



**County Council of Volusia County, Florida**  
**AGENDA**

**July 16, 2015**

Revised July 10, 2015

Revised July 13, 2015

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

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



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**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (TITLE II)**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the County of Volusia ("County") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

County will make such reasonable modification to policies and programs for qualified persons with disabilities to ensure they have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of County, should contact the office of the County's ADA Title II Coordinator, Mr. George Baker, at (386) 248-1760 as soon as possible but no later than 2 business days before the scheduled event or meeting. This paragraph shall likewise apply to written requests by a physically handicapped person needing a special accommodation to attend a public meeting in accordance with section 286.26, Florida Statutes.

Complaints that a program, service, or activity of County is not accessible to persons with disabilities should be directed to the County in accordance with the County of Volusia Grievance Procedure under the Americans with Disabilities Act (Title II). A copy of the procedure may be obtained by contacting the office of the County's ADA Coordinator, (386) 248-1760.

County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Assisted listening system receivers are available for the hearing impaired, and can be obtained from the Deputy Clerk by calling the County Manager's Office at 386-736-5920.



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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.



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APPROVAL OF MINUTES

9:04 a.m.

Item 01

FILE NUMBER 2975

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

PRESENTATION

9:05 a.m.

Item 02

FILE NUMBER 2961

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

FILE NUMBER 2933

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.



County Council of Volusia County, Florida

**AGENDA**

**July 16, 2015**

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9:55 a.m.

**Item 05**

FILE NUMBER 2953

**Order of Business:**

**Open Public Hearing**

**Staff Report**

**Public Participation**

**Close Public Hearing**

**Council Discussion/Action**

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

**Order of Business:**

**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

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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



County Council of Volusia County, Florida

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**-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**

FILE NUMBER 2960

Resolution - Annual precinct line revisions due to annexations.

Ann McFall (386) 736-5930 x12565

**FINANCE DEPARTMENT**

**-Personnel Services**

**Item 15**

FILE NUMBER 2823

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



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#### GROWTH AND RESOURCE MANAGEMENT

##### -Planning and Development Services

##### Item 16

FILE NUMBER 2944

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

FILE NUMBER 2970

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

FILE NUMBER 2941

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

FILE NUMBER 2963

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





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**Item 20**

FILE NUMBER 2965

Use of local forfeiture funds to purchase equipment.

Expenditure: \$13,100

Laura Bounds (386) 736-5961 x12108

**--END CONSENT AGENDA--**

**LUNCH**

**PUBLIC HEARINGS AND OTHER TIME CERTAIN MATTERS**

2:00 p.m.

**Item 21**

FILE NUMBER 2957

**Order of Business:**

***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



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2:05 p.m.

**Item 22**

FILE NUMBER 2959

**Order of Business:**

***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

**Order of Business:**

***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



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2:15 p.m.

**Item 24**

FILE NUMBER 2904

**Order of Business:**

**Open Public Hearing**

**Staff Report**

**Public Participation**

**Close Public Hearing**

**Council Discussion/Action**

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



County Council of Volusia County, Florida

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2:20 p.m.

**Item 26**

FILE NUMBER 2938

**Order of Business:**

***Open Public Hearing***

***Staff Report***

***Public Participation***

***Close Public Hearing***

***Council Discussion/Action***

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**



## County Council of Volusia County, Florida

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

##### **Item 27**

FILE NUMBER 2695

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 not have to reside 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



County Council of Volusia County, Florida

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**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



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**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**

### **PUBLIC PARTICIPATION**

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### **ADJOURNMENT**