

County Council of Volusia County, Florida

April 02, 2024
Call to Order: 9:00 a.m.

AGENDA

[Printable Agenda](#) [PDF]

The Frank T. Bruno, Jr. County Council Chambers, Room 204
Thomas C. Kelly Administration Center
123 West Indiana Avenue, DeLand, FL 32720

COUNCIL MEMBERS:

Jeffrey S. Brower, County Chair
Jake Johansson, At-Large
Don Dempsey, District 1
Matt Reinhart, District 2
Danny Robins, District 3
Troy Kent, Vice Chair/District 4
David Santiago, District 5

STAFF:

George Recktenwald, County Manager
Michael G. Dyer, County Attorney

**Supporting documents linked from this page are in Adobe pdf format.
If you do not have the Acrobat reader, you may download one [here](#) for free.**

Some files may take longer to download. If you only see a white screen, it is still loading.

PUBLIC PARTICIPATION INFORMATION

Public participation is welcomed and encouraged by the Volusia County Council (Council). In order to be recognized by the Chair during public participation periods, a speaker shall fill out a request form (the back of the form may be used if necessary) and present it to the Deputy Clerk for the Council, prior to public comment periods.

There are three opportunities for public participation during each Council meeting; at the beginning of each meeting, at the end of each meeting, and for each voted agenda item.

Public comment on issues on the agenda or public participation shall be limited to 3 minutes. If you wish to speak on an agenda item, indicate the item number/letter on the public participation form.

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.

For public participation procedures please contact PublicParticipation@volusia.org.

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: <http://www.volusia.org/government/>

The Volusia County Council Chambers is a Wi-Fi Zone.

CALL TO ORDER - 9:00 A.M.

INVOCATION

By: Pastor Brad Gwartney, Stetson Baptist Church, DeLand.

Any opening invocation that is offered prior to the deliberation of Council business shall be the voluntary offering of a private person, to and for the sole benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council or the County staff, and the County is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance are welcome to stand in recognition of the pledge of allegiance and invocation, should they so wish, though such invitation is in no way construed as a demand, order, or command. Members of the public are also allowed to leave Council chambers until such time as the invocation is completed.

PLEDGE OF ALLEGIANCE

Led by the county chair.

ROLL CALL

PUBLIC PARTICIPATION

The Council welcomes and encourages comments from the public.

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Each speaker is allowed one (1) opportunity to speak during a public comment period for a maximum of three (3) minutes. Speakers may not yield their allotted three (3) minutes to another speaker. The Council may, by majority vote, reduce the time limit based on the number of speakers in order to accommodate the opportunity for public comment.

When called to speak by the Chair, all comments shall be made from the podium or other reasonable accommodation by the Chair. Speakers shall identify themselves by name and state their address; and if the speaker is representing a group or organization, the group or organization should also be identified.

All comments shall be directed to the Council as a whole. Comments shall not be addressed to a single member of the Council or to County staff members. Generally, Council members do not ask questions of speakers or respond to questions during public participation. Speakers shall make their comments and request the County Council members consider their comments.

The Council is committed to conducting its meetings such that all participants have a fair and adequate opportunity to be heard, the regular agenda of the Council is completed, and the Council's time is used efficiently. Meetings of the Council shall be conducted in a professional, business-like and civil manner.

COMMENTS ON CONSENT ITEMS

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.

Item 01 consent agenda

AVIATION AND ECONOMIC RESOURCES

-Airport Services

A.

[FILE NUMBER 11671](#)

Contract with Halifax Paving, Inc. for the Daytona Beach International Airport rescue firefighting facility access road improvements, 24-B-851F, C1959.

Expenditure: \$156,698.50 [\$78,349.25 from grant funds; 78,349.25 local match]

Cyrus Callum (386) 248-8030 x18070 Karen Feaster (386) 248-8030 x18304

BUSINESS SERVICES

-Facility Management

B.

[FILE NUMBER 11618](#)

Award of contract to All State Civil Construction, Inc. for the Volusia Sheriff Family Resource Center Septic to Sewer Upgrade, 24-B-31LL, C1939.

Expenditure: \$178,091

Jeaniene Jennings (386) 822-5789 x15789 James Corbett (386) 248-1760 x11359

C.

[FILE NUMBER 11636](#)

Award of Contract to Paul Culver Construction, Inc. for the Agriculture Center Exhibition Hall Restroom ADA Upgrades, 24-B-28LL, C1936.

Expenditure: \$139,000

Jeaniene Jennings (386) 822-5789 x15789 James Corbett (386) 248-1760 x11359

D.**[FILE NUMBER 11637](#)**

Award of Contract to Paul Culver Construction, Inc. for the Agriculture Center Administration Building Restroom ADA Upgrades, 24-B-29LL, C1937.

Expenditure: \$156,000

Jeaniene Jennings (386) 822-5789 x15789 James Corbett (386) 248-1760 x11359

E.**[FILE NUMBER 11645](#)**

Lease renewal with ORF VII Sunshine Plaza, LLC, 2400 Ridgewood Avenue, South Daytona, for traffic court.

Annual expenditure: \$71,801

Jeaniene Jennings (386) 822-5789 x15789 Jim Corbett (386) 248-1760 x11359

F.**[FILE NUMBER 11649](#)**

Award of contract to APM Construction Corp for the New Smyrna Beach Regional Library waterproofing and Stucco Restoration, 24-B-30LL, C1938, 24-B-30LL, C1938.

Expenditure: \$361,300

Jeaniene Jennings (386) 822-5789 x15789 James Corbett (386) 248-1760 x11359

COMMUNITY SERVICES

-Community Assistance

G.**[FILE NUMBER 11640](#)**

Community Development Block Grant (CDBG) and Community Development Block Grant - CARES Act (CDBG-CV) action plan amendments.

Expenditure: \$668,715

Strategic Goals: Enhance Fiscal Stewardship

Brad Burbaugh (386) 943-7081 x13455 Carmen Hall (386) 736-5955 x12044

H.**[FILE NUMBER 11664](#)**

Revisions to SHIP local housing assistance plan and appropriation of HHRP surplus funds.

Appropriation of surplus funds: \$145,707

Strategic Goals: Enhance Fiscal Stewardship

Bradley Burbaugh (386) 943-7081 x13455 Carmen Hall (386) 736-5955 x12044

GROWTH AND RESOURCE MANAGEMENT

-Environmental Management

I.

[FILE NUMBER 11639](#)

Contract task assignment to The Transit Group, Inc., d/b/a Ecological Associates, Inc., for the Sea Turtle Habitat Conservation Plan, 2024, 20-SQ-09TF, PC3454, TA 48.

Expenditure not to exceed: \$170,129

Clay Ervin (386) 822-5013 x12000 Ginger Adair (386) 736-5927 x12059

LEADERSHIP

-Community Information

J.

[FILE NUMBER 11684](#)

Proclamation to be presented outside county council chambers.

- Doctors Week - March 25 to 29, 2024.

Michael Ryan (386) 822-5062 x15637 Pat Kuehn (386) 822-5062 x12934

LEGAL DEPARTMENT

-Legal

K.

[FILE NUMBER 11676](#)

Settlement with property owners for Parcel 103 in eminent domain action, Project No. P-5843 for construction of a roundabout at the intersection of Pioneer Trail and Tomoka Farms Road. Council District 3

Settlement amount: \$125,000

Russ Brown (386) 736-5950 x12947

PUBLIC PROTECTION

-Beach Safety

L.

[FILE NUMBER 11677](#)

Beach Special Event Permit - Jeeps at the Rock on April 24-25, 2024.

Mark Swanson (386) 740-5120 x21904

PUBLIC WORKS

-Coastal

M.

[FILE NUMBER 11651](#)

Contract task assignment with Intera-GEC, LLC for Ponce Inlet flood shoals surveying and testing,

20-SQ-175IF, PC3464, TA28.

Expenditure: \$128,766 [From grant funds]

Strategic Goals: Support a Solution-Oriented Culture

Benjamin Bartlett (386) 736-5965 x12712 Jessica Fentress (386) 248-8072 x20356

N.

[FILE NUMBER 11666](#)

Contract task assignment to Hall & Ogle Architects, Inc. for Frank Rendon Park repairs, 23-SQ-51SR, PC3461, TA9.

Expenditure: \$274,250 [from FEMA funds]

Benjamin Bartlett (386) 736-5965 x12712 Jessica Fentress (386) 248-8072 x20356

-Engineering and Construction

O.

[FILE NUMBER 11690](#)

Proportionate fair share agreement with the City of Daytona Beach and Encompass Health Rehabilitation Hospital of Daytona Beach, LLC for the Encompass Health Rehabilitation Center project.

Council District 4

Revenue: \$120,493

Tadd Kasbeer (386) 736-5967 x15846

P.

[FILE NUMBER 11691](#)

Proportionate fair share agreement with the City of Daytona Beach and Daytona Beach SPE II, LLC for the Halifax Apartments multi-family project. Council District 4

Revenue: \$54,517

Tadd Kasbeer (386) 736-5967 x15846

Q.

[FILE NUMBER 11653](#)

Proposed release of a 1-Foot Non-Vehicular Easement along Orange Camp Rd and Blue Lake Ave as recorded in OR 8290, Page 3003. (DeLand area) Council District #1

Tadd Kasbeer (386) 736-5967 x15846

R.**[FILE NUMBER 11655](#)**

Selection of MetaWorld Civil Consulting, LLC, for the engineering design for the Veterans Memorial Parkway Extension, 24-SQ-27SR.

Tadd Kasbeer (386) 736-5967 x15846

S.**[FILE NUMBER 11662](#)**

Selection of A.M. Weigel Construction, Inc., for the construction management/general contracting services for the Fire Station 42 Kepler Road, DeLand, Additions and Alterations, 24-SQ-42SR, C1943 Council District 3

Tadd Kasbeer (386) 736-5967 x15846

T.**[FILE NUMBER 11692](#)**

Proportionate fair share agreement with the City of Daytona Beach and Tomoka Town Center Phase 1, LLC for the Popstroke entertainment facility project. Council District 4

Revenue: \$211,434

Tadd Kasbeer (386) 736-5967 x15846

-Road and Bridge**U.****[FILE NUMBER 11648](#)**

Contract with Seacoast, Inc., for the Main Street Bridge Counterweight Metalizing, 24-B-65SR, C1949.

Expenditure: \$312,000

Benjamin Bartlett (386) 736-5341 x12712 Lori Koontz (386) 822-6422 x20455

-Water Resources and Utilities**V.****[FILE NUMBER 11623](#)**

Extension of Contracts with Thompson Well & Pumps, Inc., DeLand, and Florida and Connect Consulting, Inc., Lake Helen, for hydrogeological and well services, 21-SQ-21SR and 21-SQ-54SR.

Benjamin Bartlett (386) 736-5965 x12712 Michael Ulrich (386) 943-7027 x12724

W.**[FILE NUMBER 11631](#)**

Utility Service Agreement with Halifax Plantation Section M, LLC, for utility service to "Town's of Ormond"

Benjamin Bartlett (386) 736-5341 x12712 Michael Ulrich (386) 943-7027 x12724

-END CONSENT AGENDA-

**Presentations, Awards, Reports, Proclamations,
Retirements, Confirmations, etc. may be heard anytime
throughout County Council as time permits.**

OTHER BUSINESS

Item 02

[FILE NUMBER 11672](#)

2024 ECHO Grant Award Recommendations and Request to Consider Additional Grant Cycle.

Total recommended for funding: \$2,666,084

Total not recommended for funding: \$148,825

Total funding requiring Council direction: \$2,500,000

Total funding request: \$5,314,909

Strategic Goals: Implement a Plan For Expanded Recreation

Brad Burbaugh (386) 943-7039 x13455 Nick Dunnam (386) 943-7081 x13459

Daniel Marsh (386) 943-7081 x13457

**PUBLIC HEARINGS
NO SOONER THAN 9:30 A.M.**

Item 03

[FILE NUMBER 11698](#)

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Ordinance 2024-08. Ordinance adding Chapter 58, Article V, Medical Provider Liens and establishing for certain medical providers an entitlement to liens for certain outstanding charges.

Laura Mauldin Coleman (386) 736-5950 x12944

Item 04

[FILE NUMBER 11652](#)

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

COUNCIL DISTRICT 1

QUASI-JUDICIAL HEARING-EX PARTE

Proposed vacation of a portion of the plat of The Map of Henry P. Bryan's Addition to Barberville, Map Book 1, Page 81 (Barberville area) Council District #1.

Tadd Kasbeer (386) 736-5967 x15846

Item 05

[FILE NUMBER 11641](#)

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

COUNCIL DISTRICT 1

QUASI-JUDICIAL HEARING-EX PARTE

A special exception for a communication tower exceeding 70 feet in height at 1498 Harper Road, Pierson, on Forestry Resource (FR) zoned property (Case S-24-001) (County Council District 1).

Applicant: Michael Nix, Smartlink Group

Owner: Larry and Karen Pridgeon

Clay Ervin (386) 822-5013 x12000 Carol McFarlane (386) 736-5959 x12736

Trish Smith (386) 736-5959 x12943

Item 06

[FILE NUMBER 11647](#)

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

**COUNCIL DISTRICT 4
QUASI-JUDICIAL HEARING-EX PARTE**

Resolution 2024-xx. Rezoning from the General Commercial (B-4) zoning classification at 1328 Hurst Street, Daytona Beach, to the Urban Single-Family Residential (R-4) zoning classification

(Case Z-24-004) (Council District 4).

Applicant: Thomas Huger TAH2, LLC

Owner: New Heart Christian Center

Strategic Goals: Support a Solution-Oriented Culture

Clay Ervin (386) 822-5013 x12000 Carol McFarlane (386) 736-5942 x12736

Trish Smith (386) 736-5959 x12943

Item 07

[FILE NUMBER 11650](#)

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

COUNCIL DISTRICT 1

QUASI-JUDICIAL HEARING-EX PARTE

Resolution 2024-xx. Rezoning from the Rural Residential (RR) zoning classification on West Blue Springs Avenue to the Urban Single-Family Residential (R-4) zoning classification (Case Z-24-003)

(County Council District 1).

Applicant: Nika Hosseini, Esquire Cobb Cole Attorneys at Law

Owner: Angel Paredes

Clay Ervin (386) 822-5013 x12000 Carol McFarlane (386) 736-5942 x12736

Trish Smith (386) 736-5959 x12943

Item 08

[FILE NUMBER 11660](#)

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

COUNCIL DISTRICT 3

QUASI-JUDICIAL HEARING-EX PARTE

Amendment to a Special Exception for a Nonexempt Excavation located on State Road (SR) 44 in Deland on Forestry Resource (FR) Zoned Property (Case S23-006) (County Council District 3).

Applicant: Steven R. Buswell, Parker Mynchenberg & Associates, LLC

Owner: Kemcho Investment Group, LLC

Clay Ervin (386) 822-5013 x12000 Carol McFarlane (386) 736-5959 x12736

Trish Smith (386) 736-5959 x12943

OTHER BUSINESS

Item 09

[FILE NUMBER 11688](#)

Contract with Paul Culver Construction, Inc., for professional construction management and general contracting services for the International Speedway Boulevard beach access improvements, Part B, 23-SQ-137IF, C1900.

Expenditure: \$2,663,990

Benjamin Bartlett (386) 736-5965 x12712 Jessica Fentress (386) 248-8072 x20356

PRESENTATIONS

Item 10

[FILE NUMBER 11661](#)

Stormwater Utility Fund Program Update.

Strategic Goals: Increase Efficiency and Effectiveness of Government Operations

Benjamin Bartlett (386) 736-5965 x12712 Lori Koontz (386) 822-6422 x20455

PUBLIC HEARINGS

NO SOONER THAN 1:00 P.M.

Item 11

[FILE NUMBER 11697](#)

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Ordinance 2024-09; Section 78-6, Sexual Offenders - Place of Residence.

Russ Brown (386) 736-5950 x12947

NOMINATIONS/APPOINTMENTS

Item 12

[FILE NUMBER 11696](#)

Chair, At-Large, District 1 and District 3 appointments to the Affordable Housing Advisory Committee.

Karissa Green (386) 736-5920 x15928

[COUNCIL MAY BREAK AT AN UNSCHEDULED TIME FOR LUNCH]

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DISCUSSION OF MATTERS NOT ON AGENDA / REQUESTS

County Manager
County Attorney
County Council

ADJOURNMENT

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, Jim Corbett, 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.

TITLE VI – NONDISCRIMINATION POLICY

Volusia County values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, Volusia County believes that the best programs and services result from careful consideration of the needs of all of its communities and when those communities are involved in the public policy and governmental services decision making process. Thus, Volusia County does not tolerate discrimination in any of its various programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, Volusia County will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, income or family status.

In accordance with the foregoing, Volusia County has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability, family or income status in any of Volusia County's programs, services, or activities may file a complaint with the Volusia County Title VI Nondiscrimination Coordinator:

**Tammy King
Title VI Coordinator
County of Volusia
123 W. Indiana Avenue, DeLand, FL 32720
Email: tking@volusia.org
Phone:(386) 736-5951
Fax:(386) 740-5149
Hearing Impaired: 711 (Florida Relay) / (800)-955-8771 (Florida Relay for TTY Users)**