

# County Council of Volusia County, Florida AGENDA July 16, 2015

Revised July 10, 2015 Revised July 13, 2015

<b>COUNCIL MEMBERS:</b>		STAFF:
Jason P. Davis	County Chair	James T. Dinneen, County Manager
Joyce Cusack	At-Large	Daniel D. Eckert, County Attorney
Pat Patterson	District 1/Vice Chair	Mary Anne Connors, Deputy County Manager
Joshua J. Wagner	District 2	Donna dePeyster, Deputy County Manager
Deborah A. Denys	District 3	Marcy A. Zimmerman, Deputy Clerk
Doug Daniels	District 4	Kathie Kardos, Recording Secretary
Fred Lowry, Jr.	District 5	Sue Hilson, Administrative Aide

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. If the matter cannot be resolved at that time, it will be presented to the County Council for determination regarding placing the matter on a future agenda. 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.

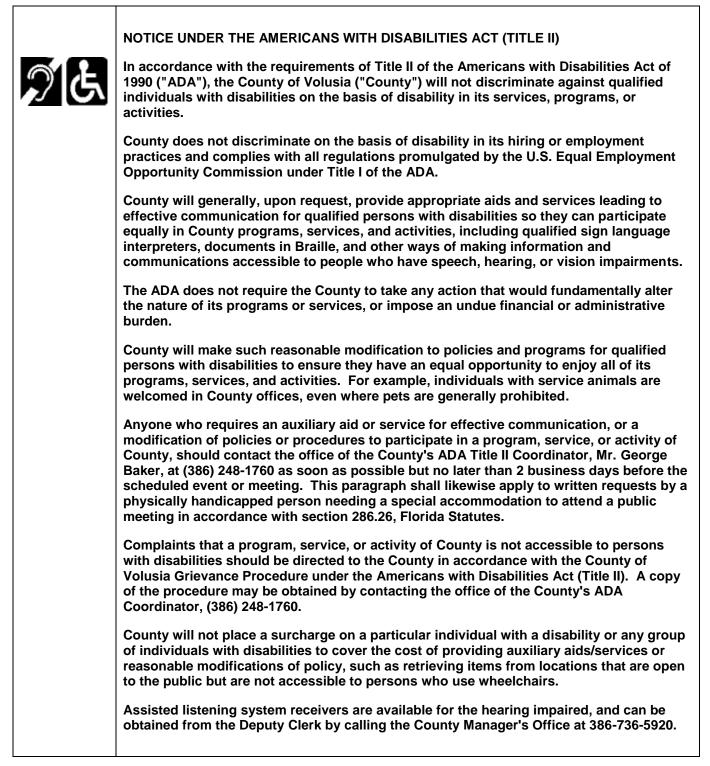
If any person decides to appeal a decision made by the County Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure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

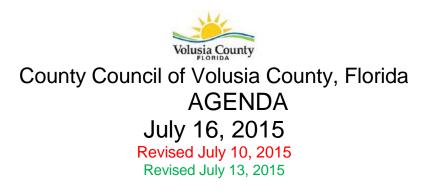
	We respectfully request that all electronic devices are set for no audible notification.
	Electronic Information! County Council agendas, minutes and live audio of meetings are available on the internet: <u>http://www.volusia.org/government/</u>
Volusia County WILED ZONE	The Volusia County Council Chambers are a Wi Fi Zone.
	Notice Under The Americans With Disabilities Act (Title II) SEE NEXT PAGE
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# County Council of Volusia County, Florida AGENDA July 16, 2015

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#### PUBLIC PARTICIPATION - 8:30 a.m.

The Volusia County Council welcomes your involvement and is interested in hearing your comments.

Please complete a public participation slip and indicate in the subject line the issue you wish to address. You may use the back if necessary.

After you are recognized by the County Chair, state your name and address for the record before beginning your comments. You may speak up to three minutes, either during Public Participation or when an agenda item is heard.

The County Council will not answer questions or requests during Public Participation.

Please be courteous and respectful of the views of others. Personal attacks on Council members, County staff or members of the public are not allowed.

#### CALL TO ORDER 9:00 a.m.

The Frank T. Bruno, Jr. County Council Chambers, Room 204, Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Volusia County, Florida.

#### **ROLL CALL**

#### INVOCATION AND PLEDGE OF ALLEGIANCE

By: Pastor John Gryglewicz, New Life Bible Church, Orange City.

#### 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.



# County Council of Volusia County, Florida AGENDA July 16, 2015 Revised July 10, 2015

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#### **APPROVAL OF MINUTES**

9:04 a.m.

# Item 01

Minutes of June 4, 2015, county council meeting. Kathie Kardos (386) 626-6688 x16688

#### PRESENTATION

9:05 a.m.

#### Item 02

2015-2016 state legislative review/preview by GrayRobinson. Rick Karl (386) 248-8030 x18319 Rob Ehrhardt (386) 248-8048 x18382

#### PUBLIC HEARINGS AND OTHER TIME CERTAIN MATTERS

#### 9:30 a.m.

Item 03

AGENDA ITEM TO FOLLOW

**FILE NUMBER 2964** 

Agreement with Elections Systems & Software, LLC for the purchase of voting equipment, RFP 15-P-66PW. Expenditure: \$2,328,994 Ann McFall (386) 736-5930 x12565

9:35 a.m.

# Item 04

Order of Business: Open Public Hearing Staff Report **Public Participation Close Public Hearing Council Discussion/Action** 

Ordinance 2015-10, clarifying hours of operation for places having alcoholic beverage licenses. Daniel D. Eckert (386) 736-5950 x12940 John C. MacConnell (386) 736-5950 x12949 Revised ordinance is attached as a supplemental document to correct the adoption date. Another revised ordinance is attached as a second supplemental document.

FILE NUMBER 2975

**FILE NUMBER 2961** 

**FILE NUMBER 2933** 



9:55 a.m.

#### Item 05

Order of Business: Open Public Hearing Staff Report Public Participation Close Public Hearing Council Discussion/Action FILE NUMBER 2953

Ordinance 2015-12, expanding the prohibition of open containers of alcoholic beverages to all premises, including within or upon any vehicle located in the parking and adjacent areas, having alcoholic beverage licenses.

Daniel D. Eckert (386) 736-5950 x12940 John C. MacConnell (386) 736-5950 x12949

10:00 a.m.

# Item 06

FILE NUMBER 2939

<u>Order of Business:</u> Open Public Hearing Staff Report Public Participation Close Public Hearing Council Discussion/Action

Ordinance 2015-11, abolishing the Volusia County Health Facilities Authority. Daniel D. Eckert (386) 736-5950 x15950 Revised ordinance is attached as a supplemental document to correct the adoption date.



# County Council of Volusia County, Florida AGENDA July 16, 2015 Revised July 10, 2015

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#### 10:05 a.m.

Item 07 AGENDA ITEM TO FOLLOW

**FILE NUMBER 2956** Transfer of county-funded properties from Windward Behavioral Care, a dissolved corporation. Expenditure: \$58,268 (grant funds = \$21,330) Dave Byron (386) 822-5062 x12616 Dona DeMarsh Butler (386) 822-5062 x12893

#### MINI BUDGET WORKSHOPS

#### 10:15 a.m.

#### Item 08 AGENDA ITEM TO FOLLOW

**FILE NUMBER 2980** 

Mini-Budget: FY2015-16 setting of TRIM rates. James T. Dinneen (386) 736-5934 Donna de Peyster (386) 943-7054

#### 10:45 a.m.

#### Item 09

AGENDA ITEM TO FOLLOW

**FILE NUMBER 2988** 

Mini-Budget: Coastal projects update. John Angiulli (386) 736-5965 x12712

#### --BEGIN CONSENT AGENDA--

# AVIATION AND ECONOMIC RESOURCES

#### -Airport Services

# Item 10

FILE NUMBER 2946 Grant of underground electrical easement to Florida Power and Light Corporation for Daytona International Speedway. Rick Karl (386) 248-8030 x18070

# Item 11

FILE NUMBER 2979 Grant of underground electrical easement to Florida Power and Light Corporation for Houligan's Speedway, LLC. Rick Karl (386) 248-8030 x18070



# -Economic Development

# Item 12

FILE NUMBER 2895 Renewal of state legislative consulting service agreement with GrayRobinson, P.A. Expenditure: \$50,000 Rick Karl (386) 248-8030 x18319 Rob Ehrhardt (386) 248-8048 x18382

# Item 13

**FILE NUMBER 2958** 

Resolution - Participation in qualified target industry tax refund program with Total Quality Logistics, LLC. Expenditure: \$60,000 Rick Karl (386) 248-8030 x18319 Rob Ehrhardt (386) 248-8048 x18382

# ELECTIONS

#### -Elections

Item 14

Resolution - Annual precinct line revisions due to annexations. Ann McFall (386) 736-5930 x12565

#### FINANCE DEPARTMENT

#### -Personnel Services

# Item 15

FILE NUMBER 2823

**FILE NUMBER 2960** 

Renewal of contract with Quest Diagnostics for laboratory services, 11-B-88IF. Estimate annual expenditure: \$31,000 Tom Motes (386) 736-5951 x12821 David Merrill (386) 736-5951 x13492



#### GROWTH AND RESOURCE MANAGEMENT

#### -Planning and Development Services

# Item 16

Task assignment to Duncan Associates for road impact fee update, 12-SQ-78SR. Expenditure: \$79,350 Kelli McGee (386) 822-5013 x12000 Palmer M. Panton (386) 736-5959 x12736 John Angiulli (386) 736-5965 x12712

#### PUBLIC WORKS

#### -Engineering

# Item 17

Resolutions - Supplemental FDOT grant agreement for post design services during construction of the Veterans Memorial Bridge replacement in Daytona Beach. Expenditure: \$1,297,950 (100% from FDOT grant funds) Gerald N. Brinton (386) 736-5967 x12294

#### -Road and Bridge

# Item 18

Contract to Sparks Concrete, LLC for Derbyshire Road sidewalk, 15-B-104JD. Expenditure: \$215,265 (\$158,200 from CDBG; \$57,065 from county transportation trust) John Angiulli (386) 736-5965 x12712 Judy Grim (386) 822-6422 x20459

# SHERIFF'S OFFICE

#### -Administration

# Item 19

Agreement with Plantation Bay Community Association, Inc. for traffic enforcement within the Plantation Bay Community.

Ben F. Johnson (386) 736-5961 x12212 John C. MacConnell (386) 736-5950 x12949

**FILE NUMBER 2970** 

FILE NUMBER 2941

FILE NUMBER 2963

FILE NUMBER 2944



# Item 20

Use of local forfeiture funds to purchase equipment. Expenditure: \$13,100 Laura Bounds (386) 736-5961 x12108 FILE NUMBER 2965

#### --END CONSENT AGENDA--

#### LUNCH

#### PUBLIC HEARINGS AND OTHER TIME CERTAIN MATTERS

2:00 p.m.

#### Item 21

FILE NUMBER 2957

<u>Order of Business:</u> Open Public Hearing Staff Report Public Participation Close Public Hearing Council Discussion/Action

Resolution - Abandonment of a portion of the plat of W.J. Manning Sub., Map Book 9, Page 18 (New Smyrna Beach area); Petitioners: Anaheim Group LLC, and Wilbert W. Ramsey and Elizabeth Hartley Ramsey. Gerald N. Brinton (386) 736-5967 x12294



2:05 p.m.

#### Item 22

FILE NUMBER 2959

<u>Order of Business:</u> Open Public Hearing Staff Report Public Participation Close Public Hearing Council Discussion/Action

Resolution - Abandonment/Vacation of a 30-foot wide unopened right of way, as recorded in O.R. 1013, Page 523 and a 5-foot wide unopened right of way, as recorded in O.R. 3978, Page 4710. (DeLand area); Petitioner: Lori Carr and Bridget R. Vaughn. Gerald N. Brinton (386) 736-5967 x12294

#### ZONING/SPECIAL EXCEPTIONS

2:15 p.m.

#### Item 23

FILE NUMBER 2902

<u>Order of Business:</u> Open Public Hearing Staff Report Public Participation Close Public Hearing Council Discussion/Action

Case Z-15-034 - Rezoning of a 9.09-acre property from the General Commercial (B-4) and Urban Single-Family Residential (R-3) zoning classifications to the Urban Single-Family Residential (R-3) zoning classification, Applicants: James and Maryl Galloway, owners; zoning resolution. Kelli McGee (386) 822-5013 x12000 Palmer M. Panton (386) 736-5959 x12736 Scott Ashley (386) 736-5959 x12014



2:15 p.m.

#### Item 24

<u>Order of Business:</u> Open Public Hearing Staff Report Public Participation Close Public Hearing Council Discussion/Action FILE NUMBER 2904

Case S-15-016 - Special exception for a day care center on Transitional Agriculture (A-4) zoned property, Applicant: Ken Pfeifauf, agent for Braker, LLC, owner. Kelli McGee (386) 822-5013 x12000 Palmer M. Panton (386) 736-5959 x12736 Scott Ashley (386) 736-5959 x12014

2:15 p.m.

# Item 25

FILE NUMBER 2903

Order of Business: Open Public Hearing Staff Report Public Participation Close Public Hearing Council Discussion/Action

Case S-15-036 - Special exception for a garage apartment on Transitional Agriculture (A-3) zoned property, Applicant: Michael Kerns for Michael and Michele Kerns, owners. Kelli McGee (386) 822-5013 x12000 Palmer M. Panton (386) 736-5959 x12736 Scott Ashley (386) 736-5959 x12014



2:20 p.m.

#### Item 26

<u>Order of Business:</u> Open Public Hearing Staff Report Public Participation Close Public Hearing Council Discussion/Action FILE NUMBER 2938

Case A-15-048 - Appeal of the planning and land development regulation commission's decision of denial regarding variance case V-15-037, Applicant: Michael Kerns for Michael and Michele Kerns, owners. Kelli McGee (386) 822-5013 x12000 Palmer M. Panton (386) 736-5959 x12736 Scott Ashley (386) 736-5959 x12014

#### 2:30 p.m.

Item 26A

FILE NUMBER 2991

2015 USLA National Lifeguard Championship Event update. George Recktenwald (386) 740-5120 x12904 Mark Swanson (386) 239-6414 x20330

#### AGENDA SUMMARY CONTINUED ON NEXT PAGE



# OTHER BUSINESS - NOMINATIONS/APPOINTMENTS Item 27

Appointments to the smart growth policy review committee. *NOMINATION PROCESS:* Each county council member shall nominate one individual. The committee shall consist of seven members.

Positions: Seven members for a one year term commencing July 16, 2015, and expiring July 15, 2016 .

#### Applicants:

Doris Dianne Cade Edward Clayton Ervin Peter Glover Jake Hickson Stephen Kintner Robert A. Merrell III

Kelli McGee (386) 822-5013 x12000 Palmer M. Panton (386) 736-5959 x12736

# Item 28

FILE NUMBER 2932

Appointments to business incubator advisory board. NOMINATION METHOD: Any council member may make the nomination.. The elector does <u>not have to reside</u> within the council member's district.

Positions: Four appointments for two year terms expiring August 5, 2017.

#### Applicants:

Richard K. Hawes Edith Shelley David Spitzer Dennis M. Stark Art Zimmet

Marcy Zimmerman (386) 736-5920

FILE NUMBER 2695



# Item 29

#### FILE NUMBER 2899

Appointments to the personnel board. NOMINATION METHOD: Any council member may make the nomination. There are five regular voting members and one alternate member

Positions: Two positions for the six year terms commencing August 6, 2015 expiring August 5, 2021.

#### Applicant:

Joie Alexander Patrick Lane

Marcy Zimmerman (386) 736-5920 x12398

# Item 30 AGENDA ITEM TO FOLLOW

FILE NUMBER 2947

Appointment to Southeast Volusia Advertising Authority. NOMINATIONS/ROTATION ORDER: DISTRICT 5

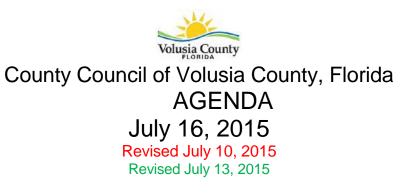
#### [The applicant must be from the lodging industry.]

No elected official, member of two or more other county boards or commissions, or employee of county government shall be appointed to serve on the authority.

Position: One for the remainder of the two year term expiring March 31, 2017.

Applicants in lodging: Elizabeth (Betsy) Baker Daniel St. George

Marcy Zimmerman (386) 736-5920 x12398



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

DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA AND COMMITTEE REPORTS

DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA

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#### ADJOURNMENT