

**County Council of Volusia County, Florida  
MINUTES  
MAY 19, 2011**

<b>COUNCIL MEMBERS:</b>		<b>STAFF:</b>
<b>Frank T. Bruno, Jr.</b>	<b>County Chair</b>	<b>James T. Dinneen, County Manager</b>
<b>Patricia Northey</b>	<b>Vice-Chair/District 5</b>	<b>Daniel D. Eckert, County Attorney</b>
<b>Joyce M. Cusack</b>	<b>At-Large</b>	<b>Mary Anne Connors, Deputy County Manager</b>
<b>Andy Kelly</b>	<b>District 1</b>	<b>Charlene Weaver, Deputy County Manager</b>
<b>Joshua J. Wagner</b>	<b>District 2</b>	<b>Betty J. Holness, Community Outreach Manager</b>
<b>Joie Alexander</b>	<b>District 3</b>	<b>Marcy A. Zimmerman, Deputy Clerk</b>
<b>Carl G. Persis</b>	<b>District 4</b>	<b>Camilla Grasso, Recording Secretary</b>
		<b>Karen Yaris, Administrative Aide</b>

Public participation is encouraged on matters on the agenda. If you desire to be recognized by the Chair, please fill out a request form and present it to one of the staff members present in the Council Chambers. This will allow the County Chair to provide ample time for those desiring to be heard.

Public participation on items not on the agenda can be presented to the County Chair and other Council Members attending, along with County staff representatives at 8:30 a.m. prior to the regular session of the Council meeting that begins at 9:00 a.m. Public participation will also be heard at the end of the Council meeting.

Public comment on issues on the agenda or public participation shall be limited to 3 minutes.

Public hearings and time-certain matters may be heard later, but not sooner, than the designated time.

If any person decides to appeal a decision made by the County Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

**NOTICE PERTAINING TO EMERGENCY MEDICAL FOUNDATION, INC. :** The county chair, the county manager, the sheriff, and certain staff members serve on the board of directors of Emergency Medical Foundation, Inc., d/b/a EVAC. There may be discussion from time to time during county council meetings of matters which may come before the foundation board for action.

**PUBLIC PARTICIPATION – 8:30 a.m.**

**Rev. William Bradley, Jr.**, representing New Hope Human Services, spoke about the adolescent group funding of the Children and Families Advisory Board (CFAB). He expressed his disappointment that small organizations, such as New Hope, were not given the financial support that larger organizations, such as the Boys and Girls Club, were, even after following all the necessary guidelines and going through the RFP process. He gave details on the situation. Chair Bruno said the Council did not want any agency to fall through the cracks and wanted to protect New Hope's clients. He asked Rev. Bradley to work with Community Assistance Director Dona DeMarsh.

**Don Kane** spoke about economic development in Volusia County and the need for more manufacturing as opposed to tourism and retail sales.

**Betty Kane** spoke about the beach and how the Beach Patrol's perception and the cost of the Beach Safety division had changed through the years.

**CALL TO ORDER – 9:00 a.m.**

County Council Chambers, Room 204, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Volusia County, Florida

## **ROLL CALL**

All Council Members were present.

## **INVOCATION AND PLEDGE OF ALLEGIANCE**

By: Tom Olney, Pastor with ConneXion Church, New Smyrna Beach.

## **PROCLAMATIONS – Presented Outside Chambers**

### **Item 1**

- J. Hyatt and Cici Brown Day – May 20, 2011
- Law Enforcement Memorial Day – May 20, 2011
- Relay for Life of Victoria Park Day – May 20, 2011
- Feria de Salud y Comunidad – June 18, 2011

Staff Contact: Pat Kuehn, 386-822-5062, ext. 2934

VC-1304356762873

Council Member Northey moved for APPROVAL as recommended. Council Member Persis seconded the motion, which CARRIED 7-0.

## **RECOGNITION**

### **Item 2**

Recognition of Sheriff's Deputy Belinda Cline for being named Law Enforcement Officer of the Year by the Seventh Judicial Circuit's Victims' Services Coalition

Staff Contact: Pat Kuehn, 386-822-5062, ext. 2934

VC-1304368560131

Community Information Director Dave Byron made opening remarks. Sheriff Ben Johnson praised Deputy Cline's work and gave examples of her dedication. No action being required, the County Council Members thanked Deputy Cline for all she did and had photographs taken with her.

**9:15 a.m.**

### **Item 3**

Interlocal agreement transferring interest in Donald E. Smith Boulevard and DeBary Plantation Boulevard to the City of DeBary

Staff Contact: Gerald N. Brinton, 386-736-5967, ext. 2294

VC-1304099471729

County Engineer Jerry Brinton gave the staff report and displayed an overhead map of the area. The City of DeBary had advised it was eligible to receive funding for a stormwater drainage project from FEMA, the FDOT and the FDEP under certain conditions. Per those conditions, the City was requesting that the County transfer any interest it had in Donald E. Smith and DeBary Plantation Boulevards to the City by an interlocal agreement and by a County deed. The staff had reviewed the request and recommended approval and execution of the interlocal agreement and County deed. County Manager Jim Dinneen commended the City for going into a partnership with the County.

Council Member Northey moved for APPROVAL as recommended. Council Member Alexander seconded the motion, which CARRIED 7-0.

## **APPROVAL OF MINUTES**

### **Item 4**

Minutes of March 3, 2011, county council meeting

Staff Contact: Camilla Grasso, 386-736-5920, ext. 5898

VC-1303829690298

Council Member Alexander moved for APPROVAL as recommended. Council Member Kelly seconded the motion, which CARRIED 7-0.

**Item 5**

Minutes of March 17, 2011, county council meeting  
Staff Contact: Camilla Grasso, 386-736-5920, ext. 5898

VC-1304690893603

Council Members Northey and Alexander said the voting totals needed correcting on Items 35, 36 and 37. Council Member Cusack moved for APPROVAL subject to those modifications. Council Member Northey seconded the motion, which CARRIED 7-0.

**PULL CONSENT AGENDA ITEMS**

If discussion is desired by any member of the Council, that Item must be removed from the Consent Agenda and considered separately. All other matters included under the Consent Agenda will be approved by one motion. Citizens with concerns should address those concerns by filling out a public participation slip and giving it to the Deputy Clerk prior to Consent Agenda Items being pulled.

- |                                  |  |
|----------------------------------|--|
| <b>Chair Bruno:</b>              | <b>Pulled none for himself, but noted that Items 15A and 24 had been withdrawn from the Consent Agenda and Items 30 and 32 had been withdrawn from the Regular Agenda.</b> |
| <b>Council Member Northey:</b>   | <b>Item 12</b>   |
| <b>Council Member Persis:</b>    | <b>0</b>   |
| <b>Council Member Wagner:</b>    | <b>Items 16 and 20</b>   |
| <b>Council Member Alexander:</b> | <b>Item 17</b>   |
| <b>Council Member Cusack:</b>    | <b>0</b>   |
| <b>Council Member Kelly:</b>     | <b>0</b>   |

Council Member Northey moved to APPROVE the CONSENT AGENDA and all actions recommended therein, as amended to remove Items 12, 16, 17 and 20 for discussion. The motion was seconded by Council Member Wagner and CARRIED 7-0.

**MINI BUDGET WORKSHOP**

**Item 6**

Topic: General fund update

Staff Contacts: James Dinneen, 386-736-5920, ext. 2187  
Charlene Weaver, 386-943-7054, ext. 7054  
Tammy Bong, 736-5934, ext. 2848

AGENDA ITEM TO FOLLOW

County Manager Jim Dinneen gave opening remarks. His goal was to try to find a reduction of \$8 million in ongoing costs in order to provide for consolidated dispatch without having to increase the General Fund. It was his suggestion to use the pension savings that would be realized when the Governor signed a bill that would make government employees pay a 3% contribution for their pensions into the Florida Retirement System (FRS), as the 3% cost to the employees would be a 3% savings to all governments that participated in the FRS.

Deputy County Manager Charlene Weaver displayed an overhead slide of a progress report on the General Fund target for the fiscal year 2011-2012. The employees' contribution to the FRS would mean an ongoing savings to the General Fund that was estimated to be about \$4.1 million. Mr. Dinneen said it was important the Council Members be able to say to the cities they were committed to not raising the General Fund to pay for consolidated dispatch. There might be some other reason to have to increase it, but paying for consolidated dispatch would not be grounds for it. Mr. Dinneen also thought the point might well be made at the consolidated dispatch workshop to be held later today.

Some Council discussion followed. It was felt noteworthy that County employees had not only been hit with the FRS contribution, but also had not received raises in three years. Further, they did not have a "step system," as many of the cities did.

Council Member Cusack moved to APPROVE putting the funds being saved as a result of County employees paying 3% of their pay into the FRS system, toward consolidated dispatch. Council Member Northey seconded the motion, which CARRIED 7-0.

## **PUBLIC HEARINGS AND OTHER TIME CERTAIN MATTERS**

**10:00 a.m.**

### **Item 7**

Request for a rehearing of the appeal from the DRC approval of the Martin Marietta project

Staff Contact: Kelli McGee, 386-822-5013, ext. 2000

VC-1304695001196

Palmer Pantan , 386-736-5942, ext. 2736

There was a court reporter present for Mark Watts, attorney for Martin Marietta.

Deputy County Attorney Jamie Seaman gave the staff report. On April 21, 2011 Glenwood Properties, LLC, appealed to the County Council the Development Review Committee's (DRC) approval for a rail yard site plan within I-1 zoning, contending that I-1 zoning did not allow for the offloading and storage of aggregate materials as proposed by the applicant, Martin Marietta. After the hearing on that appeal, the motion to grant the appeal failed by a 3-3 vote. Glenwood Properties had requested today's rehearing. The County's Land Development Code (LDC) did not have specific language providing for a rehearing; however, in cases where a board acted in an appellate or quasi-judicial capacity, the County Council had the inherent power to rehear the case, comparable to the same power a court had. The inherent power had to be exercised before the decision could become final, which would be before the 30 days to appeal elapsed. The sole purpose of the rehearing before the Council today was to call attention to some fact or law misapplied or misunderstood at the original hearing, and the petitioner, Glenwood Properties, must state with particularity the points of law or fact which the Council had overlooked and could not re-argue the merits of the case.

Glenwood Properties had preserved the right to argue the issue of the tie vote and contended that since the vote was a tie, no action was taken on the appeal. After considerable research, the County Attorney's Office held the position that its original advice to the Council—that the vote failed—was correct. Since this was a quasi-judicial rehearing, Ms. Seaman asked that the Council Members disclose any *ex parte* communications they may have had with anyone about the rehearing. Only Council Member Kelly had had any conversations.

**Darren Elkind**, attorney for Glenwood Properties, said there were two issues to be addressed, a procedural one and a substantive one in terms of law that might have been misunderstood. Regarding the procedure followed, he read from the County's Code of Ordinances and stated he and his clients believed the tie vote causing the motion to fail on April 21<sup>st</sup> did not apply in an appeal of this sort as it did in zoning cases. They believed it meant that the Council took no action. Regarding the substantive issue of whether or not the aggregate stockpile and distribution facility should be allowed in the I-1 zoning category, Mr. Elkind said he thought some Council Members might have felt that since similar facilities had been allowed in other I-1 zoning areas in the past, the Council was bound by that precedent. However, that was not the law. He then read a passage from a legal case in Florida that supported that point. The Council was not bound by past decisions.

**Mark Watts**, attorney for Martin Marietta, said he and his clients thought the ruling by the County Attorney's Office on the tie vote was accurate. Concerning the substantive issue, the aggregate facility was a consistent use in the I-1 zoning classification and prior approvals were indeed precedents to follow. The rehearing that Glenwood Properties was requesting was not necessary at all and should be denied.

Public participation took place. **Don and Betty Kane** supported Martin Marietta's proposal, citing job creation as their reason for endorsement. **Glenda Gibbs, Lauretta Menéndez and Leigh Matusick** supported the rehearing, citing noise, mistakes made through human error, traffic and debris as their reasons for opposing the Martin Marietta plan.

For the record, Ms. Seaman clarified the site plan before the Council did not include a batch plant; that use had been denied by the Council the previous November. The current plan dealt only with the on-loading and off-loading of aggregate materials in the side yard.

Council Member Kelly then moved to GRANT the rehearing. Council Member Alexander seconded the motion, which CARRIED 4-3, with Council Members Cusack, Northey and Wagner in opposition.

**10:30 a.m.**

**Item 8**

***Order of Business:***

***Open Public Hearing***

***Staff Report***

***Public Participation***

***Close Public Hearing***

***Council Discussion/Action***

Civil Rights Ordinance 2011-17

Staff Contact: Daniel D. Eckert, 386-736-5950, ext. 2940  
Derrill McAteer, 386-736-5950, ext. 3238

VC-1304082820268

Assistant County Attorney Derrill McAteer gave the staff report and also displayed an overhead PowerPoint slide presentation, which emphasized the points he made. Adoption of the ordinance would require modification of the County's Merit System so the ordinance would protect County employees and the public. Council had no questions of Mr. McAteer

Public participation followed. **Paul Weiss, Larry Glinzman, Bob Stevenson, Joe Saunders, Thomas Brown, Keith Chaddler, George Griffin, Mary Griffin, Angel Ocacio, Lloyd Moore, Lewis Long, Steve Oxier, Anita Lapilus, Marjorie Johnson, Sharon Luebbers, and Rev. Victor Goodin** all spoke in support of the ordinance. Some said it was long overdue. Others admitted they thought it already existed.

Council Member Persis moved for APPROVAL as recommended. Council Member Cusack seconded the motion. Some discussion on the motion followed. Council Member Kelly said he had always thought the County had such an ordinance. He had been appalled to find out it did not. He was 100% in favor of it, but he was concerned about assisting the homeless. Council Member Persis could not believe there were not similar State and Federal laws in place. Council Member Cusack felt it was a great day for Volusia County and Chair Bruno and Council Member Northey congratulated Council Member Wagner for working so hard to have the ordinance developed.

Council Member Persis WITHDREW his motion so Mr. Wagner could make it. Council Member Wagner said he could not believe it when he learned the County did not have a civil rights ordinance. Drafting it had taken years of hard work and he moved for APPROVAL as recommended. Council Member Cusack seconded the motion. Further discussion took place.

Council Member Alexander said she would not be supporting the ordinance, although she neither believed in nor supported discrimination. Discrimination never had been an issue in Volusia County and she thought enforcing it could cost both time and money in these hard economic times. For the record, Mr. Bruno said he had received one letter of opposition, from attorney Lisa L. Ledbetter, which County Attorney Dan Eckert had distributed. He also told Mr. Kelly he shared his concerns about the homeless, who also were discriminated against, and the Council would be addressing the issue at a workshop in August.

The motion CARRIED 6-1, with Council Member Alexander in opposition.

ORDINANCE 2011-17

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA,  
AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA BY

CREATING CHAPTER 36 CIVIL RIGHTS, PROVIDING FINDINGS, POLICY, DEFINITIONS, PROHIBITED ACTS, REMEDIES, NO WAIVER PROVISIONS AND EXEMPTIONS; PROHIBITING EMPLOYMENT DISCRIMINATION, AND DISCRIMINATORY PRACTICES IN EMPLOYMENT; CREATING EQUAL ACCESS TO PLACES OF PUBLIC ACCOMMODATION AND PROHIBITING DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATION, PROHIBITING DISCRIMINATORY PRACTICES IN HOUSING; AMENDING CHAPTER 86 OF THE VOLUSIA COUNTY MERIT SYSTEM BY PROHIBITING DISCRIMINATORY PRACTICES; EXPANDING PERSONNEL BOARD APPELLATE RIGHTS FOR VOLUSIA COUNTY EMPLOYEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

## BEGIN CONSENT AGENDA

### AVIATION AND ECONOMIC RESOURCES

- **Airport Services**

**Item 9**

Renaming of Coral Sea Avenue to Innovation Way

Staff Contact: Rick Karl, 386-248-8030, ext. 8320

VC-1301933563896

Stephen Cooke, 386-248-8030, ext. 8309

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

### COMMUNITY SERVICES

- **Community Assistance**

**Item 10**

Award of loan to Atlantic Housing Partners for The Fountains at Saxon Pointe project in DeBary, multi-family rental housing construction and rehabilitation projects

Expenditure from HOME Investment Partnership Funds: \$75,000

VC-1302630539207

Staff Contact: Dave Byron, 386-943-7029, ext. 2616

Dona DeMarsh, 386-943-7039, ext. 2893

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

- **Votran**

**Item 11**

Extension of agreement with Morse Communications Inc. for maintenance of Alcatel Omni PCX4400 telephone system

Expenditure: \$21,833.26

Staff Contact: Dave Byron, 386-943-7029, ext. 2616

VC-1303324730936

Jim Dorsten, 386-756-7496, ext. 4128

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

**Item 12**

Trolley funding agreement with the City of Daytona Beach and the City of Daytona Beach Community Redevelopment Agency (CRA)

Revenue: \$33,362.56

Staff Contact: Dave Byron, 386-943-7029, ext. 2616

VC-1303137101382

Ken Fischer, 386-756-7496, ext. 4126

Council Member Northey, who had pulled the Item, said she intended to support it. However, the trolley service did not qualify as an essential service under the County's definition of same. Votran General Manager Ken Fischer said Votran also was working on an agreement with the Daytona Regional Chamber of Commerce to allow them to sell the advertising on the trolley. Votran was working with the County's Legal staff on the matter and the agreement was planned to take effect the next fiscal year. Between now and the end of September, Votran had to do that and renegotiate the agreement with the CRA so that funding of the trolley next year would be done entirely by the Chamber and the CRA, with no County participation. Ms. Northey said that would make her very happy. County Manager Jim Dinneen cautioned that future transit issues would be difficult ones and the trolley service was one of many areas in which the Council would have to make severe changes. He advocated more partnerships.

After additional dialogue, Council Member Northey moved for APPROVAL as recommended. Council Member Alexander seconded the motion, which CARRIED 7-0.

## **ELECTIONS**

- **Elections**

**Item 13**

Extension of agreement with VR Systems, Inc. for voter registration system installation and maintenance

Expenditure: \$47,548

Staff Contact: Ann McFall, 386-736-5930, ext. 2565

VC-1301586430064

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

## **FINANCIAL AND ADMINISTRATIVE SERVICES**

- **Central Services**

**Item 14**

Use of Brevard County bid P-3-11-01 for HVAC maintenance and repair services

Expenditure: \$150,000

Staff Contact: Rhonda Orr, 386-943-7054, ext. 2961

George Baker, 386-254-1595, ext. 1850

VC-1301509362664

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

- **Information Technology**

**Item 15**

AT&T Corp. pricing schedules for digital voice circuits

Expenditure: \$217,500

Staff Contact: Rhonda Orr, 386-943-7054, ext. 2961

Elaine Whitehead, 386-736-5922, ext. 5922

VC-1301412944463

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

- **Personnel**

**Item 15A**

Property Insurance

Expenditure: \$1,100,000

Staff Contact: Tom Motes, 386-736-5951, ext. 2821

Bill Navarra, 386-736-5963, ext. 2884

VC-1305205446163

This Item was WITHDRAWN.

- **Revenue**

**Item 16**

Renewal of agreement with Mail Unlimited, Inc. to print and mail property tax bills, business tax renewal notices and transmittal forms for tourist development taxes

Expenditure: \$70,000

Staff Contact: Rhonda Orr, 386-943-7054, ext. 2961

VC-1302530799286

Peggy Flomerfelt, 386-736-5938, ext. 2329

Council Member Wagner moved for APPROVAL as recommended. Council Member Northey seconded the motion, which CARRIED 7-0.

**PUBLIC WORKS**

• **Engineering**

**Item 17**

Approval of assignment and assumption of the Glattig Jackson Kercher Anglin, Inc. consulting services contracts to AECOM Technical Services, Inc.

Staff Contact: George Recktenwald, 386-736-5965, ext. 2207

VC-1303835275700

Kelli McGee, 386-822-5013, ext. 2000

Gerald N. Brinton, 386-736-5967, ext. 2294

Council Member Alexander moved for APPROVAL as recommended. Council Member Northey seconded the motion, which CARRIED 7-0.

**Item 18**

Resolutions - Grant agreement to design new sidewalks along North Boston Avenue and Lindley Boulevard in DeLand

LAP grant funds: \$22,200

Staff Contact: George Recktenwald, 386-736-5965, ext. 2207

VC-1301248419271

Gerald N. Brinton, 386-736-5967, ext. 2294

This Item was approved at the time the CONSENT AGENDA was approved. Resolution Nos. 2011-75 and 2011-76, entitled as follows and on file in their entirety with the records of the County Council, were duly ADOPTED.

RESOLUTION 2011-75

A RESOLUTION OF THE COUNTY OF VOLUSIA, FLORIDA, AUTHORIZING THE COUNCIL CHAIR TO SIGN A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE NORTH BOSTON AVENUE SIDEWALKS PROJECT IN VOLUSIA COUNTY, FLORIDA.

RESOLUTION NO. 2011-76

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010-11 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

**Item 19**

Resolutions - Grant agreement for design of new sidewalk along Enterprise Road in the Deltona/Enterprise area

LAP grant funds: \$39,852

Staff Contact: George Recktenwald, 386-736-5965, ext. 2207

VC-1301250010303

Gerald N. Brinton, 386-736-5967, ext. 2294

This Item was approved at the time the CONSENT AGENDA was approved. Resolution Nos. 2011-77 and 2011-78, entitled as follows and on file in their entirety with the records of the County Council, were duly ADOPTED.

RESOLUTION 2011-77

A RESOLUTION OF THE COUNTY OF VOLUSIA, FLORIDA, AUTHORIZING THE COUNCIL CHAIR TO SIGN A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ENTERPRISE ROAD SIDEWALK PROJECT IN VOLUSIA COUNTY, FLORIDA.

RESOLUTION NO. 2011-78

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010-11 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE

**Item 20**

Resolutions - Grant to design the Veterans Memorial Bridge replacement over the Halifax River in Daytona Beach

FDOT LAP grant funds: \$3,100,000

Staff Contact: George Recktenwald, 386-736-5965, ext. 2207

VC-1302708567574

Gerald N. Brinton, 386-736-5967, ext. 2294

Council Member Wagner moved for APPROVAL as recommended. Council Member Kelly seconded the motion, which CARRIED 7-0. Resolution Nos. 2011-81 and 2011-82, entitled as follows and on file in their entirety with the records of the County Council, were duly ADOPTED.

RESOLUTION 2011-81

A RESOLUTION OF THE COUNTY OF VOLUSIA, FLORIDA, AUTHORIZING THE COUNCIL CHAIR TO SIGN A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE VETERANS MEMORIAL BRIDGE REPLACEMENT PROJECT IN VOLUSIA COUNTY, FLORIDA.

RESOLUTION NO. 2011-82

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010-11 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

**Item 21**

Resolutions - Grant for construction of guardrail along Old Mission Road in the Edgewater area

Total: \$338,310.00; FDOT LAP grant = \$300,000; Match from Transportation Trust Local Option Gas Tax = \$38,310

Staff Contact: George Recktenwald, 386-736-5965, ext. 2207

VC-1304360410341

Gerald N. Brinton, 386-736-5967, ext. 2294

This Item was approved at the time the CONSENT AGENDA was approved. Resolution Nos. 2011-79 and 2011-80, entitled as follows and on file in their entirety with the records of the County Council, were duly ADOPTED.

RESOLUTION 2011-79

A RESOLUTION OF THE COUNTY OF VOLUSIA, FLORIDA, AUTHORIZING THE COUNCIL CHAIR TO SIGN A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE OLD MISSION DRIVE GUARDRAIL PROJECT IN VOLUSIA COUNTY, FLORIDA.

RESOLUTION NO. 2011-80

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2010-11 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE

- **Road and Bridge**

**Item 22**

Approval of flood mitigation assistance grant agreement for Rio Way  
Total Expenditure: \$3,615,402.42 – 75% FMA Grant funds = \$2,711,551.81; County's Stormwater funds 25% = \$903,850.61

Staff Contact: George Recktenwald, 386-736-5965, ext. 2207 VC-1302724477490  
Judy Sloane, 386-822-6422

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

- **Traffic Engineering**

**Item 23**

Use of Brevard County contract for Intelligent Traffic System (ITS) and fiber optic cable

Expenditure: \$50,000

Staff Contact: George Recktenwald, 386-736-5965, ext. 2207 VC-1304360998873  
Jon Cheney, 386-736-5968, ext. 2709

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

**SHERIFF'S OFFICE**

- **Administration**

**Item 24**

Resolution authorizing the sale of a male German shepherd dog, Urs

Revenue: \$3,000

Staff Contact: Laura Bounds, 386-736-5961, ext. 2108 VC-1304599675463

This Item was WITHDRAWN.

**END CONSENT AGENDA**

**12:00 noon**

**LUNCH RECESS - EXECUTIVES SESSION – IAFF/Fire contract**

**PUBLIC HEARINGS AND OTHER TIME CERTAIN MATTERS**

**2:00 p.m.**

**ZONING/SPECIAL EXCEPTIONS**

**Item 25**

**Order of Business:**

**Open Public Hearing**  
**Staff Report**  
**Public Participation**  
**Close Public Hearing**  
**Council Discussion/Action**

Case S-11-016. Special exception for a fixed-wing aircraft landing field on FR zoned property located on Ranchette Road, Samsula

Owner: William Coe, AF&L Enterprises, Inc. / Applicant: F. Alex Ford, Jr., Esq.

ECO Map: Yes

PLDRC Recommendation: Approval with amended conditions

Opposition at PLDRC

Staff Contact: Kelli McGee, 386-822-5013, ext. 2000

VC-1302629901801

There was a court reporter present for the applicant.

Acting Growth and Resource Management Department Director Kelli McGee gave the staff report and displayed the site plan for the project and a number of overhead aerial maps of the area. She noted that the PLDRC had placed conditions upon approval, adding there had been both opposition and support at the PLDRC hearing. In response to a question from Council Member Alexander, Ms. McGee explained there was an existing road that would support the agricultural use.

**Alex Ford**, attorney for the owner, confirmed that the airstrip was for personal, not agricultural, use. He explained how his client wished to build a home on the property and the airstrip would be for private, low-volume use. He was sensitive to the concerns of the neighborhood. Mr. Ford spoke further on his client's behalf, pointing out restrictions he had personally committed to and stating that he had agreed to all the PLDRC's conditions. He also displayed an overhead PowerPoint slide presentation on the manageable decibel levels of noise that might impact the neighborhood. The use intended for the landing strip was simply to allow Mr. Coe to fly in and out

**Bill Coe**, the applicant, held up a decibel meter and described an airplane noise test he had run, adding that cars passing by had made four to eight times more noise than the airplane had. He also displayed a slide of written copy and a graph, both describing decibel levels, as well as an aviation map of the Daytona Beach International Airport area. He reiterated he intended to utilize the proposed house, landing strip and aircraft hanger for personal use only.

Some Council questions and discussion followed, much of which had to do with the number and size of the airplanes Mr. Coe owned and the possible frequency of visitors/daily trips.

Public participation took place. Neighbors **Jeff Hawkins, Hale Hodgdon, Vincent Petersen, Bonnie King, Jeremy Welter and Mark Nealon** spoke in opposition to the proposal, citing concerns about noise, the environment, public safety and a drop in property values. **Heidi Cirulli, Elizabeth Layton and Terry Shores** spoke for the request, citing the need for everyone to co-exist, Mr. Coe's integrity and his ability to manage any noise as their reasons for support. Mr. Ford gave a rebuttal to opposition points that had been expressed.

Council Member Northey left the meeting at approximately 3:00 p.m., and further Council comments followed. Council Member Kelly said he was concerned about possible wetland impact, noise levels and a possible commercial, not private, use. He was against the request. Ms. Alexander asked about Mr. Coe's future plans with regard to testing parachutes in the area. Even though one of the conditions for approval would prohibit parachuting, she still felt the request would have an adverse effect on the neighborhood.

Council Member Cusack said she believed everyone had property rights, that Mr. Coe was within his rights to pursue the request and moved for APPROVAL. Council Member Wagner seconded the motion, adding he thought the PLDRC had done a good job with the conditions it had imposed.

Council Member Persis said there was a reason why the County did not allow fixed-wing aircraft landing fields in the Forestry Resource zoning classification. The neighbors, some of whom had lived in the area for decades, had bought their property with the expectation of privacy. He also was concerned about who would monitor the situation and found the request to be inconsistent with surrounding uses.

On an electronic vote, the motion FAILED 3-3, with Council Members Kelly, Alexander and Persis in opposition and Council Member Northey having left for the day. Deputy County Attorney Jamie Seaman stated the Zoning Code required at least four affirmative Council votes for approval of the request.

2:05 p.m.

Item 26

**Order of Business:**

***Open Public Hearing***

***Staff Report***

***Public Participation***

***Close Public Hearing***

***Council Discussion/Action***

Ordinance 2011-16. CPMA-001-10 - Small scale comprehensive plan amendment of 7 acres from Agriculture Resource to Rural designation located at 4105 S.R. 11, DeLand

Applicant: Frank Wood/Owners: Marjorie Wood and Catherine Martin

ECO Map: No

PLDRC Recommendation: Approve

No opposition at PLDRC

Staff Contact: Kelli McGee, 386-822-5013, ext. 2000

VC-1303758180389

Kelli McGee, Acting Director of the Growth and Resource Management Department, gave the staff report and also displayed several slides of the property's location, future land use and zoning maps. The recommendation from the PLDRC was for approval and there had been no opposition at the PLDRC hearing. The applicant wished to subdivide the Agriculture Resource (AR) designated sections of the property into legally conforming lots to allow a two-lot residential subdivision. Currently, the property had two tax parcel numbers, but the lots did not comply with the minimum standards of the future land use designation or the zoning classification. As a result, the owners could not apply for a two-lot subdivision or receive a line adjustment. The comprehensive plan amendment was linked to the following rezoning request. If the future land use amendment and the rezoning applications were approved, then the two existing tax parcels would meet the minimum standards and the property could be subdivided.

The Council had no questions for Ms. McGee and there was no one from the public present to speak to the Item. May 19, 2011 being the date for public hearing and there being no objection, Council Member Persis moved to ADOPT Ordinance No. 2011-16, entitled as follows and on file in its entirety with the records of the County Council. Pursuant to Council Member Kelly seconding the motion, it was duly ADOPTED 6-0, with Council Member Northey having left earlier in the day

ORDINANCE 2011-16

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ORDINANCE NO. 90-10, AS PREVIOUSLY AND SUBSEQUENTLY AMENDED, BY AMENDING FIGURE 1-11, FUTURE LAND USE MAP; CHANGING FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 7.0 ACRES LOCATED ON THE EAST SIDE OF STATE ROAD 11, APPROXIMATELY 1,900 FEET SOUTH OF ITS INTERSECTION WITH ISLAND GROVE DRIVE AT 4105 STATE ROAD 11, DELAND, FROM AGRICULTURAL RESOURCE TO RURAL; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

2:10 p.m.

Item 27

**Order of Business:**

**Open Public Hearing**

**Staff Report**

**Public Participation**

**Close Public Hearing**

**Council Discussion/Action**

Case Z-10-058. Rezoning of 7 acres from A-1 to A-4 zoning classification located at 4105 S.R. 11, DeLand]; adoption of resolution

Applicant: Frank Wood/Owners: Marjorie Wood and Catherine Martin

ECO Map: No

PLDRC Recommendation: Approve

No opposition at PLDRC

Staff Contact: Kelli McGee, 386-822-5013, ext. 2000

VC-1303766676492

Chair Bruno noted that Kelli McGee, Acting Director of the Growth and Resource Management Department, had stated this rezoning request was linked to the previous small scale comprehensive plan amendment. Ms. McGee then gave the staff report and also displayed several slides of the location, future land use and zoning maps for the property in question. The applicant was requesting a rezoning from Prime Agriculture to Transitional Agriculture to allow a two-lot residential subdivision. Currently, the property had two tax parcel numbers, but the lots did not comply with the minimum standards of the future land use designation or the zoning classification. As a result, only one dwelling unit could be constructed on the combined lots. The applicant's requested zoning change would not result in a change of use. The PLDRC recommended approval, and no one spoke for or against the Item at the PLDRC hearing. The Council had no questions of Ms. McGee and there was no one from the public present to speak to the Item.

Council Member Kelly moved for APPROVAL as recommended, and after Council Member Persis seconded the motion it CARRIED 6-0, with Council Member Northey having left earlier in the day. Resolution No. 2011-83, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

#### RESOLUTION NO. 2011-83

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM A-1 TO A-4; PROVIDING AN EFFECTIVE DATE.

2:15 p.m.

Item 28

**Order of Business:**

**Open Public Hearing**

**Staff Report**

**Public Participation**

**Close Public Hearing**

**Council Discussion/Action**

Ordinance 2011-14 amending sea turtle protection minimum standards

Staff Contact: Kelli McGee, 386-822-5013, ext. 2000

VC-1303408354545

Kelli McGee, Acting Director of the Growth and Resource Management Department, gave the staff report and displayed an overhead PowerPoint slide presentation, which explained the changes in the proposed

lighting ordinance. The PLDRC had found the proposed changes to be consistent with the Comprehensive Plan. The Council had no questions of staff.

**Jim Morris**, an attorney representing a number of property owners and entrepreneurs along the Boardwalk, noted the proposal was for the beachside redevelopment in Daytona Beach. He said his clients we're actively working with staff and urged the Council to approve the request.

**Gary Appelson**, with the Sea Turtle Conservancy, distributed materials which included two letters from the Florida Fish and Wildlife Conservation Commission (FFWCC) that summarized the agency's concerns and gave some recommended changes to the County's lighting ordinance. The Conservancy agreed with the FFWCC's findings that the County's proposal did not go far enough. Mr. Appelson asked the Council not to move forward with the ordinance until the State's recommendations were carried out.

County Manager Jim Dinneen acknowledged the issue was a difficult one and praised the efforts of staff, the City of Daytona Beach and the Boardwalk merchants who were willing to spend more money than necessary for extra sea turtle protection.

Council Member Wagner said something simply had to be done with the situation, and moved to ADOPT Ordinance No. 2011-14, entitled as follows and on file in its entirety with the records of the County Council. Council Member Cusack seconded the motion. Some discussion followed and the motion CARRIED 6-0, with Council Member Northey having left earlier in the day.

**ORDINANCE 2011-14**

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, CHAPTER 50, ENVIRONMENT, ARTICLE III MINIMUM STANDARDS FOR ENVIRONMENTAL PROTECTION, DIVISION 1 GENERALLY, AMENDING SECTION 50-71 DEFINITIONS BY AMENDING CERTAIN DEFINITIONS; DIVISION 6 SEA TURTLES, AMENDING SECTION 50-241 DEFINITIONS BY AMENDING CERTAIN DEFINITIONS; AMENDING SECTION 50-253 STANDARDS FOR COMMUNITY REDEVELOPMENT AREAS, BY AMENDING ARTIFICIAL LIGHTING PROVISIONS; AMENDING SECTION 50-254 RELATION

TO ENDANGERED SPECIES ACT; AMENDING CHAPTER 72 LAND PLANNING, ARTICLE III LAND DEVELOPMENT REGULATIONS, DIVISION 12 SEA TURTLE PROTECTION, AMENDING SECTION 72-928 STANDARDS FOR COMMUNITY REDEVELOPMENT AREAS; AMENDING SECTION 72-929 RELATION TO ENDANGERED SPECIES ACT; AMENDING CHAPTER 72 LAND PLANNING, GLOSSARY BY AMENDING CERTAIN DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**2:30 p.m.**

**Item 29**

Recreational assets website design

Expenditure: \$40,000.00

Staff Contact: Dave Byron, 386-943-7029, ext. 2616  
Tim Baylie, 386-736-5953, ext. 2636

VC-1305037500827

Parks Director Tim Baylie gave a summary of the staff report, together with a brief overhead PowerPoint slide presentation.

Chair Bruno said the Council had authorized him to work with all the sports interests throughout the County, which he had done. However, he felt more needed to be done in marketing the County's recreational assets to help tourism on a countywide basis.

After some Council comments, Council Member Alexander moved for APPROVAL as recommended. Council Member Kelly seconded the motion, which CARRIED 6-0, with Council Member Northey having left earlier in the day.

**3:00 p.m.**

**Item 30** Discussion on Halifax Area Advertising Authority

NO AGENDA ITEM

This Item was WITHDRAWN.

**5:00 p.m.**

**WORKSHOP**

**Item 31**

Consolidated dispatch

Staff Contacts: Mary Anne Connors, 386-736-5920, ext. 2975

AGENDA ITEM TO FOLLOW

County Chair Frank Bruno welcomed everyone to the workshop. He recognized two members of the Halifax Civic League who were in the audience and thanked the League for its work on the consolidated dispatch issue.

County Manager Jim Dinneen gave opening remarks. The Council had decided to move ahead with consolidated dispatch, but wanted a public meeting to show the service level the County intended to provide

through the General Fund. The County would be taking on a cost of \$8 million, or three-tenths of a mill, in the General Fund. By consolidating dispatch services, some \$1.6 million out of the nearly \$11.9 million currently being spent on the total combined dispatch systems could be saved. Consolidated dispatch would bring a savings to all cities, whether they were contract cities or part of the Regional Communications Center (RCC). One concern that had been raised by a Council Member was if the County had to increase the General Fund above rollback for consolidated dispatch, it could be perceived as a type of "shell game" by the citizens. Therefore, the Council had instructed Mr. Dinneen to look at creating credits by reducing the budget so the credits could be applied to other areas where programs might have to be cut. If \$8 million could be saved in the General Fund, consolidated dispatch could be taken on without raising the *ad valorem* tax. Mr. Dinneen already had found \$4 million of the \$8 million needed. Earlier in the day there had been a discussion about the 3% pension cost County employees would have to pay toward their retirement, which amounted to about a \$4.1 million savings for the County. The Council had unanimously approved taking all of the pension savings, adding it to the \$4 million Mr. Dinneen had found and implementing consolidated dispatch without having to raise the *ad valorem* tax to pay for it

Deputy County Manager Mary Anne Connors gave the staff report, which was an overview of consolidated dispatch. She displayed an overhead PowerPoint slide presentation to emphasize her points. Under the Sheriff's Office, consolidated dispatch would streamline the several convoluted dispatch systems that currently existed. She gave the phases of the implementation timeline and said the County's goal was to bring over all agency employees that wanted to come and successfully passed the County's background check. She noted that basic dispatch services would begin October 1, 2011. There would be ongoing user groups throughout the transitional period for operations and technical issues as well as an advisory board comprised of the County Manager, the Sheriff, the Public Protection Director and the City Managers from Port Orange, Ormond Beach and Deltona, representing Southeast, Northeast and West Volusia County, respectively.

Ms. Connors reviewed certain assumptions and the scope of the core services to be provided and then highlighted expanded, non-emergency core services. She also spoke about the central Records Management System (RMS) and its one-time, data conversion cost estimates for members of the RCC as well as the guidelines for the responsibilities of the participating agencies. Then she compared the costs of current city systems with the costs of outside County service contract users and internal County system expenses. The current countywide dispatch cost was \$11.9 million. A consolidated system was estimated at \$10.3 million and the General Fund impact would be some \$8.2 million. She concluded her presentation by discussing staff transition and hiring schedule issues and the next steps to be taken.

Mr. Dinneen emphasized the importance of receiving County employment applications by July 1<sup>st</sup>. There were very qualified people who did want to work for the County, but if enough applications were not received by the July 1<sup>st</sup> deadline, the County would definitely look to the outside for staff. Ms. Connors displayed a document titled, "RCC Employees to County of Volusia Sheriff's Office" and said it was an example of the kind of information that already had been provided regarding County benefits. She noted a Port Orange model indicated the RCC's total was \$2.5 million in FY 2010. With consolidated dispatch, that cost would be reduced to \$216,000 by 2013. There had been some concerns expressed about the County's possible over-aggression on the subject of consolidated dispatch's timing and capability. Currently, the RCC only handled about 15-20% of the dispatch-related calls the Sheriff's Office processed. Ms. Connors then displayed slides of the new Emergency Operations Center (EOC), which would be fully operational and able to administer consolidated dispatch in early 2013. Mr. Dinneen added he thought the EOC building schedule was realistic but did not feel bound by it to fully institute consolidated dispatch

Audience participation followed. Mayor **Tom Rutledge** of the Town of Ponce Inlet distributed copies of a letter written by the Town Manager and read parts of it aloud. The letter outlined several areas that the Town wished to have clarified, and stated it especially wished to retain its provision of 911 services. Mayor Rutledge said it all came down to the County respecting the Town's home rule authority.

**Allen Green**, Mayor of Port Orange, said the City understood where the County was going and agreed with it, but did not agree with all the methodologies being followed. Regarding the new EOC, any kind of construction could have issues. It was felt the County's transition schedule was very aggressive and the

City wanted the County to be flexible in its dealings. It was necessary to consider public safety, the welfare of City employees and cost, in that order.

Port Orange City Council Member **Bob Ford** said he felt the schedule of proposed events was very aggressive and the County should have left the RCC in place and operating it independently until the move to the new EOC .The issue was a very complicated with many unanswered questions. Mr. Ford cautioned the County against rushing into any decisions.

**Tami Lewis**, Vice Mayor of the Town of Ponce Inlet, also stressed the importance of home rule authority. She said Ponce Inlet's dispatch system was its heart and soul and the Town needed the County's support and help in holding on to its dispatch system.

Regarding Ponce Inlet, Mr. Dinneen said he felt a separate meeting was needed with representatives of the Town. Nothing would preclude the Town from sending its own resources on calls, especially non-emergency ones. He felt that point could be resolved. In the case of Port Orange, he understood the concerns about the time frame. The County had decided the construction of the new EOC would not drive the decision to move dispatch services to it, as there already were two dispatch centers to work from. The County understood the complexity of the situation with the RCC, but the municipal employees must decide if they wished to transition to County employment. Mr. Dinneen said the County could have follow-up meetings with Port Orange to respond to the unanswered questions alluded to by Mr. Ford. He felt there would never be a time when there would be no apprehension over making the change to consolidated dispatch. The RCC had been an excellent solution for reducing the number of dispatch centers, but, in his opinion, many of the cities had taken part in the RCC because County government had not been willing to pay for consolidated dispatch from its General Fund. However, things had changed and it was time to move forward. Sheriff Ben Johnson said there were always grave concerns any time something new was started. The undertaking was aggressive, but not overly so. He would stake his reputation on the concept that this was the right thing to do at the right time.

Port Orange City Council Member **Don Burnett** conceded that the issue probably was the right thing to do at this time, but expressed risk concerns about bringing all entities on board at once. To avoid risking the public's safety, he thought there should be a back-up plan for a regional, phased-in approach. A certain number of communities could be brought on at a time, followed by another group, and so on.

**Scott Meacham**, Ponce Inlet Town Council Member, said he was concerned about the liability factor. He wondered if the County was ready to accept it. Mr. Dinneen said he felt this particular danger was one of the fundamental reasons why the County had not wanted to take on dispatch service as a General Fund activity. Any liability would definitely be the County's and the County would take all responsibility for any incorrectly dispatched calls.

**Ted Cooper**, Edgewater City Council Member and RCC Governing Board Member, said the budget monies being presented to the public needed to be transparent. He understood the County's desire to move forward on the matter, but felt that if the public was going to be told a great deal of tax money would be saved, it also should be told that these savings might not be realized for a year or so because of other obligations the citizens already had. Mr. Dinneen replied that the County never used one-time revenue to plug holes, as it could prove fatal to government. Since consolidated dispatch would be an ongoing cost, he had to identify ongoing savings to apply to it. He did not believe the County should tell a city how to use its savings, but he thought the public had a right to know where the savings had gone. For example, it was necessary to understand what a city's one-time cost would be to withdraw from the RCC. He was confident the savings a city received from participating in consolidated dispatch would take care of that. He would be glad to meet with any community and review all the pertinent figures.

**Pam Brangaccio**, New Smyrna Beach City Manager, said she wanted to inform the County Council that New Smyrna Beach, together with Edgewater and Port Orange, had a detailed transition plan that finished out 2011 and covered all of 2012. New Smyrna Beach expected to reduce its dispatching cost from \$727,000 to \$404,000 in the first year alone. The New Smyrna Beach City Commission would have

to decide what to do with the money saved by transitioning to consolidated dispatch, but City staff would continue to work with County staff on reducing the cost even more.

Remarks by County Council Members followed. All Council Members thanked everyone for participating and had very positive comments to make. Mr. Dinneen added he would personally look into the concerns of the Town of Ponce Inlet.

## REPORTS

**May be heard anytime throughout County Council meeting as time permits**

None.

## OTHER BUSINESS - NOMINATIONS/APPOINTMENTS

### Item 32

BOARD: HALIFAX AREA ADVERTISING AUTHORITY

INCUMBENTS: Vacancy - Lodging

TERM EXPIRES: March 31, 2013

LENGTH OF TERM: Two Years

*Nomination: County Chair*

***Appointment must be in lodging.***

[Serving on this board constitutes a county office and is subject to the dual office prohibition.]

Applications have been received from the following in the "lodging" category:

-Chad R. Brunton

-Angela Cameron

(also serves on the Tourist Development Council)

(serves on City of Daytona Beach Mainstreet Redevelopment Board) **DUAL OFFICE**

-Chris Fagan

-Michael Kardos

-Samir Naran

-Francis W. Purvey

Staff Contact: Marcy Zimmerman, 386-736-5920, ext. 2398

VC-1305228818554

This Item was WITHDRAWN.

### Request for Council Member

RFP 11-P-75JD, Debris Removal, Reduction and Disposal, closes 6/2/2011 (Not related to residential waste RFP): Chair Bruno appointed Council Member Persis to the committee.

RFP 11-P-17KW Boiler and Chilled Water Chemical Treatment Service – Closing 05/25/2011: Chair Bruno appointed Council Member Wagner to the committee.

RFP 11-P-57BB - Residential Solid Waste Collection – Closing 5/24/11: Chair Bruno appointed Council Member Cusack to the committee.

## PUBLIC PARTICIPATION

None.

## DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA

**County Manager Dinneen:**

1. Said the County Council had approved a \$1.5 million subsidy to EVAC for the year. The staff had been reviewing the transition necessary for the County to take over EVAC, and the Council had said half of the \$1.5 million would go to EVAC if it showed a legitimate need for it. The EVAC Director and some of EVAC's Board of Directors had told Mr. Dinneen the day before that the organization did have such a cash flow need. County staff had examined the situation and, for a variety of reasons, had not agreed. But, rather than blow the matter out of proportion, Mr. Dinneen said he had no problem recommending that the County give EVAC half of the subsidy. The County would get the money back and the transition would be smoother without a financial debate. He did not want anything to put a snag in the transition plans and endanger public safety. Council Member Alexander moved to PAY EVAC the last two quarterly payments for the year, totaling \$750,000. Council Member Persis seconded the motion. After further discussion, the motion CARRIED 7-0.

**County Attorney Eckert:**

1. Gave an update on the County Council-School Board joint redistricting workshop, to be held in the Historic Courthouse on Monday, June 6<sup>th</sup>, at 9:00 a.m. He explained both the benefits and disadvantages of the location and also displayed a series of four possible redistricting maps. In the 10 years since the last reapportionment, the population had shifted and was now heavier on the west side of the County. Dividing the County into five districts as equally populated as possible had to be dealt with. The target number for each district was 98,918 people. The School Board staff had also indicated it would like a high school in each district. The workshop was to decide the principles, other than those legally required, that would guide the redistricted lines and how the process would go forward. Staff wanted direction as to the Council's preference regarding the draft maps. County Manager Jim Dinneen said that the process was primarily about equal district populations and secondly about logical boundaries. Mr. Eckert pointed out the maps were simply illustrations, not staff recommendations. He added the Supervisor of Elections wanted to continue the practice of having County Council districts be the same as those for the School Board.

Council discussion followed. Chair Bruno thought Plans 1A, 2D and 3A had possibilities and did not like Plan 4 at all. He also had concerns about splitting minority communities on both sides of the County. Council Member Northey felt it was time to put aside old geographic ideas and concentrate on political parity. She could not say if any one map was better than the others and thought it was a good idea to have the County Council and School Board districts the same. She did not feel having at least one high school in each district was a priority for her. Her priority was to try to come up with a redistricting map with, as much as possible, equal populations in each district. She felt map information should be available to the public on the County's website and a map should be included showing all five districts stretching across the County. Council Member Persis agreed about keeping the County Council and School Board districts the same. He hoped natural boundaries could be followed and no neighborhood would be split into two districts, but said it was necessary for everyone to be flexible. He also did not see a problem in having a high school in each district.

Council Member Kelly said the total population was being looked at, but he had particular concerns about not seeing figures for areas in the unincorporated parts of the County, especially on the west side. He also agreed about synchronizing the Council and School Board districts. Council Member Alexander said she agreed with Mr. Persis and thought the system was a good one. Council Member Wagner said he was fine with the maps, including the one Ms. Northey wanted added. Council Member Cusack felt the maps on display were a good starting point and wanted to see the map Ms. Northey had wished to include. She also felt the County Council and School Board districts should be aligned.

There being no action to take, the Council thanked Mr. Eckert for his presentation.

2. Had Deputy County Attorney Jamie Seaman distribute materials to the Council regarding State legislation that had been passed which affected the County's position on the mariculture operation in southeast Volusia County. He gave a report on the legislation and what it meant to the County.

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

### **Council Member Persis:**

- Had nothing for discussion.

### **Council Member Wagner:**

- Had nothing for discussion.

### **Council Member Alexander:**

1. Moved to SEND a letter of support to the Governor for the City of Port Orange's project for the Nova Road canal flood control and integrated water resources system, which helped keep Dunlawton Avenue open for evacuation purposes. Council Member Persis seconded the motion, which CARRIED 6-0, with Council Member Northey having left earlier in the day.
2. Said the Executive Director of the Southeast Volusia Advertising Authority had resigned. Some discussion followed.

### **Council Member Cusack:**

- Had nothing for discussion.

### **Council Member Kelly:**

1. Gave an update on the issue of pesticides in wells in the unincorporated DeLand area.
2. Said he would like EVAC employees alerted to the fact that the County had certain regulations to be followed for employment, especially regarding smoking. Some discussion followed.
3. Announced he would be attending the upcoming conference held by the Florida Association of Counties and would be a part of its Policy Committee.
4. Regarding Item 25 that day, which had ended in a 3-3 vote, said he had met afterwards with the owner, his attorney and some neighboring property owners. He had asked to have a meeting to reach some sort of agreement before the case came back to the Council.

### **Chair Bruno:**

1. Regarding economic development efforts, said he had put a discussion of suspending road impact fees for a period of time to boost residential housing on the June 16<sup>th</sup> agenda. Deputy County Attorney Jamie Seaman said the Public Works Director would not be at that meeting. Discussion followed and Mr. Bruno said he would target the Item for the July 21<sup>st</sup> meeting, so as to have everyone from staff and the Council present.

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:34 p.m.

APPROVED

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA