presented tonight at 5:30 p.m.
- Council Member John nominated and Council **APPOINTED Council Member Bruno** as Voting Delegate for the Florida League of Cities Annual Conference to be held August 15 – 17. After Council Member Northey seconded the motion it **CARRIED** 7 to 0.

**COUNTY COUNCIL MINUTES – JUNE 13, 2002**

**DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA**

Ms. Cynthia A. Coto, County Manager, Florida Inland Navigation District (FIND) will be dredging in the inlet area and anticipates using Dunes Park for their spoils. Ms. Coto spoke to the City of New Smyrna Beach staff, which proposed an alternate site. The City Commission will vote on the proposed site next week.

**ADJOURNMENT**

There being no further business before the Volusia County Council, the meeting was adjourned at 3:50 p.m.

APPROVED  
COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

BY \_\_\_\_\_  
Ann McFall, Chair

ATTEST \_\_\_\_\_  
Cynthia A. Coto  
County Manager

# County Council of Volusia County, Florida

## Minutes

### June 20, 2002

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#### COUNCIL MEMBERS:

Ann McFall, Chair  
Frank T. Bruno, Jr., Vice Chair  
Joseph C. Jaynes  
Big John  
Dwight D. Lewis  
Patricia Northey  
James E. Ward

District 5  
District 2  
District 4  
At-Large  
District 1  
At-Large  
District 3

#### STAFF:

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

### **PUBLIC PARTICIPATION**

- Mr. Gene Godwin, Godwin & Associates, expressed concerns about the procedure to select survey firms. He said in the past he submitted a proposal and was not chosen because he did not have enough office staff. His firm has since merged with another firm, who has provided more office staff. He is a local firm with extensive experience and knowledge in West Volusia County. Mr. Godwin submitted another proposal this year but did not receive any votes from the selection committee.

Mr. Walt Smith, Voyer Singleton, said his firm has an agreement for strategic partnership with Godwin & Associates and hired full-time staff for Mr. Godwin's office to help build business in Volusia County. Both firms submitted a joint proposal. Godwin & Associates has the local experience and Voyer Singleton has extensive experienced staff.

Ms. Cynthia A. Coto, County Manager, said Council would vote on the selection committee's recommendations the last meeting in July.

Council Member Jaynes served on the selection committee. Council could accept the selection committee's recommendations and vote accordingly; serve as the selection committee and review all submittals or select all 15 firms; or could reject all of the submittals and place a new request for proposal (RFP).

### **CALL TO ORDER**

Chair Ann McFall called the June 20, 2002, 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 Ward, John, Bruno, Jaynes, Lewis, Northey, and Chair McFall were present.

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

### INVOCATION AND PLEDGE OF ALLEGIANCE

By Pastor William Beebe, DeLeon Springs United Methodist Church

### FIRE REPORT

Staff Contact: Deputy Chief Ken Gaines, Extension 5635

Deputy Chief Stephen C. Plummer, said Volusia County has received a good deal of rain, which has reduced the chance of wildfires.

### PUBLIC HEARINGS AND TIME CERTAIN MATTERS

#### Item 1

First public hearing and request to set a date for the second public hearing regarding adoption of Ordinance No. 2002-13, Tree Ordinance. A majority plus one vote is required to set a time other than 5:00 p.m.

*Suggested Date and Time: July 18, 2002, at 9:25 a.m.*

Staff Contacts: Steve Kintner, Extension 5851

GRM/EM/EP/02-13A

Joe Waller, Extension 2059

Council Member Northey moved for **APPROVAL** to set a date for the second public hearing regarding adoption of Ordinance No. 2002-13 as recommended and after Council Member Jaynes seconded the motion it **CARRIED** 7 to 0.

#### Item 2

Request for consideration of a special events permit request from the Ocean Deck Restaurant for the “Summer Reggae Race Festival” to be held on the beach from July 3, 2002 through July 7, 2002 from 12:00 p.m. to 3:00 a.m. daily.

Staff Contact: Kevin Sweat, Extension 6600

2002 BCH 06

Mr. Kevin Sweat, Beach Operations Chief, provided the staff report.

Ken Botts, Ocean Deck Restaurant, was present.

Council Member Northey said she could not support this event on the beach during turtle nesting season.

Council Member Bruno moved for **APPROVAL** as requested and after Council Member John seconded the motion it **CARRIED** 5 to 2, with Council Members Ward and Northey dissenting.

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

### Item 3

**Request for approval of joint participation in support of converting existing overhead electric utilities to underground utilities in the North Beach area of New Smyrna Beach, south of the Volusia County Smyrna Dunes Park, the Coast Guard Station and the NASA tracking station. [\$9,312.73]**

Staff Contact: Bill Apgar, Extension 5953

Mr. Bill Apgar, Director of the Leisure Services Division, introduced Mr. Ron Vaden of the New Smyrna Beach Utilities Commission.

Mr. Vaden explained the formation of the Commission and that the Commission runs the utility for the City of New Smyrna Beach. The Coast Guard and NASA are paying their portions to retrofit electrical services from overhead to underground and Mr. Vaden asked the County to pay for the retrofitting along the North Beach south of the Volusia County Smyrna Dunes Park in the amount of \$9,312.73. He also asked the County to set up a special assessment district for the retrofitting for 40 residents in unincorporated Volusia County. He said if the Commission does not obtain County approval, it must obtain 100 percent participation from the citizens, which is nearly impossible.

Ms. Cynthia A. Coto, County Manager, explained the issue regarding the special assessment district is not before the Council today but could be placed on future agenda if Council so chooses. The issue before Council today is for the \$9,312.73 commitment. The issue of a larger endeavor should be dealt with at a later date.

Council discussion ensued.

Council Member Jaynes asked why staff proposed to expend Port Authority funds for this endeavor.

Mr. Apgar explained Smyrna Dunes Park was financed with Port Authority funds and Port Authority funds have financed the park's upgrades in the past. He said he discussed the funding with Mr. Joe Nolin, Special Projects Coordinator for the Airport/Port Authority Services Department and Mr. Dennis McGee, Director of the Airport/Port Authority Services Department, and they agreed with the funding source.

Council Member John moved to **CONTINUE** this item to afford the Port Authority Advisory Board to review the funding issue. After Council Member Lewis seconded the motion it **CARRIED** 7 to 0.

### Item 4

**Request for approval of the Economic Development Strategic Plan.**

Staff Contact: Rick Michael, Extension 8048

Mr. Rick Michael introduced Mr. Bob Gray, President of Strategic Planning Group, Inc.

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

Mr. Gray reviewed the final draft of the Economic Development Strategic Plan and Funding Matrix prepared for Volusia County. A copy of the plan in its entirety is in the County Council records.

Mr. Gray said the overall vision statement drove and shaped the plan. *Generate sustained economic growth of the County by encouraging new investment, creation of value-added, full-time employment, while maintaining the area's abundant natural and manmade resources as envisioned in Volusia Forever and ECHO.*

The plan's central conclusions are as follows:

- To effectively pursue economic growth, the community must better manage its total economic process (business development, tourist development, community development and workforce development). A new emphasis on thinking and acting as a unified county/community first, requiring better cooperation between cities, county and private sector as a multi-county region second.
- The county's economic development efforts must refocus attention on programs to support existing business and existing job skills. Further economic diversification is also needed, through continued development of manufacturing (aviation/avionics, automobile components/sub assembly, marine/marine recreational, and medical device), hospitality, distribution, health care and knowledge-based (IT) commerce; through aggressive targeted business attraction programs; and through expanded support for entrepreneurs and growth in our midst.
- Significantly greater funds must be invested over the next decade in adult workforce development and education, public infrastructure, and managing and marketing this sustainable economic development program.
- To achieve effective and consistent leadership for planning, infrastructure investment and the delivery of other public services to support economic development, cooperation among all stakeholders will be required.
- Growth must accommodate the protection and enhancement of the natural and manmade resource base that defines the community's existing quality of life. Economic growth/diversification and environmental protection must proceed hand-in-hand.

Mr. Michael said most elements are achievable but some parts of the plan cost could not be determined until the design work has been completed. He said it is a holistic approach to economic development.

Ms. Cynthia A. Coto, County Manager, explained that a working group of staff members meets regularly to work together as a team. Implementation of the plan will begin with a request for five new positions in the Economic Development Department. She said implementation would focus on industrial parks first.

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

Council Member Northey asked if the plan includes a five-year goal to increase the average wage in Volusia County.

Mr. Michael explained local government could not impact local wages as they are controlled by the free market system. The County will target certain industries, which could help increase wages.

Ms. Michele Moen expressed concerns about the plan. She said although she recognizes the need for an economic development plan and appreciates the effort; the County should place more emphasis on Goal 6 Maintain and Enhance the Quality of Live/Environment in Volusia County.

Mr. Michael explained Volusia County's Growth Management Department worked on Goal 6 and 74 percent of the budget is allocated to Goal 6.

Council discussion ensued.

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

### Item A1

**Discussion regarding the alternatives and provide direction to staff on which alternative should be used to develop draft charter language.**

Staff Contact: Matt Greeson, Extension 5549

Mr. Matt Greeson, Assistant to the County Manager, presented maps showing the following alternatives as discussed by the Charter Review Committee.

- Three districts, with two members elected from each district and one at-large position, which shall be the Chair
- Six districts and one at-large position, which shall be the Chair
- Four districts and three at-large positions, one of which shall be the Chair
- Four districts, two at-large positions that run from equal sized residence areas, and one at-large position that is the Chair
- Five districts and two at-large positions, one of which shall be the Chair

Mr. Jim Cameron, Halifax Area Chamber of Commerce, said the Chamber would like more public input because redistricting is a major issue.

Pursuant to Council discussion, Chair McFall requested that staff schedule a workshop with the Charter Issues Advisory Committee.

Dr. Bailey said if a government makes a change to its constitution, the change should be made for a compelling reason. The current system in Volusia County is working and is a model for other counties

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

in Florida. He asked Council to please consider the reasons for the change. Dr. Bailey said while he understands the desire for a strong Chair, Council must look at the price of the change. He said he strongly supports the five district representatives and two at-large representatives system now in place. He said restructuring representation is a very fundamental issue. Dr. Bailey said concerns about Council members' salaries are well placed.

Council Member Northey said Council is open to suggestions from the public and the Committee. This is an opportunity to understand the committee's recommendations and make changes if appropriate. She said she has confidence in the voters to make the correct choice.

Dr. Bailey said some of the proposed changes are fundamental and should be debated prior to any action.

The workshop between the County Council and the Charter Issues Advisory Committee was set for July 24 at 5:30 in the Thomas C. Kelley Administration Building Training Room.

Council Member John asked how many questions should be placed on the ballot.

Mr. Daniel Eckert, County Attorney, said Council should place no more than two questions on the ballot.

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→ → → **BEGIN CONSENT AGENDA** ← ← ←

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Council Member Jaynes moved to **APPROVE** the CONSENT AGENDA and all actions recommended therein, as amended to **remove Items 9, 11 and 13**, for discussion, said motion seconded by Council Member Lewis and duly **ADOPTED** 7 to 0.

### COMMUNITY SERVICES

#### Community Assistance

### Item 5

**Request for adoption of Budget Resolution No. 2002-107, appropriating funds to increase the Summer Food Service Program for children in accordance with the State of Florida, Department of Education. The State of Florida, Department of Education, reimburses all program expenditures. [\$11,394.00]**

Staff Contact: Gloria K. Fordham, Extension 2980

CA-HS-02-06



## COUNTY COUNCIL MINUTES – JUNE 20, 2002

RESOLUTION NO. 2002-107

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

### Item 6

**Request for approval of the Fiscal-Year 2002 Public Housing Agency Annual Plan. Request for authorization for the Council Chair and the County Manager to execute the required certifications. Request for authorization for the Community Services Director or designee to make technical modifications to the Annual Plan as necessary.**

Staff Contact: John Angiulli, Extension 2957

CA-PM-02-09

### Item 7

**Request for adoption of Budget Resolution No. 2002-108. Request for authorization for the Council Chair and County Manager to execute documents for the submission of the Fiscal-Year 2002/2003 One-Year Action Plan for the Volusia/Seminole Consortium to the U.S. Department of Housing and Urban Development (HUD). Request for authorization for the Community Services Director or designee to execute all sub-recipient and CHDO agreements and to make technical modifications to the Action Plan and sub-recipient/CHDO agreements as necessary. [\$5,513,500.00]**

Staff Contact: John Angiulli, Extension 2957

CA-PM-02-11

RESOLUTION NO. 2002-108

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

### Item 8

**Request for adoption of Budget Resolution No. 2002-109, appropriating the 2002-2003 State Housing Initiatives Partnership (SHIP) funds for approximately \$2,608,610, program income of \$50,000 and \$50,000 in investment income. [\$2,708,610.00]**

Staff Contact: James L. Whittaker, Extension 2566

CS-HA-02-02

RESOLUTION NO. 2002-10

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

### FINANCIAL AND ADMINISTRATIVE SERVICES

#### Chief Financial Officer

#### **Item 9 – Removed by Chair McFall**

**Request for adoption of Resolution No. 2002-112, approving the issuance by the Volusia County Educational Facilities Authority of Variable Rate Educational Facilities Revenue Bonds (Stetson University, Inc., Project) Series 2002 in the aggregate principal amount of \$10,850,000.00. (The County is not responsible for repayment of the Bonds or the interest thereon.)**

Staff Contact: Myriam Lemay, Extension 2261

VC-1022175412359

Contact: Ken Artin, Attorney for the Volusia County Educational Facilities Authority, 407 426-7001

Ms. Myriam LeMay, Chair of the Financial Services Group, introduced Mr. Ken Artin.

Mr. Artin explained the Internal Revenue Service requirement for local government approval.

Pursuant to discussion and there being no objection, Council Member Ward moved to **ADOPT Resolution No. 2002-112**, entitled as follows and on file in its entirety with the records of the County Council. After Council Member Jaynes seconded the motion it carried and was duly **ADOPTED** 7 to 0.

#### RESOLUTION NO. 2002-112

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, APPROVING THE ISSUANCE OF VARIABLE RATE EDUCATIONAL FACILITIES REVENUE BONDS (STETSON UNIVERSITY, INC. PROJECT), SERIES 2002 OF THE VOLUSIA COUNTY EDUCATIONAL FACILITIES AUTHORITY.

### GROWTH AND RESOURCE MANAGEMENT

#### Environmental Management

#### **Item 10**

**Request for approval of Task Assignment #6, to Contract #GC-561 with the Florida Department of Environmental Protection (DEP) for the Storage Tank System Compliance Verification program. Request for adoption of Budget Resolution No. 2002-110, allocating funds for the tasks and continuing the inspection program through June 30, 2003. [\$246,005.00]**

Staff Contacts: Steve Kintner, Extension 5851

GRM-EM-PC-02-14A

Emma Jean Edmondson, Extension 2295

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

RESOLUTION NO. 2002-110

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

### Planning and Development Services

**Item 11** – Removed by a Member of the Public, Council Member John and Chair McFall  
**Request for approval to accept the Florida Department of Transportation's offer to pay for the first phase of a corridor land use analysis for the State Road 415 corridor including a concept plan outlining appropriate land uses, land development forms, conservation lands, roadway network and roadway characteristics.**

Staff Contact: Montye Beamer, Extension 2000

VC-1023473291906

Chair McFall said the Florida Department of Transportation is proposing to pay for Phase 1 and asked if Volusia County would have to pay for Phase 2.

Ms. Montye Beamer, Director of the Planning and Development Services Division, said the County would pay for Phase 2 and the consultant would negotiate directly with Volusia County.

Council Member John asked if this is the first time the Florida Department of Transportation has made this type of offer.

Ms. Beamer said this is the first offer of this type she is aware of and it would save Volusia County \$200,000.

Council Member Ward said he is not comfortable approving this item not knowing what Phase 2 will cost.

Council discussion ensued.

Ms. Michele Moen said expanding roads promotes development and traffic. If the County would like to protect this area, it should be careful about expanding the road. Many people that own acreage in that area and would want to develop commercially.

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

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

### LEADERSHIP

#### Airport

#### Item 12

Request for authorization to purchase four changeable message signs from American Signal Company of Atlanta, Georgia, in the amount of \$19,072.00 each from the Florida Department of Transportation Flexible Funding Grant, including transportation as per GSA Contract #GSO7F-0339L. [\$76,288.00]

Staff Contact: Jack Abbott, Extension 8341

JPA-2482541

#### Sheriff's Department

#### Item 13

Request for authorization to submit and accept the Local Law Enforcement Block Grant from the U.S. Department of Justice as outlined. Request for adoption of Budget Resolution No. 2002-113, appropriating \$271,547.00 in revenues and expenses. Request for authorization for the Purchasing Director to award the purchase of equipment and associated accessories per county purchasing requirements. [\$271,547.00 - \$244,392.00 Grant Funds; \$27,155 County Match]

Staff Contact: Laura Bounds, Extension 2108

SO-AG-02-10

Council Member John asked how the grant funds would be used.

Ms. Laura Bounds, Volusia County Sheriff's Office, said the funds would be used for telecommunicators, extradition staff, and evidence staff during special events and to purchase mobile command center.

Council Member John said the County would spend \$200,000, which is not in the budget, for special events mainly in the Daytona Beach area.

Pursuant to discussion and there being no objection, Council Member Jaynes moved to **ADOPT Budget Resolution No. 2002-113**, entitled as follows and on file in its entirety with the records of the County Council, as recommended, said motion seconded by Council Member Bruno and duly **ADOPTED** 7 to 0.

#### RESOLUTION NO. 2002-113

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

### PUBLIC WORKS

#### Engineering

#### Item 14

**Request for approval of Change Order No. 1 to Contract No. 1003, for the reconstruction of Atlantic Avenue in New Smyrna Beach to address drainage problems. Request for adoption of Budget Resolution No. 2002-111, appropriating \$132,546.00 from the City of New Smyrna Beach. [\$132,546.00]**

Staff Contact: William G. Gray, Extension 2294

VC-1023281039671

#### RESOLUTION NO. 2002-111

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2000-2001 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

#### Road Maintenance

#### Item 15

**Request to award contracts for ready-mix concrete, flowable fill, concrete blocks, red clay bricks, reinforcing bars, fabric and masonry sand, Bid No. 02-B-106BB, to Tarmac America for all concrete items except masonry sand and B. A. Roberts for masonry sand for a three-year period, with an option to extend for two additional one-year periods.**

Staff Contact: George Rectenwald, 822-6422

VC-1022607307203

#### Solid Waste

#### Item 16

**Request for approval and execution of the renewal agreement with GEL Corporation to provide recyclable materials processing and marketing services and continue the lease agreement. [\$152,500.00]**

Staff Contact: Josef F. Grusauskas, 943-7889, Extension 6021

VC-1022598409437

**COUNTY COUNCIL MINUTES – JUNE 20, 2002**

**Item 17**

**Request for approval for the County Manager to sign and submit the Waste Tire Grant application to the Florida Department of Environmental Protection to be used for collection and processing of waste tires.**

Staff Contact: Regina Cunningham, 943-7889, Extension 6021

VC-1022779140390

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→ → → **END CONSENT AGENDA** ← ← ←

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**Item 18**

**A-02-063 - Request for consideration of Jim Clayton, Attorney for Appellant, Doris Niemi, Aggrieved Party's application APPEALING the determination of Planning and Land Development Regulation Commission to grant a variance for a rear yard setback (13 feet in lieu of the required 20 feet) and a variance for a waterfront setback (10 feet in lieu of the required 25 feet) to construct a single-family dwelling. The property is located on the south side of Grunion Avenue, approximately 100 feet west from its intersection with River Road in the community of Bethune Beach, ± 27 acres.**

**PLDRC Action: APPROVED the Variance Requests**

**OPPOSITION at PLDRC**

**Staff Recommendation: APPROVAL**

Staff Contact: Mary Robinson, Extension 2013

VC-1022244054968

Ms. Mary Robinson, Director of the Building and Planning Division, provided the staff report.

Mr. Daniel Eckert, County Attorney, explained this is an appeal and only evidence in the record of the Planning and Land Development Review Commission hearing may be considered or presented at this hearing.

Mr. Jim Clayton provided transcript of the Planning and Land Development Review Commission hearing. He said the applicant is not the owner of the property but is the contract purchaser. The issue is can a smaller house be built on the lot meeting the minimum requirements without a variance and the answer is yes. Therefore, there is no hardship. The average house size in this area is substantially smaller than the proposed house. There are some larger houses but most are smaller.

Mr. Jim Morris said multiple floor houses represent the common construction style in this area due to lot size. There are a number of much larger houses in the immediate area including the house next door. The issue is whether the owner has reasonable use of the land. If the construction impacts wetlands, they would have to mitigate and check with the Department of Environmental

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

Protection prior to applying for a building permit and requesting variances. Due to the orientation of the property, the setbacks are different than other property in the area. The appellants were under the impression that the property in question was not a buildable lot. They believed nothing would ever obstruct their view of the waterfront.

Mr. Joe Young, Biological Consulting Services, said the Florida Department of Environmental Protection has reviewed the plans submitted and issued a permit. The Army Corp of Engineers has also issued a permit. The County would issue an environmental permit with the building permit. The owner could not build a house typical of this area without a variance. A portion of the lot is under the mean high water line.

Mr. Morris said the area affecting the wetland is minimal and the variances requested are minimal and needed because of the orientation of the lot. Some of the wetland area affected would be affected regardless of the size of the house and the setbacks to allow access to the property.

Ms. Wendy Roen, Mr. Jim Russell and Mr. Robert Howard said they are opposed to the variance.

Council Member Ward read a letter from the Bethune Beach Homeowners Association into the record opposing the variance.

Mr. Clayton said the footprint of the house is 1,500 square feet but could be made smaller and a variance would not be required. No variances have been granted in the past for the homes in the area.

Pursuant to discussion and based on competent substantial evidence, Council Member John moved to **APPROVE** the appeal and **OVERTURN** the determination of the Planning and Land Development Regulation Commission to approve the variance request for **Zoning Case V-02-015**, and after said motion was seconded by Council Member Northey it carried 7 to 0.

### Item 19

**Request for approval of the tree removal permit for the relocation of four historic oaks as shown on the Final Site Plan for Wal-Mart SuperCenter on State Road 44 in New Smyrna Beach (02-F-FSP-0107).**

Staff Contact: Palmer M. Panton, Extension 2736

VC-1023372790046

Mr. Palmer Panton, Land Development Manager, provided the staff report.

Council Member Jaynes inquired about the success rate of moving trees of this size.

Mr. Panton explained this has never been done in Volusia County and he is not sure of the success rate elsewhere.

## COUNTY COUNCIL MINUTES – JUNE 20, 2002

Council Member Northey asked if there is a ten-year review in place.

Mr. Panton said Wal-Mart has not received a development review approval but staff is recommending a ten-year review. He explained Wal-Mart could request to remove the trees and pay mitigation if they so chose.

Mr. Joe Waller, County Forrester, explained the mitigation fee has not been calculated as Wal-Mart has not requested the option of tree removal. His best guess would be an additional \$3,000 to \$4,000. Wal-Mart is already paying \$600,000 to \$700,000 into the tree replacement fund. He said he was skeptical but Mr. Steve Clark of Steve Clark & Associates has convinced him that relocation is feasible with a ten-year maintenance agreement to re-establish the roots of the trees. He said moving the trees is very costly and he would support removal of these trees and use the money for tree replacement elsewhere. Three of the trees in question are very close together. The other tree is more of a feature tree. These trees have another 50 – 75 years of life if left unmoved but Mr. Waller could not estimate their life expectancy if moved. He said he is In favor of the ten-year plan for these trees for both root and aerial treatments.

Mr. Doug Daniels said he represents Wal-Mart and his client is trying to save as many trees as possible. Wal-Mart has reconfigured the structure and has hired a tree relocation expert.

Mr. Steve Clark of Steve Clark & Associates said his firm is serving as natural resource planners for this project. He said he has been in business for about 20 years and has worked all over the country. Building in concert with nature is his firm's specialty. He said this project has been redesigned seven times. Wal-Mart would be saving 27 historic trees, moving 4 and leaving 11 in the parking lot. It has proposed to save historic trees in the garden center. The trees would be moved to different area than originally proposed so as not to affect the wetland area. He provided a PowerPoint presentation and explained the aeration system to be placed under the parking lot for the roots of the transplanted trees. Specialty consultants and contractors would handle the tree moving and placement. He showed a cypress dome that his firm relocated in Pensacola, Florida about 1½ years ago and explained the process. Mr. Clark said it would cost Wal-Mart approximately \$250,000 to move the trees.

Council Member John asked Mr. Clark if he would spend the money to move the trees.

Mr. Clark said he would not spend the money; he would remove the trees and pay into the tree replacement fund.

Council Member Northey asked Mr. Clark if his firm is on retainer to maintain the trees after moving them.

Mr. Clark said his firm is on retainer for two years but is willing to remain on retainer for ten years.

Mr. Daniels said Wal-Mart has not discussed removing the trees and paying into the tree replacement fund but if it is Council's preference, he would discuss the option with Wal-Mart.



## COUNTY COUNCIL MINUTES – JUNE 20, 2002

Mr. Mike Thompson, Sierra Club, said Wal-Mart makes promises about trees but many trees in their parking lots are dead. Wal-Mart will have to bring in a lot of fill and they should not build on this site.

Mr. Robert Howard asked that Council not consider tree removal and said successfully moving historic trees is not likely. He asked that Council specify the consequences of failure.

Ms. Mary Hansen said Council should use industry standards when making this decision and Wal-Mart has not met the industry standard. These are unique trees. She asked the Council deny or table this issue.

Ms. Gwen Straub, Carter 44 Civic Association, said this request is premature, as the project has not yet been approved.

Mr. Daniels said Mr. Steve Clark had nothing to do with the trees in New Smyrna Beach and has no knowledge of those trees. Mr. Waller evaluated the project very closely and Wal-Mart revised the site plan seven times to save as many trees as possible. The proposal does meet the industry standard.

Council Member Bruno asked if there is a penalty if the trees are moved unsuccessfully.

Mr. Panton said the penalty could be a condition of Council's approval and would be in the form of a performance agreement.

Council Member Northey moved for **DENIAL**. After Council Member Jaynes seconded the motion it **CARRIED** 7 to 0.

### Item 20

**Request for consideration of Mary Hansen, Attorney for the Corridor 44 Civic Association's, appeal of the Development Review Committee's approval of the final site plan development order for Wal-Mart, near New Smyrna Beach, File No. 02-F-FSP-0107, subject to the recommendations of the technical review staff and the additional comments approved by the Development Review Committee as evidenced in the letter from Land Development, dated April 4, 2002.**

**Staff Recommendation: Deny the appeal and uphold the Development Review Committee's decision.**

Staff Contact: Palmer M. Panton, Extension 2736

VC-1023370900390

Mr. Palmer Panton, Land Development Manager, provided the staff report.

Council Member Northey asked if Wal-Mart would be required to annex into the City of New Smyrna Beach to obtain utilities.

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Mr. Panton said Wal-Mart would be required to annex into the City of New Smyrna Beach to obtain utilities and staff requested comments from the City regarding the proposed project. The comments received were neither negative nor positive but addressed the issues of the plan.

Ms. Mary Hansen said she represents the Corridor 44 Civic Association and has grave concerns about the public not having the opportunity to present evidence at the Development Review Committee meeting. She said there was an illegal subdivision in the preliminary plat. Wal-Mart did not show that it met its burden for site plan approval. This is one of the lowest sites in New Smyrna Beach and water runs through it; the site has a drainage connection to Turnbull Bay. Volusia Forever should consider acquiring the property for public ownership. The New Smyrna Beach City Commission has not agreed to supply utility services to this site and although there is capacity, no decision has been made to extend the lines. A smaller more site-sensitive structure would not impact the wetlands and this County has a record of protecting wetlands. This is not a good site for a super center. Wal-Mart should have done a better feasibility study regarding this site. This project is not consistent with the Comprehensive Plan as the Plan states that construction should not impact an area adversely, must have water and sewer connections, should protect the County's resources and should adhere to the limitations of the site. Further, Wal-Mart has not submitted an area study for this site. This development would add to flooding problems in the area.

Ms. Winchester, Corridor 44 Civic Association, discussed the negative traffic impact.

Mr. Doug Daniels said this project is entitled to site plan approval as the property is properly zoned for this type of development and is consistent with the land use designated by the Comprehensive Plan. The traffic impact and wetland impact reports were submitted. The basis upon which this appeal was filed no longer exists as the request to move four trees was denied. The Secretary of State has approved the plan regarding the canals. With regard to the wetland issue, Wal-Mart has met the mitigation provisions. Wal-Mart would not build a super center without water and sewer.

Mr. Derrick Kay, Engineer and Project Manager, said the illegal subdivision was not on the Wal-Mart site but on the adjacent site. Wal-Mart is with the City of New Smyrna Beach to obtain water and is proposing to construct a sanitary sewer lift station. A drainage evaluation of the area was performed and revealed 38 acres drain into this site. The project would contain a swale to accommodate that drainage as well as additional treatment including three discharge points for the site. Wal-Mart has submitted a site plan to the City of New Smyrna Beach. Further, Wal-Mart has modified the site plan to meet Volusia County staff concerns.

Ms. Michelle Beauchemin, Professional Engineer, Kimley-Horn and Associates, Inc., discussed the traffic study, dates submitted and dates of comments back and forth. The study was coordinated with County staff and the Department of Transportation and was approved. The study was Tuesday, Wednesday and Thursday, which is the typical time to perform traffic studies.

Council Member Lewis explained the traffic patterns in the area are very different on weekends and traffic is much heavier on weekends.

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Ms. Beauchemin said State Road 44 is level of service B and would remain so with the proposed development.

Ms. Kathleen Hoffman, Janus Research, said Wal-Mart understands the significance of the canals on the site and they would be preserved, as they exist. She furnished a letter from the State citing there would be no adverse affects on the canals. Ms. Hoffman explained the canals would be filled with clean sand to delineate the canals and pavement would be placed over some of the canals. The design would not be altered and would remain intact. She explained this is an accepted method of preservation. The canals have been documented and studied.

Ms. Dot Moore; Mr. Mike Thompson, Sierra Club; Ms. Anna L. Petross; Mr. Horace W. Brandon; Ms. Debbie Boots; Ms. Mary Richards; Ms. Terry Nearing; Mr. Jim Humphrey; Mr. Dave Borland; Ms. Barbara Herrin; Mr. John M. Hagerty; Ms. Donna Stoddard; Ms. Donnadine Miller; Mr. Robert Howard; and Ms. Jo Hall spoke in opposition of the proposed Wal-Mart development on this property citing historic concerns, environmental concerns, wetland issues; flooding, traffic, crime, and the adverse affect Wal-Mart moving out of its current location would have on the other stores in the shopping center.

Mr. William Anderson spoke in favor of the Wal-Mart development. This property will be developed with or without the Wal-Mart development.

Ms. Mary Hansen said Wal-Mart has not offered any reason why they could not down size so as not to impact wetlands and it has not met the requirements for site plan approval. Council could deny this site plan based on the level of intensity and the development not being in compliance with the Comprehensive Plan. This is not a suitable site for this type of development.

Ms. Lisa Bosch, Assistant County Attorney, said the issue before Council today is whether the site plan should be approved or if the appeal should be granted based upon substantial competent evidence.

Council Member Ward said the canal does have tidal activity and Mr. Kay, Engineer and Project Manager advised Council the tidal activity was not figured into the calculations. There are flooding issues and this development would make the flooding worse. This is not an appropriate location.

Council Member Lewis said he defends property rights but development must be environmentally sensitive. The traffic survey should have been done on weekends and he expressed concerns about the proposed method of historic preservation.

Council Member Bruno said this property is zoned for commercial development and if it is not rezoned, there will be some type of development on the site. He suggested perhaps Volusia Forever should consider acquisition of the site to protect the environmental concerns.

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Council Member Northey said filling the canals with sand as proposed is an appropriate preservation method.

Pursuant to discussion and based on competent substantial evidence, Council Member Jaynes moved to **APPROVE** the appeal and **OVERTURN** the determination of the Development Review Committee to approve **File No. 02-F-FSP-0107**, and after said motion was seconded by Council Member Lewis it carried 7 to 0.

### DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA AND COMMITTEE REPORTS

#### Council Member Ward

- Council Member Ward said Volusia is the only county that has a county council. Perhaps the council should be re-named county commission. This change could be made during the charter review currently underway.

Mr. Dan Eckert, County Attorney, said there is no fundamental difference in the names. The term “council” was used to differentiate from the former Volusia County government. The change from council to commission would require a charter amendment. Therefore, the County must publish the entire text change and council is referred to frequently in the charter.

#### Council Member Lewis

- Council Member Lewis read the qualifications for representatives from the interlocal agreement forming the Volusian Water Alliance.

“ . . . one shall be an agricultural representative engaged either in the commercial growing and selling of ferns, or sod, or otherwise in commercial agricultural pursuits which are significant water consumers . . . ”

Council Member Ward moved to **RESCIND** the appointment of Elizabeth Layton as Agriculture Alternate on the Volusian Water Alliance. After Council Member Lewis seconded the motion it **CARRIED** 7 to 0.

Council Member Lewis nominated and Council **APPOINTED Gerald Fieser** to the board and after Council Member John seconded the motion it **CARRIED** 7 to 0.

- Council Member Lewis said several cities are making technical changes to the Florida Building Code. A countywide review board should be set to review the changes. He asked that the matter be placed on Council’s agenda.

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- Council Member Lewis inquired about the Florida Supreme Court ruling regarding intangible taxes.

Mr. Dan Eckert, County Attorney, said the Florida Supreme Court over-ruled the Fifth District Court of Appeals and the parcels would be back on the tax rolls for the year in question.

Chair McFall said Deputy County Attorney Frank B. Gummey, III, would contact the owner of the stores to encourage them to pay the back taxes.

### **Council Member Northey**

- Council Member Northey said there is growing concern about myregion.com among the Regional Planning Council members that Volusia is more of a sponsorship than a full partner. Staff is rewriting parts of the contract and is working with the Chamber of Commerce in Orlando to create a work plan to adopt as a region. The Regional Planning Council expects to have the matter resolved within 60 days or will opt out.
- Council Member Northey said the Regional Planning Council discussed an interlocal agreement with the Volusia County School Board whereby development is linked to school capacity following Orange County's model. There have only been two lawsuits filed against this policy, which has been in place since 1996. The School District identifies if it could accept more students. The attorney from Orange County is willing to come before the Volusia County Council to explain the process.
- Council Member Northey said the Spring Hill annexation was defeated; the County might want to consider creating its own Community Redevelopment Area.

Chair McFall requested the status of the blight study.

Ms. Cynthia A. Coto, County Manager, said commencement of the study was on hold pending the outcome of the annexation. Even though the annexation has failed, the County pledged a Community Redevelopment Area for Spring Hill. She suggested a 50/50 partnership between the City of DeLand and the County.

Council Member Ward said the tax increment would never be enough to make any changes.

Ms. Coto explained there would be other funding sources available and it would be a long-range effort.

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### Council Member Jaynes

- Council Member Jaynes said the Volusia Water Alliance Board of Representatives unanimously supported Mr. Jake Varn's report for the Volusia Water Alliance. There would be an independent transition team for the water supply entity and the team and funding would funnel through the Volusia Water Alliance. \$250,000 would be earmarked for the transition team with the hope \$125,000 of that would come from the St. John River Water Management District and the remainder from a per capita basis. Every local government would be asked to appoint a transition team member. The transition would begin October 1, 2002 - at beginning of fiscal year. Council discussion ensued.

### Council Member John

- Council Member John inquired about the Supreme Court ruling regarding internet filters for computers in libraries.

Ms. Cynthia A. Coto, County Manager, said the ruling is that filters should not be installed. She said staff would present the issue to Council at the July 25<sup>th</sup> meeting.

Mr. Dan Eckert, County Attorney, advised Volusia County is currently in compliance with the Supreme Court ruling.

In light of the Supreme Court ruling, Council elected not to re-hear this issue.

- Council Member John requested a report regarding additional parking on Neptune Avenue in Ormond Beach.

### Council Member Bruno

- Council Member Bruno did not have any issues for discussion.

### Chair McFall

- Chair McFall inquired about the legal fees for the parking garage.

Mr. Daniel Eckert, County Attorney, said he and the County Manager agreed to pay the legal fees up to the Manager's spending authority and as the fees exceed that limit, they would request approval from Council for further spending. As of the end of May, the fees were about \$15,000 and a good deal of work has been done since then. The fees will reach \$25,000 very soon if not already.

Further discussion ensued.

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Council Member Ward moved for **APPROVAL** to expend funds for operation of the parking garage for a period of 30 days from the Ocean Center fund as requested. After Council Member Northey seconded the motion it **CARRIED** 5 to 2, with Council Member John and Chair McFall dissenting.

Chair McFall requested the written policy providing for the Manager's discretion for spending.

- Council appointed Mayor "Bud" Asher, Daytona Beach and Mayor James Vandergriff, New Smyrna Beach to serve on the Volusia League of Cities, Board of Directors.

### DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA

- Ms. Cynthia A. Coto, County Manager, said she did not have any issues for discussion.
- Mr. Daniel Eckert, County Attorney, said the NAACP v. Harris case naming Volusia County is set for trial the last two weeks of August 2002. He asked that Council continue to pay the legal consultant. The last bill received from the consultant brought the total to \$41,000.

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

### ADJOURNMENT

There being no further business before the Volusia County Council, the meeting was adjourned at 6:50 p.m.

APPROVED  
COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

BY \_\_\_\_\_  
Ann McFall, Chair

ATTEST \_\_\_\_\_  
Cynthia A. Coto  
County Manager