

MinPro

Searched: Associated Marketing (1970 to 2000)

NoCatSearch			
Meeting Date	Category	SubCategory	Memo
4/9/1987	PUBLIC WORKS	BENCHES AT VOTRAN BUS STOPS	REQUEST OF TED MICKER, ASSOCIATED MARKETING, TO PLACE BENCHS AT VOTRAN BUS STOPS TO BE AGENDAED FOR MAY 21 AT 11 AM
5/21/1987	PUBLIC WORKS	BENCH ADVERTISING LEASE	APPROVE LEASE WITH KEN MICKER, ASSOCIATED MARKETING, INC. TO FURNISH BENCHES WITH ADVERTISING IN UNINCORPORATED AREA AT VOTRAN BUS STOPS TO BE DETERMINED BY VOTRAN STAFF FOR 5 YEAR PERIOD; 90 DAY CANCELLATION CLAUSE AT OPTION OF COUNTY
11/20/1986	PUBLIC WORKS	BENCH ADVERTISING	CONTINUE REQUEST OF MARY MICKER, ASSOCIATED MARKETING, INC. TO PROVIDE BENCHES IN RIGHTS OF WAY ALONG EAST VOLUSIA TRANSPORTATION AUTHORITY VOTRAN BUS ROUTE IN UNINCORPORATED AREAS OF COUNTY PENDING COMPLETION OF A REPORT ON VOTRAN BEING PREPARED BY DR. EVELYN FINE
3/21/1985	PUBLIC WORKS	BUS BENCH PURCHASE	AWARD BID AND APPROVE ISSUANCE OF PURCHASE ORDER TO ASSOCIATED MARKETING, INC. FOR 28 BENCHES AT \$59\8 EACH, FOR A TOTAL OF \$1,662 FOR REFURBISHED BUS BENCHES
9/6/1984	CONTRACTS/GRANTS/LEASES	BENCHES AT BUS STOPS	DETERMINED THAT THE AGREEMENT WITH ASSOCIATED MARKETING, INC. (AMI) NOT BE RENEWED AND AMI BE REQUESTED TO REMOVED BENCHES FROM ALL COUNTY RIGHTS OF WAY
10/11/1984	PUBLIC WORKS	BENCH ADVERTISING	DIRECT STAFF TO PLACE ON THE OCT. 25 AGENDA REQUEST OF M. A. MICKER OF ASSOCIATED MARKETING,

NoCatSearch

Meeting Date	Category	SubCategory	Memo
			INC. FOR RECONSIDERATION OF COUNCIL'S DENIAL OF HIS REQUEST FOR RENEWAL OF AN AGREEMENT WITH THE COUNTY FOR PLACEMENT OF BENCHES AT VARIOUS LOCATIONS
10/25/1984	PUBLIC WORKS	ASSOCIATED MARKETING, INC. BENCH CONTRACT	UPHOLD ORIGINAL DECISION NOT TO RENEW THE BENCH AGREEMENT WITH AGREEMENT WITH M. A. MICKER, ASSOCIATED MARKETING, INC.
1/5/1996	ADMIN/FILES	CONTRACTS/LEASES/AGREEMENTS - CONSULTING / PROFESSIONAL SERVICES - MISCELLANEOUS	0613 - ADVERTISING, BENCH (VOTRAN) ASSOCIATED MARKETING, INC (EST '90 EXP. '93) RENEWED ANNUALLY

COUNTY COUNCIL AGENDA - SEPTEMBER 6, 1979

IX. REPORTS

C. COUNTY MANAGER

1. Submission of Annual Report of Youth Advocacy Commission
(Memorandum CM-79-1028)
2. Request of Associated Marketing, Inc. to provide bus bench services
(Memorandum CM-79-1078)
3. Fire Protection Agreement for Silver Sands-Bethune Beach Municipal Service District with City of New Smyrna Beach
(Memorandum CM-79-1079)
4. Changes to Fiscal Year 1980 Plan for CETA Programs and Subgrantees
(Memorandum CETA-79-23)
5. Recommendation of Vice-Chairperson for the CETA Manpower Planning Council
(Memorandum CETA-79-22)
6. Nominations to fill five vacancies on Manpower Planning Council
(Memorandum CETA-79-21)
7. Staff Report re Deltona MSD Advisory Board Report on Status of Public Safety in Deltona
(Memorandum CM-79-1070)
8. Evaluation of Rate Increase Requests by Exclusive Garbage Franchises in District 5
(Memorandum CM-79-1061)

D. OTHER

1. Airport

- Award of Bid - Airport Quick-Dash Vehicle
(Memorandum AP-79-470)

Pursuant to discussion, the consensus was that recommendation #3 not be adopted at this time and if the Commission has other approaches it would like to explore, these can be brought back to the Council.

Council Member Adams moved approval of contract between the County of Volusia and Associated Marketing, Inc. to provide bus bench services within the County, said motion being seconded by Council Member Hartman.

Council Member Mann raised several questions regarding certain provisions of the proposed contract concerning proposed locations of the benches, and the Chairman suggested this matter be continued to give Council Members an opportunity to study Council Member Mann's suggested modifications to the contract.

Whereupon, Council Member Mann moved to continue this matter until the next meeting, said motion being seconded by Council Member Adams and duly adopted.

Council Member Mann moved approval of agreement between the County of Volusia and the City of New Smyrna Beach for fire and rescue services to be provided by the City to the Silver Sands-Bethune Beach Municipal Service District as recommended, said motion being seconded by Council Member Ascherl and duly adopted.

The Chairman called for discussion regarding recommendation of the staff that the County Council set a time and date for a public hearing to consider request of Triangle Services, Inc., DeBary Sanitation, Inc., and Deltona Sanitation, Inc. (as it applies to the franchise area outside the Deltona MSD) for rate increases. In the case of the rate increase requested by Deltona Sanitation, Inc. as it applies to the Deltona Municipal Service District, it is recommended that approval or disapproval of this requested increase be made at the September 20, 1979 meeting.

COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA

ADDENDUM TO AGENDA

SEPTEMBER 13, 1979

A. COUNTY MANAGER

1. Consideration of request of Associated Marketing, Inc.
for Bus Bench Services

(Memorandum CM-79-1117)

(Continued from meeting of September 6, 1979)

2. Resolution expressing appreciation to those agencies
and citizens who participated in the emergency pre-
paredness and protection of lives and property during
Hurricane David

* * *

September 13, 1979

Pursuant to discussion, Council Member Mann moved approval of contract between the County of Volusia and Associated Marketing, Inc. for bus bench services, said motion being seconded by Council Member Adams and duly adopted.

Chairman Summers requested an item to be placed on the October 4 agenda for discussion concerning a permit fee for re-roofing, and also requested the Legal staff to prepare a proposed ordinance for consideration on October 4 to increase the Building Trades Board membership to include a roofer.

There being no further business to come before the Council, the meeting adjourned at 11:05 p.m.

APPROVED

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

BY: 

CHAIRMAN

ATTEST: 

COUNTY MANAGER

-0-0-0-0-0-0-0-0-0-0-0-0-0-0-

MINUTES OF THE MEETING OF THE COUNTY COUNCIL
OF VOLUSIA COUNTY, FLORIDA, IN REGULAR SESSION
HELD SEPTEMBER 20, A.D., 1979, AT THE COUNTY
COURTHOUSE ADDITION, DELAND, FLORIDA.

The meeting was called to order at 9:00 a.m. by Chairman
John W. Summers:

On roll call, the following Council Members answered present, to-wit: Council Members Donald K. Adams; Jack Ascherl; Tom C. Brown; P. T. Fleuchaus; Robert N. Hartman; Clyde R. Mann; and John W. Summers. Also present were Thomas C. Kelly, County Manager; Lawrence W. Arrington, Assistant County Manager; Charles B. Hetrick, Assistant County Manager; Warren O. Tiller, County Attorney; Vohnnie Pearson, County Engineer; P. Malcolm Smith, Traffic Engineer; and a Deputy Sheriff.

CC 11/20/86
November 20, A.D. 1986

Council Member Summers moved to deny request of Mary Micker, President of Associated Marketing, Inc., to provide benches in rights-of-way along the East Volusia Transportation Authority bus route in the unincorporated area of the County, said motion seconded by Council Member Bruno.

Several Council Members shared the staff's concerns with this request, and also felt the bench advertising was contrary to the intent and spirit of the Sign Ordinance.

Pursuant to discussion, the motion was withdrawn and Council Member Summers moved to continue this matter pending completion of a report on VOTRAN being prepared by Dr. Evelyn Fine, said motion seconded by Council Member Schleicher and duly adopted.

Council Member Summers moved to reappoint Douglas Fisher, Suzanne Kosmas and Charles W. Mellor the Planning & Land Development Regulation Commission for three year terms commencing December 19, 1986, said motion seconded by Council Member Bruno and duly adopted.

Council Member Summers moved to accept staff's recommendation for approval of Final Plat of Breezewood Center Subdivision and acceptance of the Performance Escrow Agreement provided by the developer while withholding filing of the Final Plat until an appropriate developer's agreement for water and sewer service has been executed, said motion seconded by Council Member Schleicher.

Council Member Schleicher was opposed to any development that would create three additional driveways onto U.S. Highway 17-92.

The motion on the floor was deferred until after the developer, who was not present, could be contacted to clarify the issue regarding the number of driveways.

At the January 8, 1987 meeting Council agreed to reaffirm the appointment of Roy Schleicher and appoint a replacement for Jack Ascherl as Council representatives to the East Central Florida Regional Planning Council.

COUNTY COUNCIL AGENDA - MAY 21, 1987

IX. PUBLIC HEARINGS AND TIME CERTAIN MATTERS

- as amended*
LD. 10:10 a.m. - Public Hearing re Ordinance No. 87-13 amending Ordinance No. 87-7 by continuing the Southeast Volusia Moratorium ("beach side" of North Indian River)

(Memorandum 80-Z-4879)

- as amended*
LE. 10:10 a.m. - Public Hearing re Ordinance No. 87-12 amending Ordinance No. 85-10 by continuing the Southeast Volusia Moratorium

(Memorandum 80-Z-4879)

- LF. 10:30 a.m. - Public Hearing re 1986-87 Mid-Year Budget Amendment

(Memorandum CM-87-401) *Revo 4 87-72 as amended*
was 6/1 - 7:30 PM DB

- 12:20
G. 10:45 a.m. - COUNCIL TO RECESS AS COUNTY COUNCIL AND CONVENE AS EAST VOLUSIA TRANSPORTATION AUTHORITY

1) Approval of Minutes of Meeting held February 26, 1987

2) Request for approval to submit an Urban Service Development Grant to the Department of Transportation and authorization for execution by the County Manager (\$57,073.00)

(Memorandum TR 87-042)

12:20
COUNCIL TO ADJOURN AS EAST VOLUSIA TRANSPORTATION AUTHORITY AND RECONVENE AS COUNTY COUNCIL.

- ✓ H. 11:00 a.m. - Consideration of Proposal of Ken Micker re VOTRAN Bench Advertising

(Mary Micker letter dated November 21, 1986)

- ✓ I. 11:30 a.m. - PUBLIC PARTICIPATION

- ✓ J. 2:00 p.m. - Appeal of denial of credit offsetting the Impact Fee for Calvary Christian Center (Dr. Digirolamo)

(Memorandum DCA-87-165)

- ✓ K. 2:15 p.m. - Discussion of High Speed Rail System

(Presentation by Peter B. Heebner, Chairman, Volusia County High Speed Rail Task Force)

- ✓ L. 2:30 p.m. - Discussion of petition re right-of-way preservation map for construction of road between U.S. 17-92 and S.R. 15-A (Liles Petition)

(Memorandum 81-PW-5434)

May 21, A.D. 1987

SECTION III: In the spirit of hospitality, the Volusia County Council hereby formally invites the Governing Board of the St. Johns River Water Management District to hold at least one of its montly meetings in the County Council Chambers at DeLand, Florida, within the next six (6) months.

SECTION IV: This Resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN MEETING.

Mr. George Matesz, Deltona resident, appeared to object to what he felt was misinformation being distributed by the "Committee to Incorporate Deltona".

Council Member Schleicher surmised that this type information will continue to be distributed by proponents and opponents on the incorporation issue until after the referendum. No action was taken by the Council on this issue.

The Council recessed 12:20 p.m. and convened as the East Volusia Transportation Authority. The County Council reconvened at 12:22 p.m. and then recessed for lunch until 1:40 p.m.

Council Member Doliner moved to approve proposed lease with Ken Micker, Associated Marketing, Inc. to furnish benches with advertising in the unincorporated areas of Volusia County at VOTRAN bus stop locations to be determined by VOTRAN staff for a period of five years with a 90 day cancellation clause at the option of the County, said motion seconded by Council Member Cyler and duly adopted.

This being the date for discussion regarding School Crossing Guards for middle schools, a video was narrated by Mrs. George Musson showing the need for a School Crossing Guard at the intersection of Highway 44 and Myrtle Avenue for students attending New Smyrna Beach Middle School.

25.	Waived the provisions of the Southeast Volusia Moratorium and accepted the application of Jake Ward with the understanding it will be subject to the new regulations.	<i>Don S</i>
26.	Workshop on Mid-Year Budget Amendment scheduled for June 1, 1987 at 7:30 p.m. in Courtroom #1, Courthouse Annex, Daytona Beach.	<i>al h (DK)</i>
27.	Resolution No. 87-73 adopting Mid-Year Budget Amendment for the Drug Task Force; \$975,000 for the Helicopter; and \$55,000 for Corrections.	<i>al h (DK)</i>
28.	Public Hearing June 4, 1987, 9:30 a.m. to consider Resolution on additional Mid-Year Budget Amendments.	<i>al h (DK)</i>
29.	Resolution No. 87-74 urging the Conservation and Recreational Land Committee to give significant ranking to the 1,300 acre Starke Tract on the 1987 Acquisition List.	<i>side or</i>
30.	Authorized out-of-county travel for Council Member Henderson and staff to travel to Tallahassee on May 29, 1987 for the CARL committee meeting.	<i>side</i>
31.	Resolution No. 87-75 supporting the application of National Church Residences of Daytona Beach, Inc. for funding under Section 202 of the Housing Act of 1959, for provision of housing for elderly citizens.	<i>side or</i>
32.	Resolution No. 87-76 encouraging the St. Johns River Water Management District to locate a permitting field office in Volusia County and inviting the District's Governing Board to conduct one of its meetings at the Council Chambers in DeLand.	<i>side or</i>
33.	Approved submission of an Urban Service Development Grant to the Department of Transportation (\$57,073.) for VOTRAN.	<i>KP side or</i>
34.	Approved a lease with Ken Micker, Associated Marketing, Inc. for VOTRAN bench advertising for a period of five years with a 90 day cancellation clause at the option of the County.	<i>Legal</i>
35.	Approved Amendment No. 8 to Contract with Delta Associates, Inc. re construction testing for airfield improvements - DBRA Project AIP-3-12-0017-06.	<i>JPW</i>

Cannot find meeting minutes for this date.

County of Volusia, Florida

Item 23

Date: July 11, 2001

8/16/2001

AGENDA ITEM

Page 1 of 16

Department: Community Services Department

Division: VOTRAN

File No: TR0126

Subject: Bus Bench Advertising Contract

Amount(s): N/A

Account Number(s): N/A

Description(s):

Attachments:

- ☐ Ordinance
- ☐ Resolution
- ☐ Budget Resolution
- ☒ Other
- ☐ Supporting Documents/Contracts available for review in the Service Center and County Manager's Office

Summary/Highlights:

VOTRAN is proposing that the agreement with Associated Marketing, Inc. be modified to allow benches to be placed only at VOTRAN bus stops.

Staff Contact: Kenneth R. Fischer, General Manager Phone: 756-7496, extension 126

Recommended Motion:

Volusia County Council authorizes County Manager to sign letter of agreement with Associated Marketing, Inc. to allow benches to be placed only at VOTRAN bus stops.

Department Director:

Division Director:

OMB

Approved as to
Budget Requirements

Legal

Approved as to Form
and Legality

County Manager's
Office

Approved Agenda Item
for:
August 16, 2001

Council Action:

- ☐ Approved as Recommended
- ☐ Approved with Modification
- ☐ Disapproved
- ☐ Continued Date:

Modification

Agenda Page No. 1

Date: July 11, 2001

AGENDA ITEM

Page 2 of 16

Subject: Bus Bench Advertising Contract

Department: Community Services Department
Division: VOTRAN
File No: TR0126

BACKGROUND/DISCUSSION

VOTRAN entered into agreement with Associated Marketing, Inc. in 1992 to provide benches with advertising at bus stops in the unincorporated areas of Volusia County. This arrangement allows VOTRAN to minimize the operating and capital expenses associated with purchasing, installing and maintaining bus benches.

The agreement allows Associated Marketing, Inc. the non-exclusive right and privilege to place benches at bus stops in the unincorporated areas of Volusia County and such other rights-of-way in the unincorporated areas of the County as are mutually acceptable to Associated Marketing, Inc. and VOTRAN.

Compensation is provided in the amount of fifteen (15) percent of gross revenues collected for rental or \$500.00 per year, whichever is greater. On average, VOTRAN has received \$2,700.00 per year in compensation. The agreement automatically renews each year and contains a termination clause without cause, after 180 days of notice.

A list of bus stops in the unincorporated area is attached showing the customer amenities at those stops. In addition, Associated Marketing, Inc. has placed two benches at locations that are not bus stops. It should be noted that several benches previously identified as not being at bus stops have been removed.

Unincorporated Stops in the Ormond Beach Area

6/01

Reference Number	Street	Cross Street	Shelter	Bench	Sign	Concr. Pad	Garbage Can	Sidewalk	Lighting
1	A1A	Brooks		Y	Y			Y	
2	A1A	Sea Oats/Sea Bridg			Y				Y
3	A1A	Ocean Aire Terrace			Y	Y			Y
4	A1A	Capistrano		Y	Y			Y	Y
5	A1A	Ocean Grove			Y				Y
6	A1A	Ocean Grove		Y	Y			Y	Y
7	A1A	San Jose Drive			Y				Y
8	A1A	Wisteria		Y		Y		Y	Y
9	A1A	Berkley/Briggs		Y	Y				Y
10	A1A	Sunrise		Y	Y			Y	Y
11	A1A	Ocean Breeze		Y	Y				
12	A1A	Kathy		Y	Y				Y
13	A1A	Sandra			Y				Y
14	A1A	Sandra		Y	Y				Y
15	A1A	Seabreeze/Seacrest		Y				Y	Y
16	A1A	A1A Drive		Y	Y	Y		Y	Y
17	A1A	Palm		Y	Y			Y	Y
18	A1A	Palm		Y	Y			Y	Y
19	Bass	Tarpon			Y				Y
20	John Anderson	Sunny Shores			Y				
21	John Anderson	Brooks			Y				
22	Longwood				Y	Y		Y	Y
23	Lynn Hurst	Ocean Shore		Y	Y			Y	Y
24	Tarpon	John Anderson			Y				Y
25	US 1	Lowndes			Y				
26	US 1	Rosemary						Y	Y

Unincorporated Stops Just West of Daytona Beach

6/01

Reference Number	Street	Cross Street	Shelter	Bench	Sign	Concr. Pad	Garbage Can	Sidewalk	Lighting
1	Bellevue	Tomoka Farms		Y	Y				
2	International Spwy	I-95			Y				Y
3	International Spwy	Tomoka Farms		Y	Y	Y			Y
4	International Spwy	Tomoka Farms		Y	Y	Y			Y
5	International Spwy	Fire Tower			Y				
6	International Spwy	Fourth St.			Y				
7	International Spwy	Fourth St./Indian			Y				
8	International Spwy	Indian Lake			Y				
9	International Spwy	Indian Lake		Y	Y				
10	International Spwy	General Custer		Y	Y				
11	International Spwy	Fourth			Y				
12	International Spwy	Fire Tower			Y				
13	International Spwy	Red John			Y			0	Y
14	International Spwy	Red John			Y			0	
15	Keyton	Red John		Y	Y	Y			Y
16	Keyton	Indian Lake			Y				
17	Red John	International Spwy		Y	Y				
18	Red John	Jail #1			Y		Y	10	Y

Unincorporated Stops in the Holly Hill Area

6/01

Reference Number	Street	Cross Street	Shelter	Bench	Sign	Concr. Pad	Garbage Can	Sidewalk	Lighting
1	Carolina	Alabama		Y	Y				
2	Carolina	Arroya			Y				Y
3	Carolina	Arroya		Y	Y				
4	Carolina	Fleming			Y				
5	Carolina	Fleming			Y				
6	Carolina	Arroyo		Y	Y				
7	Carolina	Golf			Y				
8	Derbyshire	Linda			Y	Y		Y	Y
9	Derbyshire	Deneece/Leon			Y	Y		Y	Y
10	Derbyshire	LPGA			Y				Y
11	Derbyshire	Thirteenth		Y	Y				Y
12	Derbyshire	Thirteenth			Y				Y
13	Derbyshire	Fifteenth			Y	Y			Y
14	Derbyshire	Elvora			Y				Y
15	Derbyshire	Flomich			Y				Y
16	Derbyshire	Alabama			Y			Y	Y
17	Derbyshire	Jackson			Y			Y	Y
18	Derbyshire	Columbia			Y			Y	
19	Derbyshire	Thirteenth			Y			Y	Y
20	Derbyshire	Thirteenth			Y			Y	
21	Derbyshire	Miami			Y			Y	Y
22	Derbyshire	Hurst		Y	Y				Y
23	Derbyshire	Linda			Y				
24	Eighth	Nova			Y	Y			Y
25	Eighth	Colonial			Y	Y			Y
26	Eighth	Vine			Y				Y
27	Eighth	Beacon			Y				Y
28	Eighth	Circular		Y	Y				Y

Reference Number	Street	Cross Street	Shelter	Bench	Sign	Concr. Pad	Garbage Can	Sidewalk	Lighting
29	Eighth	Holly			Y	Y			Y
30	Fleming	Linda			Y	Y		Y	Y
31	Fleming	Nova		Y	Y				Y
32	Fleming	Carolina			Y				Y
33	LPGA	Nova		Y	Y	Y		Y	Y
34	Nova	Flomich		Y	Y			Y	Y
35	Nova	Walker			Y	Y		Y	
36	Nova	Fleming			Y				Y
37	Nova	Hand			Y				Y
38	Nova	Hand			Y	Y			Y
39	Nova	Division		Y	Y	Y			Y
40	Nova	Moreland/Hand		Y	Y	Y		Y	Y
41	Nova	Hand			Y			Y	Y
42	Nova	Fleming		Y	Y				
43	Sixth	Williamsburg			Y				Y
44	Sixth	Nova			Y	Y			Y
45	US 1	Aragon		Y	Y			Y	Y
46	US 1	Seville		Y	Y			Y	Y
47	US 1	Seville		Y	Y			Y	Y
48	US 1	Calle Grande		Y	Y			Y	Y

Unincorporated Stops in Southeast Volusia

6/01

Reference Number	Street	Cross Street	Shelter	Bench	Sign	Concr. Pad	Garbage Can	Sidewalk	Lighting
1	Atlantic	Marcelle		Y	Y				
2	Atlantic	Mallard		Y	Y				
3	Atlantic	Egret			Y				
4	Atlantic	Toronita		Y	Y				Y
5	Atlantic	Curlew		Y	Y				Y
6	Atlantic	Major		Y	Y				Y
7	Atlantic	Curlew		Y	Y				Y
8	Atlantic	Toronita		Y	Y				Y
9	Atlantic	Egret		Y	Y				Y
10	Atlantic	Mallard		Y	Y				Y
11	Atlantic	Mallard/Phillis			Y				Y
12	Atlantic	Sylvia		Y	Y			Y	
13	Hiles	Atlantic			Y				
14	Hiles	Saxon			Y				Y
15	US 1	Niver		Y	Y			Y	Y
16	US 1	Wamock		Y	Y			Y	Y
17	US 1	Commonwealth		Y	Y			Y	
18	US 1	Kirby		Y	Y	Y		Y	Y
19	US 1	Jean Frances/Kathe		Y	Y	Y		Y	
20	US 1	Norman		Y	Y			Y	
21	US 1	Harbor		Y	Y				
22	US 1	Bayshore/Harbor		Y	Y	Y			
23	US 1	Norman			Y	Y		Y	Y
24	US 1	Isabelle/Howes			Y	Y		Y	Y
25	US 1	Commonwealth		Y	Y	Y		Y	Y
26	US 1	Joseph		Y	Y				
27	US 1	Alice		Y	Y				Y
28	US 1	Volco			Y				
29	US 1	Omni			Y				

Reference Number	Street	Cross Street	Shelter	Bench	Sign	Concr. Pad	Garbage Can	Sidewalk	Lighting
30	US 1	Omni/Clinton Cemet		Y	Y				
31	US 1	Omni/Clinton Cemet			Y				
32	US 1	Clinton Cemetary		Y	Y				
33	US 1	Thomas		Y	Y				
34	US 1	Ariel		Y	Y				
35	US 1	Ward/Canal		Y	Y				
36	US 1	Douglas			Y				
37	US 1	Douglas			Y				
38	US 1	River Park		Y	Y				
39	US 1	River Park/Rio Gra		Y	Y				
40	US 1	Rio Grande		Y	Y				
41	US 1	Omni			Y				
42	US 1	Cory			Y				

Unincorporated Stops in Western Volusia County

6/01

Reference Number	Street	Cross Street	Shelter	Bench	Sign	Concr. Pad	Garbage Can	Sidewalk	Lighting
1	Brandywine Shoppin	Winn Dixie			Y		Y	Y	Y
2	Enterprise	Harley Strickland			Y		Y	Y	Y
3	Enterprise	US 17-92		Y	Y		Y	Y	Y
4	Enterprise	US 17-92		Y	Y		Y	Y	Y
5	Enterprise	US 17-92			Y				Y
6	Enterprise	Harley Strickland			Y		Y	Y	Y
7	International Spwy	McDonald			Y				Y
8	International Spwy	Kepler			Y				Y
9	International Spwy	Kepler			Y				
10	International Spwy	West Parkway			Y				
11	International Spwy	Big John			Y				
12	International Spwy	Kepler			Y				
13	International Spwy	Olympia			Y				
14	International Spwy	West Parkway			Y				
15	International Spwy	Red John			Y				
16	International Spwy	Big John			Y				
17	International Spwy	Clark Bay			Y				
18	International Spwy	Clark Bay			Y				
19	Medical Center	Outpatient Clinic		Y	Y				Y
20	Medical Center	Outpatient Clinic		Y	Y				Y
21	Saxon	Threadgill			Y				Y
22	SR 11	US 17			Y				Y
23	Stone	Fletcher			Y		Y	Y	Y
24	Stone	International Spwy			Y				Y
25	Stone	International Spwy			Y				Y
26	Stone	Peachwood			Y		Y	Y	Y
27	US 17	Glenwood		Y	Y				Y
28	US 17	Robinhood			Y				Y
29	US 17	Milagden			Y				

Reference Number	Street	Cross Street	Shelter	Bench	Sign	Concr. Pad	Garbage Can	Sidewalk	Lighting
30	US 17	Poinsettia			Y				Y
31	US 17	Robinhood			Y				Y
32	US 17	Glenwood			Y				Y
33	US 17	Anita			Y				Y
34	US 17	Grace/Mercers Fern			Y				
35	US 17	Mercers Fernery/OI		Y	Y				
36	US 17	Melodie			Y				
37	US 17-92	Enterprise			Y				
38	US 17-92	Gardenia			Y				
39	US 17-92	St. Lawrence		Y	Y				Y
40	US 17-92	Sherman			Y				Y
41	US 17-92	Chipola			Y				Y
42	US 17-92	Vermont			Y				Y
43	US 17-92	I-4			Y				Y
44	US 17-92	Minnesota			Y				Y
45	US 17-92	Vermont			Y				Y
46	US 17-92	Grace			Y				
47	US 17-92	Anita			Y				Y
48	US 17-92	I-4			Y				Y

This Agreement entered into this 1st day of November, 1992, between the East Volusia Transportation Authority, hereinafter referred to as "VOTRAN," and Associated Marketing, Inc., a Florida corporation for profit, hereinafter referred to as "AMI."

WHEREAS, VOTRAN has the right to use bus stops and rights-of-way where it may be desirable to place benches for the convenience of the public; and

WHEREAS, AMI proposes to place and maintain benches at certain said locations without charge to VOTRAN; and

WHEREAS, VOTRAN and AMI feel it is beneficial to provide the benches for the convenience of VOTRAN customers.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereafter set forth, it is mutually understood and agreed between the parties hereto as follows:

1. VOTRAN hereby gives and grants to AMI the non-exclusive right and privilege to place benches at bus stops in the unincorporated areas of Volusia County, and at such other rights-of-way in the unincorporated areas of the County as are mutually acceptable to AMI and VOTRAN. This right and privilege shall not apply to locations within the Daytona Beach Regional Airport, County parks or within any

municipality.

2. During the term of this Agreement, AMI shall have the right to place benches within the County as heretofore provided; and at the expiration of this Agreement, all rights, titles and interest in said benches shall remain vested in AMI; and AMI agrees immediately to remove, or cause the removal of said benches from the streets, sidewalks, rights-of-way and other County property where said benches are located, at the request of VOTRAN upon the termination of this Agreement unless extended by the parties hereto.
3. Each bus stop bench shall be fit for public use for the purpose for which it was installed and be free from any defect in design or condition that might be hazardous to the public.
4. Bus stop benches shall be placed and maintained along current bus routes at designated bus stops approved by VOTRAN.
5. It is hereby agreed that AMI may place neat and attractive advertising on both sides of the back slats of each bench, provided such advertising does not endanger or offend the health, safety, welfare and morals of the community of Volusia County. The proceeds of said advertising shall be the sole compensation derived by AMI from the placement of

said benches. VOTRAN shall receive compensation in the amount of fifteen (15) percent of gross revenues collected for rental or \$500.00 per year, whichever is greater. This compensation shall remain in effect during the term of this Agreement and any extension or renewals thereof. The said sums shall be paid on a quarterly or semi-annual basis, whichever is agreed to by both parties. AMI agrees to maintain accurate records open to inspection by VOTRAN so as to satisfactorily verify gross revenues and the percentage received by VOTRAN therefrom.

6. AMI agrees to indemnify, hold harmless and defend VOTRAN from and against any and all liability, loss or damage, or for any injury or damage to person or persons or property caused by said benches or any cause connected with said benches or based upon any intentional tort, negligence, or breach of contract caused by AMI. AMI shall secure and maintain a comprehensive public liability insurance policy with a company authorized to do business in Florida and acceptable to VOTRAN in an amount not less than a combined single-limit of One Hundred Thousand Dollars (\$100,000.00) per occurrence/Fifty Thousand Dollars (\$50,000.00) per person/Fifty Thousand Dollars (\$50,000.00) property damage.

AMI shall have an affirmative duty to provide and update proof of such insurance in a form acceptable to VOTRAN. Such policy shall not be materially altered or cancelled

without at least thirty (30) days notice to VOTRAN. VOTRAN shall be named as an additional insured.

7. AMI hereby agrees to maintain and keep said benches in good repair at all times without cost or expense to VOTRAN. AMI reserves the right to remove any bench in the event such bench should prove unprofitable to AMI and AMI shall have the right to temporarily remove, for a period not to exceed thirty (30) days, any such bench for the purpose of repairing, renovating or replacing the same. The benches to be furnished by AMI are to be constructed with concrete ends, wooden seats and backrests and are to be constructed in a substantial and workmanlike manner. VOTRAN reserves the right to inspect said benches from time to time and direct removal or repair by AMI of any benches not found to be fit for further use. AMI shall provide VOTRAN with an address and a telephone number for which to provide AMI with notice of the necessity for removal or repair of any bench. AMI shall remove or cause to be removed such bench or benches or take any other action as approved by VOTRAN necessary to protect the public, within ten (10) working days after written or telephonic notification. In the event VOTRAN determines and notifies AMI that any bench constitutes an immediate danger or is offensive to the public, AMI shall cause the removal of said bench within forty-eight (48) hours (excluding non-work days of VOTRAN) from receipt of such notification.

8. This Agreement shall be for a period of one (1) year, from 11/92 through 11/93.

The Contract shall automatically be renewed for one year unless notice of cancellation shall be given in writing by either party to the other on a date sixty days before the end of the contract period.

9. Termination may occur without cause only after VOTRAN or AMI gives 180 days notice, in writing, to the other party. If a breach or default of this Agreement shall occur, the aggrieved party must give notice, in writing, to the other party of the breach or default and request that said breach or default be remedied within sixty (60) days. If said breach or default is not remedied within sixty (60) days, then the aggrieved party may cancel the Agreement at any time within the succeeding sixty (60) days.

10. Notices under this Agreement shall be furnished to the below addresses and phone numbers as designated and any changes shall be effective only upon written notice by certified mail to the appropriate party.

a. Concerning the general terms of this Agreement:

To VOTRAN:

VOTRAN
General Manager
950 Big Tree Road
South Daytona, Florida 32119
(904) 761-7600

To AMI:

Associated Marketing, Inc.
General Manger
2801 So. Atlantic Avenue
Daytona Beach Shores, Florida 32118
(904) 788-6600

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their duly authorized officers and seals to be affixed in duplicate as of the day and year first above written.

EAST VOLUSIA TRANSPORTATION
AUTHORITY

BY: Thomas C. Kelly
County Manager

ATTEST: Paul G. Gurnea
County Attorney

ASSOCIATED MARKETING, INC.

BY: M. A. Michels
President

ATTEST: J. B. Smith
General Manager

8/16/2001

Item 23

Request for authorization for the County Manager to sign a letter of agreement with Associated Marketing, Inc. to allow benches to be placed only at VOTRAN bus stops.

Staff Contact: Kenneth R. Fischer, 756-7496, Extension 126
Memorandum No. TR0126

Mr. Ken Fischer provided the staff report. He said that bus benches would be only at bus stops and advertising would be on the benches.

Council Member Bruno said that benches are needed at some crossing areas.

Council Member Ward said that he could not support a proliferation of advertising. He said that some of the benches are in the middle of nowhere and only serve an advertising purpose. He said that benches, without exception, should only be at bus stops.

Council Member Northey said that she is opposed to billboards, bus advertising and bench advertising.

Mr. Fischer said that without advertising the County would have to pay to replace and maintain benches.

Council Member Northey said that not all bus stops have benches so when existing benches become unusable they should be removed and not replaced.

Mr. Fischer said that he recommends replacement because otherwise it would be withdrawing an existing amenity.

Council Member McFall asked who receives compensation for advertisements on benches within city limits.

Mr. Harold Gallop explained that Associated Marketing, Inc. pays the County and cities 15 percent of gross revenues collected for rental or \$500.00 per year, whichever is greater. He said that in some cities the contract is with a service club such as the Jaycees. He said that Associated Marketing pays the liability insurance and provides and maintains the benches.

Mr. Fischer said that the benches and/or shelters are a service to our customers.

Council Member Northey asked why benches are not placed at every stop.

Mr. Fischer said that it would be a hardship on Associated Marketing to place benches at every stop so they are only placed at high use locations.

Council Member Bruno moved for **APPROVAL** removing the benches that are not at bus stops and after Council Member Ward seconded the motion it **CARRIED** 7 to 0.

County Council of Volusia County, Florida
MINUTES
JUNE 4, 2009

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

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing a special accommodation to participate in the proceedings, or an interpreter to participate in any proceedings, should contact the County Manager's Office at 386-736-5920 for assistance, at least two business days before any meeting date.

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.

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://volusia.org/countycouncil/info.htm>

The Volusia County Council Chambers are a Wi Fi Zone.

PUBLIC PARTICIPATION – 8:30 a.m.

Rev. Anthony Starnes spoke about the worsening of the financial crisis.

Mike Thompson spoke about the fiscal irresponsibility of the Federal government.

Wayne Turner spoke and distributed materials about a system his firm markets to enhance water quality and conservation.

Jay Lawyer asked for the Council's support of gopher tortoise preservation efforts by the Halifax Humane Society.

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: Cantor Zev Sonnenstein, Temple Beth El, Ormond Beach

PROCLAMATIONS – Presented Outside Chambers

Item 1

- Camillia Svec Day – May 13, 2009
- Lylah Brust Day – May 13, 2009
- Margaret Brown Day – May 13, 2009
- Katherine Isert Day – May 13, 2009
- Florence Owen Day – May 13, 2009
- Beulah Blakeley Day – May 13, 2009
- Frances Gentry Day – May 13, 2009
- Ethel Moltz Day – May 13, 2009
- Edith Karns Day – May 13, 2009
- Heal the Land Day – June 20, 2009
- Féria de Salud y Comunidad Health Awareness Day – June 27, 2009

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

VC-1242305986072

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

APPROVAL OF MINUTES

Item 2

Minutes of April 16, 2009, County Council meeting

Staff Contact: Camilla Grasso, 386- 239-7745, ext. 4292

VC-1242311667603

Council Member Alexander moved for APPROVAL as recommended. Council Member Kelly 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.

Council Member Wagner:	Items 18 and 20
Council Member Alexander:	Items 9, 10 and 11
Council Member Hayman:	Items 15, 17 and 23
Council Member Kelly:	0
Council Member Northey:	Item 15
Council Member Persis:	0
Chair Bruno:	0, but said Item 8A had been added.

Council Member Hayman moved to APPROVE the CONSENT AGENDA and all actions recommended therein, as amended to remove Items 9, 10, 11, 15, 17, 18, 20 and 23 for discussion. The motion was seconded by Council Member Kelly and CARRIED 7-0.

PRESENTATION

Item 3

Update on flood response

Staff Contacts: Dave Byron, 386-822-5062, ext. 2616

Jim Ryan, 386-740-5120, ext. 6620

NO AGENDA ITEM

Community Information Director Dave Byron gave opening remarks, noting there were a number of staff members present to provide a comprehensive update on the storm response. Emergency Management Director Charlie Craig gave an update on the results of the rainstorm and displayed a series of overhead photographs of area damage. He also gave statistics on rainfall amounts, building damages and recovery costs, and recommended the Council let the local state of emergency declaration announced on May 21st terminate without further action. Public Works Operations Manager John Angiulli gave the statistics of the storm debris that had been picked up, noting the worst damage had occurred on the east side of the County. Jonas Stewart, Mosquito Control Director, displayed overhead maps of area service calls and gave an update on current and expected mosquito activity.

Council comments followed. County Manager Jim Dinneen congratulated staff for its excellent response and hard work, noting FEMA would not be able to reimburse the way it has done in the past because it did not have the same monies available. He said he felt the County could improve on the coordination of its response efforts for businesses. Council Member Northey hoped the communication plan also was being updated, as elected officials needed to be kept informed in such situations. Deputy County Manager Mary Anne Connors said staff was working on establishing a Council liaison at the Emergency Operations Center.

Community Information Director Dave Byron distributed and reviewed a list of public information activities accomplished during the storm. He also gave information on the damage to local libraries. Community Assistance Director Ed Jasper spoke about the housing assistance his divisions were providing to the community, stressing the importance of citizens registering with FEMA. Dr. Tom Coleman, Health Department Director, spoke about the assistance his organization was offering from a public health perspective. Chuck Luther, with the Health Department's Environmental Administration Division, spoke about the importance of educating the public on mold.

Further Council discussion ensued, and Council Members praised the staff for its quick response and hard work during the storm. Council Member Alexander noted that Ruben Almaguer, Interim Director for the Florida Division of Emergency Management, had been quoted in the newspaper as saying he had been very impressed by the local agencies' efforts in Volusia County. Mr. Dinneen made closing remarks and the Council thanked everyone for their efforts.

MINI BUDGET WORKSHOP

Item 4

Topics: Health Department funding and program challenges

Staff Contacts: James Dinneen, 386-736-5920, ext. 2187

Charlene Weaver, 386-943-7054, ext. 7054

VC-1243447721671

County Manager Jim Dinneen and Community Services Director Dave Byron gave introductory remarks.

Department of Health (DOH) Director Dr. Tom Coleman and DOH Financial Administrator Jim Kouba provided the staff report of the DOH's services, responsibilities, funding and program challenges. They displayed an overhead PowerPoint slide presentation and distributed material outlining programs and services offered by the DOH. Chuck Luther, with the DOH's Environmental Administration Division, also spoke about the Groundwater Contamination Program.

Council questions and discussion followed. Serious concerns were expressed about public needs met by the DOH versus its funding streams. County Manager Jim Dinneen said the DOH was a prime example of an under-supported agency. Although the County helped sustain it financially through *ad valorem* taxes, it often did not receive credit for doing so. He pointed out that State law required at least 8.5% of the DOH's approved operating budget to be left in a "trust fund" as a reserve account. However, the State criticized the County for having reserves of its own.

Discussion took place about service locations and the need for more and better coordinated facilities in West Volusia, especially in the area of primary care. Dr. Coleman said upgrades also were badly needed at the Holsonback facility in east Volusia. He added that the end result of the County cutting the DOH's funding in the coming year would have a crippling effect on the services it would be able to provide. He wondered if a joint task force between the DOH and the County could be created to examine the entire issue. Other discussion included holding a health care summit and the establishment of a public health assessment office. It was felt there was a need for local communities to commit to such an institution.

Jean Kline, Deputy Secretary of Health with the Florida DOH, addressed the Council and presented a letter describing two options for finding a replacement for Dr. Coleman, who was leaving public service. Discussion on the matter followed. Council Member Hayman moved to CONFIRM Dr. Bonita Sorenson, a former Director of the Volusia County Health Department who had shown interest in returning to the post as Dr. Coleman's successor. Council Member Northey seconded the motion, which CARRIED 7-0.

Further discussion followed. In response to questions from Council Member Northey, Secretary Kline said she would research and report on the Regional Health Information Organization (RHIO) and the progress the DOH was making on its electronic health records. She noted Patricia Sturm, currently the Assistant Director for Administration for the Volusia County Health Department, had agreed to serve as its Interim Director until Dr. Sorenson's formal appointment. The Council thanked everyone for the excellent presentation.

PUBLIC HEARINGS AND TIME CERTAIN MATTERS

10:30 a.m.

Item 5

Resolution - Neighborhood Stabilization Program (NSP) implementation plan

Staff Contact: Edward L. Jasper, 386-943-7039, ext. 3472

VC-1239121838538

Community Assistance Director Ed Jasper provided the staff report, along with an overhead PowerPoint slide presentation.

Additional Council discussion and questions followed. Some reservations were expressed about the County becoming involved in the real estate business to help return people to home ownership. Mr. Jasper acknowledged the new NSP was something that no governmental entity in the country was comfortable with, but they realized it would help stabilize neighborhoods.

Stacey Manning, Assistant County Attorney, explained how brokers would be obtained through the RSQ process. He said there was no statutory limitation regarding the amount of the commission and staff expected to select one broker for each side of the County. It was felt fewer brokers could focus their efforts on several properties better than many brokers with just one or two properties. Less training would be needed for the two brokers. Community Services Director Dave Byron explained the marketing strategies. Mr. Jasper and Housing and Grants Administration Manager Diana Phillips gave information about the demolition and redevelopment program as it pertained to blighted homes. Stimulus Grant Specialist Dona DeMarsh spoke about the possibility of a

certain part of Energy and Environmental Block Grant (EEBG) funds being set aside for "greening" in rehabilitation efforts.

Public participation took place. **Nicole Tesnow** said she was concerned about the use of old data, transparency and reputable community partners. **Elizabeth Layton** wondered about accountability and the benefit to taxpayers in general.

Further discussion ensued. In response to a question from Council Member Hayman regarding the reliability of information on eligible facilities in given areas, County Attorney Dan Eckert stated the County's program followed the Federal guidelines that had been established when the bill creating the NSP was signed in 2008. He did not think there would be an individual cause of action.

Council Member Hayman moved for APPROVAL as recommended. Council Member Alexander seconded the motion. Discussion on the motion followed. Council Member Northey felt the requirement of "green rehabilitation" on every project should be added to the motion. Chair Bruno stated the issue was separate from the resolution to be voted on. He felt there would be no problem with obtaining support of it, but it should be addressed later. Council Member Northey said she would do so.

The motion CARRIED 7-0. Resolution No. 2009-81, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2009-81

A RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA, FLORIDA, AUTHORIZING THE COUNTY TO UTILIZE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) TITLE III OF THE FEDERAL HOUSING AND ECONOMIC RECOVERY ACT (HERA) OF 2008; DIRECTING COUNTY MANAGER TO ADMINISTER THE COUNTY'S PARTICIPATION IN THE NSP; DELEGATING AUTHORITY TO COUNTY MANAGER TO ACQUIRE FORECLOSED REAL PROPERTY FOR PUBLIC FACILITIES AND IMPROVEMENTS, PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE HOME BUYERS TO ACQUIRE AND REHABILITATE FORECLOSED REAL PROPERTY, OR TO ACQUIRE, REHABILITATE, AND MAINTAIN FORECLOSED PROPERTY PRIOR TO CONVEYING TO ELIGIBLE HOME BUYERS OR QUALIFIED COMMUNITY AFFORDABLE HOUSING PARTNER; AUTHORIZING COUNTY CHAIR TO CONVEY TITLE TO NSP REAL PROPERTY ON BEHALF OF THE COUNTY OF VOLUSIA IN ACCORDANCE WITH FEDERAL RULES, REGULATIONS AND GUIDELINES; PROVIDING AN EFFECTIVE DATE.

11:00 a.m.

Item 6

Streetside amenities presentation

Staff Contact: Lois Bollenback, 386-756-7496, ext. 4126

VC-1236359925966

Lois Bollenback, the former General Manager of Votran, gave the staff report. It included an overhead PowerPoint slide presentation. Council discussion followed. Concerns were expressed about losing revenue from bus bench advertising. Ms. Bollenback said during the previous year, only a little more than \$1,000 had come in from that revenue stream. She explained various issues with the bench advertising program in the unincorporated areas of the County. Many of the cities had turned toward setting their own bench advertising policies, where in the past they traditionally had not had any at all. She further explained about the cost to transition the program to one of non-advertising. She concluded by stating it was staff's desire that the Council give direction on the public transit amenities program in general and also on advertising on bus benches within the unincorporated County.

Public participation followed. **Ramara Garrett**, with Waverly Media, the only current, private bench provider in the County, distributed and spoke about a report on her firm's points of objection to the streetside amenities program. She felt there should be some way for the County to partner with her firm for the public's benefit. **Douglas Kosarek**, representing the Volusia Tax Reform Executive Committee, also was opposed to the program. He encouraged the Council to leverage its money and deny or alter the proposal.

Additional Council discussion ensued. Concerns were stated about spending County revenue when advertising companies already were paying for the use of the benches as a marketing tool. County Attorney Dan Eckert pointed out either the County's longstanding bench advertising policy needed to be in compliance with its own Zoning Ordinance or else the Ordinance had to be reworked so the County could follow its own regulations. County Manager Jim Dinneen suggested ideas for enabling the system to grow by answering the needs of its users. Concerns were made about the Metropolitan Planning Organization (MPO) being included in the process.

More discussion followed. Concerns were expressed over losing the federal funding if it were not used right away. Ms. Bollenback and Ken Fischer, Interim General Manager of Votran, explained there were some time constraints, but the County would be safe from that for more than a year. Other discussion followed about various amenities and ways to develop them in different areas.

Council Member Northey said she felt the proposal was an opportunity to improve the community, develop a positive image and facilitate access for seniors and the disabled. She moved for APPROVAL of the program. Council Member Alexander seconded the motion. Some discussion on the motion followed. Chair Bruno called for an electronic vote and the motion FAILED 2-5, with Council Members Northey and Alexander in support and Council Members Hayman, Kelly, Persis, Wagner and Chair Bruno in opposition.

Chair Bruno said if the County was going to continue to have bench advertising, there would have to be a change in the sign ordinance. He said he would like a motion to direct staff to return to the Council with a change in the sign ordinance that would allow bus bench advertising. Mr. Eckert CLARIFIED the motion to be an amendment to the sign ordinance to allow the advertising and thereafter a revisiting of the procurement process for selection of an advertising firm.

Council Member Hayman so moved and Council Member Wagner seconded the motion. Further discussion ensued. Mr. Fischer gave his understanding of the Council's wishes. Ms. Bollenback explained that staff was thinking of using MPO subcommittees to disseminate information and give input, not the formal MPO board itself. After additional dialogue, the motion CARRIED 5-2, with Chair Bruno and Council Members Alexander, Hayman, Persis and Wagner in support and Council Members Northey and Kelly in opposition.

Council Member Persis then moved to ADOPT the streetside amenities program with the exception of references to the benches, shelters and advertising. Council Member Hayman seconded the motion. After some discussion, the motion CARRIED 7-0.

BEGIN CONSENT AGENDA

AIRPORT AND PORT

- **Airport Services**

- Item 7

Racetrack RV, Inc. amended and restated commercial lease and use agreement for 11.73 acres property;

Revenue: \$150,000.00

Staff Contact: Dennis McGee, 386-248-8030, ext. 8320

VC-1242398880320

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

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

COMMUNITY SERVICES

- **Community Assistance**

- Item 8

FY 2007/08 and 2008/09 consolidated plan amendments for Community Development Block Grant

Staff Contact: Edward L. Jasper, 386-943-7039, ext. 3472

VC-1241710373351

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

Item 8A

Budget resolution - State Housing Initiatives Partnership Program disaster recovery funds - May floods; Revenue: \$1,000,000.00

Staff Contact: Edward L. Jasper, 386-943-7039, ext. 3472

VC-1243616459808

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2009-77, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2009-77

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008-09 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE

FINANCIAL AND ADMINISTRATIVE SERVICES

• **Central Services**

Item 9

Extension of use of State of Florida contract for carpet and flooring materials [\$100,000.00]

Staff Contact: George Baker, 386-254-1595, ext. 1850

VC-1242649375552

Council Member Alexander asked Central Services Director George Baker about the County's carpet replacement schedule. He explained the County's five-year replacement schedule. She pointed out the County had spent some \$90,000 the previous year for carpeting for State agencies that the County was required to provide office space for, per the Florida State Legislature.

Council Member Alexander then moved for APPROVAL as recommended. Council Member Hayman seconded the motion, which CARRIED 6-0, with Council Member Kelly out of the room.

Item 10

Extension of price agreement with Ituran Florida Corp/Life Trak for Automatic Vehicle Location (AVL) system [\$190,000.00]

Staff Contact: George Baker, 386-254-1595, ext. 1850

VC-1243432793460

Council Member Alexander asked Central Services Director George Baker to explain some details of the price agreement. He did, noting the program was modularized to allow the County to pick and choose just what it needed. Most of the price agreement was a monthly fee for monitoring the software.

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

• **Information Technology**

Item 11

Termination of contract with Continuant, Inc. and award of bid to Enterprise Telecom Solutions, LLC for ROLM telephone maintenance [\$155,913.24]

Staff Contact: Bill Clausen, 386-736-5960, ext. 5814

VC-1239823356996

Council Member Alexander wondered why the action was necessary if the County was acquiring a new telephone system. Information Technology Activity Manager Bill Clausen explained it was for the transition from the old to the new equipment, and the contract would reduce in price during that period.

Ms. Alexander also asked about a cancellation clause in the original contract with Continuant, Inc. Deputy County Attorney Tura Schnebly explained the original contract, noting Continuant, Inc. had not given proper notice of termination and also had wanted to exercise the termination for convenience provision, which was not its

prerogative, but the County's. The County wanted to sue the firm for the refund and to collect the difference it would cost between the old contract and what it would have to pay for a new one. Ms. Alexander added that she had felt an Item requesting authorization to take legal action should not have been on the Consent Agenda. Purchasing Director Greg Herlean explained the County had wanted some sort of back-up plan if something fell through with the new phone vendor.

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

- **Personnel**

- Item 12**

Workers' compensation settlement for former employee Christine Faer [\$32,500.00]

Staff Contact: Christina Lifvendahl, 386-736-5963, ext. 2884

VC-1239900014365

Nancye R. Jones, 386-736-5950, ext. 5684

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

- Item 13**

Workers' compensation settlement for former employee Allison Ray Neubert [\$475,000.00]

Staff Contact: Christina Lifvendahl, 386-736-5963, ext. 2884

VC-1239909456432

Nancye R. Jones, 386-736-5950, ext. 5684

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

GROWTH AND RESOURCE MANAGEMENT

- **Land Acquisition and Management**

- Item 14**

Budget resolution - Proposed release to the State of Florida Department of Transportation of a 180 sq. ft. portion of a 334.30 acre conservation easement for the State Road 415 road widening project; Revenue: \$875.00

Staff Contact: Doug Weaver, 386-740-5261, ext. 2953

VC-1242408100113

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2009-78, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2009-78

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008-09 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE

PUBLIC PROTECTION

- **Emergency Medical Services**

- Item 15**

Transitioning EMS Medical Director from full-time position to contracted service [\$104,900.00]

Staff Contact: Mark Wolcott, 386-740-5201, ext. 2906

VC-1242742013074

Council Member Hayman said his questions had been answered. Council Member Northey asked for a clarification about how the process would work. Emergency Medical Services (EMS) Director Mark Wolcott complied, giving the background and duties of the Medical Director.

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

- **Fire Services**

Item 16

Budget resolution - State Homeland Security Grant Program subrecipient agreement, HazMat; Revenue: \$52,473.00

Staff Contact: James Tauber, 386-736-5940, ext. 2918

VC-1235402925016

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2009-79, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2009-79

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008-09 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

PUBLIC WORKS

- **Administrative Services**

Item 17

Revised budget resolution - Natural Resources Conservation Services cooperative agreement [\$882,400.00]

Staff Contact: David Bradley, 386-736-5965, ext. 2772

VC-1242838682138

Council Member Hayman stated staff had answered his questions about the Item and moved for APPROVAL as recommended. Council Member Kelly seconded the motion, which CARRIED 7-0. Resolution No. 2009-82, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2009-82

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008-09 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

- **Engineering**

Item 18

The Pavilion at Port Orange transportation improvements allocation agreement among Volusia County, City of Port Orange, FDOT and the owner/developer

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

VC-1242946759007

Council Member Wagner stated staff had answered his questions about the Item and moved for APPROVAL as recommended. Council Member Alexander seconded the motion, which CARRIED 7-0.

Item 19

Joint project agreement with the City of Daytona Beach for utility work on the LPGA Boulevard widening project from west of Old Kings Road to Nova Road

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

VC-1242936838669

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

Item 20

Budget resolution - Joint project agreements with Daytona Beach and Consolidated Tomoka Land Company for Dunn Avenue extension from Williamson Boulevard to Tomoka Farms Road; Revenue: \$2,250,000.00

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

VC-1242939455780

Council Member Wagner stated staff had answered his questions about the Item and moved for APPROVAL as recommended. Council Member Alexander seconded the motion, which CARRIED 7-0. Resolution No. 2009-84, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2009-84

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008-09 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

- **Road and Bridge**

Item 21

Award of bid to Southeast Pavement Markings and Precise Pavement Markings for roadway and pavement markings [\$200,000.00]

Staff Contact: Judy Sloane, 386-822-6422

VC-1242419551754

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

- **Solid Waste**

Item 22

Contract task assignment to HDR Engineering, Inc. for on-call construction administration services for Tomoka Landfill gas collection projects [\$100,000.00]

Staff Contact: Leonard Marion, 386-943-7889, ext. 6021

VC-1216836299084

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

- **Water Resources and Utilities**

Item 23

Contract task assignment with Public Resources Management Group, Inc. for utilities master plan rate study [\$75,000.00]

Staff Contact: Gloria Marwick, 386-943-7027, ext. 2724

VC-1241100126509

Council Member Hayman stated staff had answered his questions about the Item and moved for APPROVAL as recommended. Council Member Alexander seconded the motion, which CARRIED 7-0.

Item 24

Award of contract to three firms for utility engineering services

Staff Contact: Gloria Marwick, 386-943-7027, ext. 2724

VC-1242736011292

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

SHERIFF'S OFFICE

- **Administration**

Item 25

Use of local forfeiture funds for SWAT and negotiator team equipment [\$23,072.00]

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

VC-1241705995613

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

Item 26

Contract for school district volunteer background checks [\$35,382.00]

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

VC-1242235646509

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

Item 27

Budget resolution - DOJ bulletproof vest partnership grant [50% reimbursement: \$104,691.00]

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

VC-1242935263966

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2009-80, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2009-80

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2008-09 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE

END CONSENT AGENDA

12:00 noon

LUNCH RECESS

PUBLIC HEARINGS AND TIME CERTAIN MATTERS

2:00 p.m.

Item 28

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Special Exception Case No. S-09-16 for an off-street parking area to be located on A-3 property; Applicant: EPI Engineered Permits Inc. on behalf of Lake Beresford Yacht Company, Inc., owners
Staff Contact: Becky Mendez, 386-736-5959, ext. 2943 VC-1242829354372

Planning Manager Becky Mendez presented the staff report. She also displayed overhead maps and aerial photographs of the area in question. Staff recommended approval with five conditions. Council Member Kelly said he owned stock in the yacht company and would therefore recuse himself from voting.

Questions and comments followed. Council Member Northey felt the parking area should be a pervious surface, except for the handicapped spaces. She also felt native vegetation should be required for landscaping. Ms. Mendez said the Council could add those stipulations to the conditions.

Council Member Persis moved for APPROVAL with the following staff-recommended CONDITIONS:

1. Limited to 17 parking spaces within the 1.3 acre portion of the A-3 zoned property. The specific configuration of those 17 parking spaces or any other design element of the plan shall be determined during the DRC review process.
2. Final Site Plan application review and approval is required before work commences on site.
3. The parking area shall meet the minimum landscaping requirements of the Zoning Ordinance, except along the south property line where a natural buffer and forested wetland exists.
4. The A-3 zoned property is not exempt from the tree removal and replacement requirements of the land development code and requires a Tree Removal Permit before any clearing occurs.
5. All landscaping shall be maintained by owner/developer.

He also added MODIFICATIONS to conditions #3 and #5, respectively, requiring a pervious parking area and the use of native vegetation, as requested by Council Member Northey

Council Member Alexander seconded the motion, which CARRIED 6-0, with Council Member Kelly abstaining

OTHER TIME CERTAIN MATTERS

2:15 p.m.

Item 29

Second update on Daytona Beach International Airport Park Concept plan

Staff Contact: Gregory K. Stubbs, 386-736-5959, ext. 2000

VC-1242856035336

County Manager Jim Dinneen gave introductory remarks. Greg Stubbs, Director of Growth and Resource Management, and **Elisabeth Manley**, with the planning firm of Glatting Jackson Kercher Anglin, Inc., provided the staff report and gave an overhead PowerPoint slide presentation. Mr. Stubbs explained the revised plan for the buffer area. Mr. Dinneen distributed a memorandum with his recommendations, noting they had the support and endorsement of the Daytona Highlands neighborhood association.

Jim Morris, attorney for the neighborhood association, displayed an overhead photograph of the area in question. He said if the Council approved the new plan, the homeowners' association wanted the establishment of a conservation easement east of the ridge line added as an additional condition, and he explained the reasons. **Roland Blossom**, a resident of the Highlands, thanked the Council and staff for their efforts to reach an agreement and urged the Council to establish the conservation easement.

Discussion followed. Mr. Dinneen said he did not think a conservation easement would be in the citizens' or the County's best interests. Deputy County Attorney Jamie Seaman added such an action would make the County the servient, not dominant, title holder of the land. She explained the possible consequences of such action and read supporting language from the *Florida Statutes*.

Council commented on the revised plan and Mr. Dinneen's recommendations. Mr. Dinneen noted some of the points had been modified as recently as two hours before the Item was heard. The Council felt the proper management of the land was the key issue for all citizens, including the residents of the Daytona Highlands. There was discussion about using the Comprehensive Plan to protect the area and provide for future needs. Ms. Seaman said the process to be followed today would not be set in stone, but asked that a motion to amend the joint use agreement include the 10 conditions in Mr. Dinneen's memorandum. She also asked that she be allowed to work with Mr. Morris on resolution of the conservation issue to protect the buffer by permitting only passive recreational activity in the buffer from the top of the ridge line all the way to the east of the property. Additional dialogue ensued.

Council Member Wagner moved to ACCEPT the proposed site plan and AMEND the joint use agreement to include the 10 conditions in Mr. Dinneen's 6/3/09 memo as stated in the "corrected 6/4" version, including the additional modification to #10 to delete "if at all possible" and add "and all active recreation is to remain on the west side of the ridge." The Legal staff also is directed to work with Attorney Morris to provide for the property east of the ridge to remain in passive recreation through a Comprehensive Plan amendment, and staff will return with a final joint use agreement. Council Member Hayman seconded the motion.

Discussion followed on the motion. Council Member Persis said he did not see the concern about gopher tortoises and other native species addressed. Ms. Seaman stated the matter would be included in any land management plan staff brought to Council. The Council thanked everyone for their hard work on the issue. The motion CARRIED 7-0.

3:15 p.m.

Item 30

Award beach concession contract

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

Dennis McGee, 386-248-8030, ext. 8320

VC-1239303026288

Deputy County Manager Mary Anne Connors gave the staff report and displayed an overhead PowerPoint slide presentation on the competitive bid process. She also distributed an overview of the beach concession responses which the Purchasing Division had generated. She then presented the report by category, Council commented and asked questions after each presentation and then authorized contract negotiations for each group.

The first category was beach equipment rental. The proposal received from Volusia County Beach Rentals, Inc. had been revised as late as that very day from covering the entire beach to covering only the North Beach. The proposal from NSB Shoreline Services, LLC was for only the South Beach. Ms. Connors explained the vendors' status with satisfying the Minimum Annual Guarantee (MAG) and the exceptions to the procedural guidelines both had requested.

Council questions of Ms. Connors followed, and discussion took place. Concerns were expressed about making any guideline exceptions and treating all vendors equally, especially regarding background checks. Council Member Alexander took exception to the North Beach vendor being allowed to revise his proposal that day, thereby missing the deadline for final submittal. Ms. Connors and Assistant County Attorney Rick Karl explained the proposed numbers had not changed, only the geography involved.

Public participation took place. **John Greene**, Volusia County Beach Rentals, explained more fully about the misunderstanding with the North Beach versus the entire beach in his proposal. **David Kern**, NSB Shoreline Services, spoke about background checks, the MAG, the exception process and how the multiple-service vendor concept along the beach in the New Smyrna area was vastly different from the single-service vendor model in the Daytona Beach area.

Council Member Northey moved to AUTHORIZE staff to negotiate, without exceptions, with Volusia County Beach Rentals, LLC for beach equipment rentals on the North Beach. Council Member Persis seconded the motion. After further discussion, the motion CARRIED 7-0.

Discussion followed regarding the equipment rental proposal for the South Beach. Ms. Connors felt it only should be considered for negotiations for equipment and food. Council Member Wagner said he was concerned with a vendor not being able to include motorized vehicles in what he was able to offer. Ms. Connors said the Council would either have to accept what was proposed or direct staff to rebid for services in that area. Additional discussion ensued. Chair Bruno suggested setting the issue aside for the moment and examining other services in the South Beach area to see how all might possibly blend together. The Council, Ms. Connors and Mr. Karl agreed to the plan.

Ms. Connors moved to the motorized vehicle rental category. There were two proposals for the North Beach, one from Volusia County Motorized Beach Rentals, LLC, and one from Lloyd Enterprises, Inc. Both had met the MAG and both requested exceptions. There also was one for the entire beach from Mid Florida Golf Cars, with the MAG exceeded and no exceptions requested. Mid Florida had also stated its intent to utilize existing vendors on the beach in its operation. Council Member Hayman asked Ms. Connors for clarification on the type of vehicles to be used. Mr. Karl suggested asking the vendors themselves.

Public participation ensued. **Craig Olsen**, Volusia County Motorized Beach Rentals, explained his firm's vehicles, spoke about his firm's assets and gave background on the company and the benefits of firms run by owner-operators. **Michael Anderson and Darron Sanders**, Mid Florida Golf Cars, spoke on their own behalf and thanked the Council for its consideration. In response to a question from Council Member Alexander, **Steve Lloyd**, Lloyd Enterprises, said he had bid as an individual, rather than forming a corporation with others, because he believed he could offer better service that way.

Council Member Northey felt what had been offered by Mid Florida Golf Carts was the best arrangement for the County. She moved to AUTHORIZE staff to negotiate with Mid Florida Golf Cars for motorized vehicle rentals along the entire beach. Council Member Kelly seconded the motion.

Discussion on the motion and questions of the vendors followed. Council Member Wagner stated concerns with the differences in the North and South Beach areas causing problems with providing services. Council Member

Hayman said he did not feel comfortable walking away from the relationship the County and local concessionaires had built up over many years.

Chair Bruno asked for an electronic vote. The motion CARRIED 5-2, with Council Members Wagner and Hayman in opposition.

Ms. Connors moved to the food award category. There was a proposal for the North Beach from Volusia County Beach Food & Ice Cream Services, LLC, which had met the MAG and requested exceptions. NSB Shoreline Services, LLC had submitted a proposal for the South Beach which did not meet the MAG and also requested exceptions. She suggested the Council address the North Beach first and then move on to the South Beach.

Council Member Persis asked staff about the Council's options for the North Beach. Ms. Connors and Mr. Karl said that Council could either accept the sole bid or rebid the proposal for various reasons, which they explained.

Mark Reed, Volusia County Beach Food & Ice Cream Services, gave his company's background and explained his firm's various exception requests and the range of food it intended to offer. In response to a question from Council Member Northey, he stated the company could provide the services in the proposal without negotiating the exceptions, although it would prefer not to. If the adverse sand conditions on the North Peninsula beach changed for the better, his company would service the area as the County desired. County Attorney Dan Eckert reminded the Council the vendors were not bidding on fixed locations and the County reserved the right to move the sites for a variety of reasons. **Bill Rocca**, also with the firm, spoke about the difficulty of accepting debit cards on an ice cream purchase. Mr. Karl said some flexibility could likely be worked into that requirement. Council Member Alexander pointed out the important thing was to have some kind of receipt of the transaction.

David Kern, of NSB Shoreline Services, LLC, said his firm had not been able to meet the full MAG for food, beach equipment and motorized vehicles, but it could meet the minimum \$12,000 MAG for food and sundries and the beach equipment MAG for \$10,000 on the South beach. The company could then retain those two services if the County wished. Chair Bruno said the Council would discuss the possibility later.

After additional discussion, Council Member Hayman moved to AUTHORIZE staff to negotiate, with no exceptions, with Volusia County Beach Food & Ice Cream Services, LLC for food services on the North Beach. Council Member Persis seconded the motion.

Discussion on the motion took place. Council Member Hayman said he would not change his position on the requirement for a County-approved accounting system, adding a number of exceptions to it had been requested. After more dialogue, Chair Bruno asked for an electronic vote and the motion CARRIED 7-0.

Ms. Connors then addressed food service for the South Beach, noting NSB Shoreline Services, LLC, had made the only proposal and offered to provide services in the food and equipment categories for the area at an adjusted MAG of \$22,000.

After discussion, Council Member Hayman moved to AUTHORIZE staff to negotiate, with no exceptions, with NSB Shoreline Services, LLC for food and beach equipment rental services on the South Beach. Council Member Alexander seconded the motion, which CARRIED 7-0.

The category of parasailing was reviewed next. Ms. Connors noted there was only one proposal received, from Daytona Beach Parasail, Inc. It was for the entire beach, but it did not meet the required MAG and also requested numerous exceptions. The Council could direct staff to negotiate on the terms proposed by the vendor or rebid for the service.

Council Member Alexander moved to direct staff to REBID the item. Council Member Persis seconded the motion. Discussion on the motion followed.

Matthew Dvorak, co-owner of Daytona Beach Parasail, Inc., spoke about the great expense of a parasailing company and the mitigating circumstances which had generated his firm's proposal to the County. In response to a question from Chair Bruno, Ms. Connors explained how the MAG had been set on parasailing services. Other

discussion followed. Council Member Wagner felt the MAG had been set too high. He said he knew Mr. Dvorak personally as an excellent, long-time concessionaire and would not support the motion.

After further conversation, Chair Bruno called for an electronic vote. The motion to rebid CARRIED 5-2, with Chair Bruno and Council Member Wagner in opposition.

Ms. Connors stated the last category was called "Other" and constituted additional items that had been proposed to the County as services, but which did not fit into any of the main groupings. The "other" items included businesses such as surf schools, upland park food service, jet ski (personal watercraft) rentals and alcohol sales. Staff was asking Council for permission to examine other ways of providing services outside of the RFP procedure, such as the permitting and licensing processes.

Some discussion followed. Council Member Hayman moved to STRIKE alcohol concessions on the beach from consideration. Chair Bruno handed the gavel to Vice-Chair Alexander so he could second the motion. The motion CARRIED 5-2, with Council Members Wagner and Northey in opposition.

Discussion ensued. Council Member Alexander suggested the Council direct staff to return with a report on options for surf schools, jet ski rentals, upland park food service provision and other similar miscellaneous services. She was concerned about the businesses working with children and felt there should be more required than just a license or permit. She also was concerned about a possible competitive situation being created with the recipient of a newly-awarded contract. Mr. Eckert thought her request for staff's recommendation on such a model was most appropriate.

Jerry Onesky, a provider of upland park food services, spoke about what he offered and said he personally wished to be as far as possible from beach concessionaires. **Mark Reed** explained his firm's support of Mr. Onesky's business.

REPORTS

May be heard anytime throughout County Council meeting as time permits

None.

OTHER BUSINESS - NOMINATIONS/APPOINTMENTS

Item 31

BOARD: PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION
 INCUMBENT: Unincorporated vacancy (Gary Huttman)
 TERM EXPIRED: April 30, 2009
 LENGTH OF TERM: Two Years
 [Serving on this board constitutes a county office and is subject to the dual office prohibition.]
 Nomination Method: Chair

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

VC-1242142017348

At Chair Bruno's request, Council Member Alexander moved to NOMINATE Jim Wachtel to the board and after Council Member Kelly seconded the motion, it was APPROVED 7-0.

Item 32

BOARD: VALUE ADJUSTMENT BOARD
 INCUMBENT : Vacancy – (Resignation of Bernadette Britz-Parker, Citizen)
 TERM COMMENCED: April 1, 2009
 LENGTH OF TERM: One Year
 Must be an elector of the county as well as own homestead property in Volusia County
 [Serving on this board constitutes a county office and is subject to the dual office prohibition.]
 Nomination Method: Chair

Applicants received from:
 Beaulah Flournoy Blanks

Louise DiDio (serves on the Animal Control Board)
Richard A. Rabin
Barbara Jean Taylor

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

VC-1243433750279

At Chair Bruno's request, Council Member Alexander moved to CONTINUE his appointment. Council Member Hayman seconded the motion, which was APPROVED 7-0.

SELECTION COMMITTEE

1. RFP 09-P-107BB; Agreement to Enhance, Revise, and Market the Integrated Damage Assessment Model (IDAM). It is currently scheduled to close 06/23/09. Chair Bruno appointed Council Member Alexander to the committee.
2. Certificate of Public Convenience and Necessity (COPCN) for the City of Daytona Beach. Chair Bruno appointed Council Member Wagner to the committee.

PUBLIC PARTICIPATION

None.

DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA AND COMMITTEE REPORTS

This part of the Council meeting began at approximately 7:53 p.m. Council Member Persis left the meeting at approximately 8:11 p.m.

Council Member Wagner:

- Had nothing for discussion.

Council Member Alexander:

1. Felt signs should be posted at motels informing patrons that dogs were not allowed on the beach. Discussion followed about allowing dogs on a limited area of the beach in a less populated location. Ms. Alexander felt the issue needed more thought, but asked staff to look into putting a large sign on the beach near the Flagler County line and other signage along the beach in Ormond-by-the-Sea.
2. Felt there should be a process for monitoring water usage as part of the water conservation program.
3. Spoke about a billboard erected at 3131 West International Speedway Boulevard and how people taking such action needed to coordinate with the County, especially with regard to gateway standards when the billboard was located at an entry into a city. County Attorney Dan Eckert said staff believed there would be an appeal of the Zoning Official's ruling on the matter coming before the Council, and the item should be deferred for discussion.
4. Felt there should be a notice of a meeting in progress posted in the hallways when a discussion was being held in the Training Rooms. She cited the meeting with the St. Johns River Water Management District (WMD) and some westside city representatives the previous week as being disrupted by outside noise.

Council Member Hayman:

1. Reported on the recent Farmton Comprehensive Plan Amendment Peer Review Panel Meeting.
2. Spoke about the meeting with the WMD and westside city representatives, stating there was a definite need in Volusia County for an affordable, alternative water supply.

Council Member Kelly:

1. Spoke about the countywide water conservation ordinance and how the WAV Executive Board felt about enforcing it. A discussion followed.
2. Said he felt the County needed to take a firm stand on the Yankee Lake issue. Discussion on the matter ensued. County Attorney Dan Eckert explained the staff had been asked to look at a way to deal with the water supply model used by the WMD and needed authorization to file a challenge on its reconsideration. Deputy County Attorney Jamie Seaman explained the situation further regarding the redirection by the WMD of the County and a number of cities in it to the lower Oklawaha River project for an alternative water supply. The action by the WMD would include piping water from the north Putnam County/Ocala area down to Edgewater. Council Member Alexander moved to AUTHORIZE staff to file an administrative action to challenge the WMD's decision regarding alternative water supply projects, which would direct the County and a number of its municipalities to the lower Oklawaha River project. Council Member Kelly seconded the motion. Additional discussion followed, and the motion CARRIED 6-0, with Council Member Persis having left the meeting.

Council Member Northey:

1. Council Member Northey moved to DIRECT staff to use green technology in building practices in the rehabilitation of homes in the Neighborhood Stabilization Program (NSP). She had previously stated she would do this during the earlier discussion about the NSP. Council Member Wagner seconded the motion, which CARRIED 6-0, with Council Member Persis having left the meeting.
2. Thanked staff for its hard work on the recent and very successful meeting concerning the St. Johns River to the Sea Loop.
3. Asked if there was any news on the commuter rail issue. Chair Bruno said he would be meeting with Congressman John Mica the following week and hoped to have an update at that time.
4. Spoke about DeBary having its own fire services, noting she was confident there would be a smooth transition from the County to the City in providing this service.
5. Asked that the County examine the feasibility of staffing the DeBary Hall Visitors Center with volunteers.
6. Said she had heard the County would no longer provide shelter for employees' families during hurricanes or other disasters while the employees themselves had to work during such emergencies. She did not feel the change in the practice from what the County did in 2004 was the right thing to do and asked for a report on the matter, if not an actual Agenda Item. Some discussion followed and Chair Bruno said he would have a report given to Council.

Chair Bruno:

1. Said that Dr. Bonita Sorensen had indicated to him she would like to lead the Health Summit once she had been confirmed as the Health Department Director.
2. Commented on the lack of firm accomplishment at a recent meeting he had attended regarding transportation funds.
3. Asked staff to invite James Sellon of the Urban Land Institute to address the County Council on water issues.

DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA**County Manager Dinneen:**

1. Congratulated Deputy County Manager Mary Anne Connors and her staff on the exceptional job they had done on the beach concession item.
2. Cautioned the Council on the possible risk to the General Fund if the parties involved in the commuter rail project thought Volusia County would agree to any action proposed. He felt the Council soon would have to give the administrative staff clear direction on how to proceed to prevent such financial danger.


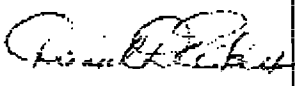
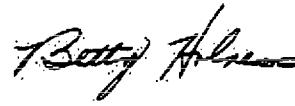
County Attorney Eckert:

1. Spoke about the need for authorization to pay the last Glatting Jackson invoice for \$5,100 for challenging the Putnam County Comprehensive Plan. Council Member Kelly moved to AUTHORIZE staff to pay the invoice. Council Member Hayman seconded the motion, which CARRIED 6-0, with Council Member Persis having left the meeting.
2. Said the existing McDonald Transit contract needed to be extended by 60 days until the new contract could be brought to Council. Council Member Alexander moved to EXTEND the current McDonald Transit contract for 60 days. Council Member Kelly seconded the motion, which CARRIED 6-0, with Council Member Persis having left the meeting.
3. Noted that Legal staff had concluded an inverse condemnation trial that day in a case involving Lake Gertie, with a judgment in favor of the County.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

APPROVED
COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

June 4, 2009		AGENDA ITEM		Item 06
<input type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input checked="" type="checkbox"/> Other
Department: Community Services		File Number: VC-1236359925966-A		
Division: Votran				
Subject: Streetside amenities presentation				
Account Number(s): N/A				
Total Item Budget: N/A				
Staff Contact(s): Lois Bollenback Phone: 756-7496 ext. 4126				
Summary/Highlights: Votran proposes a program to facilitate installation of streetside amenities for public transit. Amenities are items such as signs, benches, seating, shelters, lighting, trash receptacles, landing pads, bike racks, sidewalks and curb cuts, information kiosks and landscaping/beautification. The proposed program is consistent with the Transit Development Plan, transit development guidelines and county ordinances. Votran seeks approval of this program and for discontinuance of advertising on public transit benches in the unincorporated area of the county.				
Recommended Motion: Approval.				
David F. Byron Director Community Services  Lois Bollenback Director Votran	OMB Approved as to Budget Requirements	Legal  Approved as to Form and Legality	Betty Holness County Manager's Office  Approved Agenda Item For: June 4, 2009	
Council Action: <input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:		Modification:		

Streetside Amenities for Public Transit

Lois Bollenback, General Manager

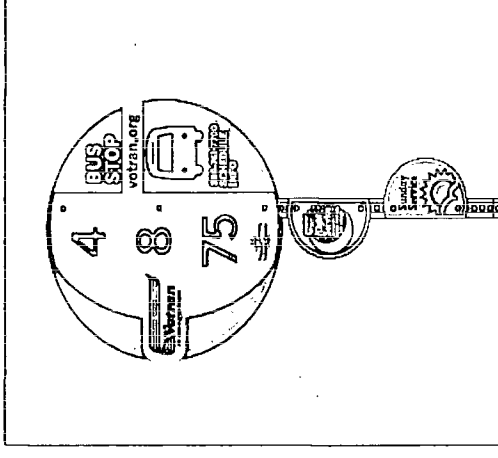


A service of Volusia County Government.



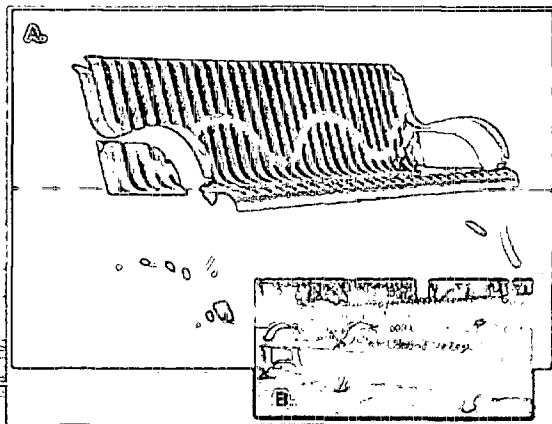
What are amenities?

- Signs (standard, scrolling)
- Benches/seating
- Shelters
- Lighting
- Trash receptacles



- Landing pads
- Bike racks
- Sidewalks & curb cuts
- Information kiosks
- Landscaping/beautification

Amenities are *important* for:



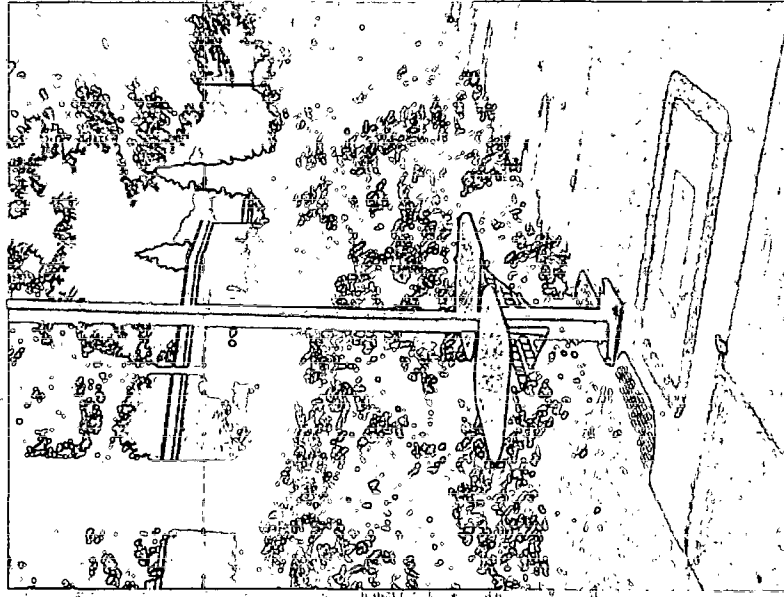
- Improving the environment and overall experience of riders;
- Developing a positive image throughout the community;
- Facilitating access (especially for seniors and the disabled);
- Creating a safe and secure environment.

Implementing a program is *challenging* because:

- We don't own or control the right-of-way;
- Added infrastructure increases O&M costs;
- Jurisdictions have varying approaches and preferences (CRA's, historic areas);
- Public R-O-W is often limited;
- Local resistance is sometimes expressed.



Funding for this effort:



- Capital funding from FTA;
(small annual set-aside)
 - \$700,000 is available;
- Additional funding is available through the American Recovery and Reinvestment Act;
 - \$500,000 has been identified for amenities.

Almost \$1,200,000 will be available

What are we hoping to accomplish?

- Looking for ways to draw down federal funding that has been awarded but has not been spent.
- Seeking opportunities to partner with local jurisdictions to leverage capital funding and offset future maintenance costs.
- Trying to stay ahead of changes in public transit.
(Increasing ridership, growth opportunities, growing elderly population, evolution from transit dependent to riders of choice, increased sophistication, good community partner, image)

Program Approach

(Outline attached)

- Use MPO subcommittees as a forum to discuss possible projects
- Project funding not to exceed \$50,000
- Require financial match and commitment to maintain
- No supplanting
- Project must be complete within 12 months of award
- Projects must be on a transit route and create a benefit to riders
- Busier routes/stops would have preference
- Consistent with Transit Development Guidelines



Use of Advertising

Pro's

Advertising contracts
reduce costs for:

- Capital purchases, installation and permitting
- Ongoing maintenance, repair and replacement
- Has potential to generate revenue

Con's

- County Zoning Ordinance 80-8, section 822.02 (a) prohibits nongovernmental signs in the public right of way
- Advertising benches and shelters are often criticized by public (especially in residential areas)
- Program requires considerable management and oversight

Estimated Program Expense

For benches in unincorporated Volusia County only.

Item/Activity	Description	Unit Cost	Total
Benches	Currently 57 in place	\$800 each	\$24,000
Simme-Seat	To replace some benches	\$450 each	\$11,250
Installation	Labor to replace benches		\$22,000
Initial Cost			\$57,250
Replacement	Annual capital cost		\$2,500
Maintenance	Annual operating expense		\$12,500
Annual Total			\$15,000

Voltran receives approximately \$1,100 in bench advertising revenue each year.

Recommendation

1. Approve the public transit amenities program.
2. Discontinue advertising on public transit benches in unincorporated Volusia County.



Votran Passenger Amenities Partnership Program *Draft - May 2009*

Votran is initiating a program to make street side amenity improvements for public transit users in partnership with municipal planning agencies. The projects will be selected by Votran and the program will be communicated through the subcommittees of the Metropolitan Planning Organization (TCC, CAC, BPAC and TDLCB). The selection process is intended to facilitate the expenditure of federal funds. Funding requests should not exceed \$50,000, with the amount requested representing a matching investment by the applicant. Proposals including more significant matching commitments will be considered more favorably.

Proposed system improvements will emphasize:

- Improvements to customer safety
- Increased accessibility to public transit routes and facilities
- Transit improvements that balance the needs of customers with budget constraints
- Improvements to the image of public transit in the local community

Eligible Projects

This program encompasses all street side amenities for public transit and includes, but is not limited to:

- enhanced transfer stops
- shelters
- benches
- bike racks
- lighting
- trash containers
- sidewalk installation (limited)
- landscaping
- way finding (striping or signs)
- wheelchair boarding pads
- information kiosks.

Project proposals will meet the following requirements:

1. The project is consistent with Votran's Transit Development Design Guidelines.
2. Project approach must be adequate to ensure completion within 12 months of award.
3. Applications must have a letter of support from the appropriate planning jurisdiction that includes acceptance of maintenance responsibility.
4. Projects must demonstrate improved safety and accessibility for transit.
5. Funding must be used in public right of way or on recorded easements
6. Description of community value with respect to:
 - a) rationale for site selection
 - b) benefit to property owner at the site
 - c) parking lot assets and traffic flow pattern
 - d) pedestrian flow
 - e) safety and security features
7. Applicant must demonstrate verify in writing that the proposal does not conflict with or violate any existing contracts for the placement of amenities.

Please remember that this is a one time award program, and that replacement of damaged or missing items is the sole responsibility of the local jurisdiction.

Instructions

Applications should include:

- 1) a written proposal limited to 2 pages describing the project addressing each of the above requirements
- 2) a table outlining the project budget including the Votran federal share
- 3) proposed time schedule for the project
- 4) commitment to maintain the facility
- 5) a map, site plan and/or design sketch (as appropriate to show compliance)

Deadline: Please submit proposals to the MPO by June 30, 2009

Please call Heather Blanck at 386-756-7496 with any questions

DRAFT

6/4/2009

11:00 a.m.

Item 6

Streetside amenities presentation

Staff Contact: Lois Bollenback, 386-756-7496, ext. 4126

VC-1236359925966

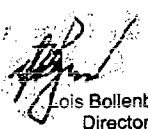

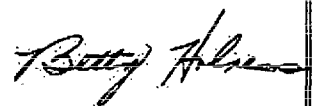
Lois Bollenback, the former General Manager of Votran, gave the staff report. It included an overhead PowerPoint slide presentation. Council discussion followed. Concerns were expressed about losing revenue from bus bench advertising. Ms. Bollenback said during the previous year, only a little more than \$1,000 had come in from that revenue stream. She explained various issues with the bench advertising program in the unincorporated areas of the County. Many of the cities had turned toward setting their own bench advertising policies, where in the past they traditionally had not had any at all. She further explained about the cost to transition the program to one of non-advertising. She concluded by stating it was staff's desire that the Council give direction on the public transit amenities program in general and also on advertising on bus benches within the unincorporated County.

Public participation followed. **Ramara Garrett**, with Waverly Media, the only current, private bench provider in the County, distributed and spoke about a report on her firm's points of objection to the streetside amenities program. She felt there should be some way for the County to partner with her firm for the public's benefit. **Douglas Kosarek**, representing the Volusia Tax Reform Executive Committee, also was opposed to the program. He encouraged the Council to leverage its money and deny or alter the proposal.

Additional Council discussion ensued. Concerns were stated about spending County revenue when advertising companies already were paying for the use of the benches as a marketing tool. County Attorney Dan Eckert pointed out either the County's longstanding bench advertising policy needed to be in compliance with its own Zoning Ordinance or else the Ordinance had to be reworked so the County could follow its own regulations. County Manager Jim Dinneen suggested ideas for enabling the system to grow by answering the needs of its users. Concerns were made about the Metropolitan Planning Organization (MPO) being included in the process.

More discussion followed. Concerns were expressed over losing the federal funding if it were not used right away. Ms. Bollenback and Ken Fischer, Interim General Manager of Votran, explained there were some time constraints, but the County would be safe from that for more than a year. Other discussion followed about various amenities and ways to develop them in different areas.

Council Member Northey said she felt the proposal was an opportunity to improve the community, develop a positive image and facilitate access for seniors and the disabled. She moved for APPROVAL of the program. Council Member Alexander seconded the motion. Some discussion on the motion followed. Chair Bruno called for an electronic vote and the motion FAILED 2-5, with Council Members Northey and Alexander in support and Council Members Hayman, Kelly, Persis, Wagner and Chair Bruno in opposition.

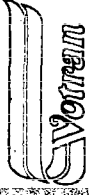
June 4, 2009		AGENDA ITEM		Item 06
<input type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input checked="" type="checkbox"/> Other
Department: Community Services		File Number: VC-1236359925966-A		
Division: Votran				
Subject: Streetside amenities presentation				
Account Number(s): N/A				
Total Item Budget: N/A				
Staff Contact(s): Lois Bollenback Phone: 756-7496 ext. 4126				
Summary/Highlights: Votran proposes a program to facilitate installation of streetside amenities for public transit. Amenities are items such as signs, benches, seating, shelters, lighting, trash receptacles, landing pads, bike racks, sidewalks and curb cuts, information kiosks and landscaping/beautification. The proposed program is consistent with the Transit Development Plan, transit development guidelines and county ordinances. Votran seeks approval of this program and for discontinuance of advertising on public transit benches in the unincorporated area of the county.				
Recommended Motion: Approval.				
David F. Byron Director Community Services  Lois Bollenback Director Votran	OMB Approved as to Budget Requirements	Legal  Approved as to Form and Legality	Betty Holness County Manager's Office  Approved Agenda Item For: June 4, 2009	
Council Action: <input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:		Modification:		

Streetside Amenities for Public Transit

Lois Bollenback, General Manager

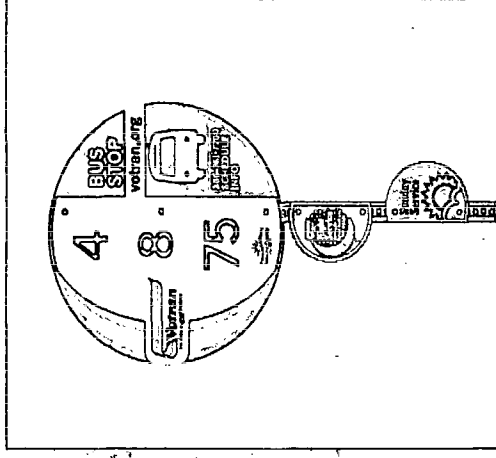
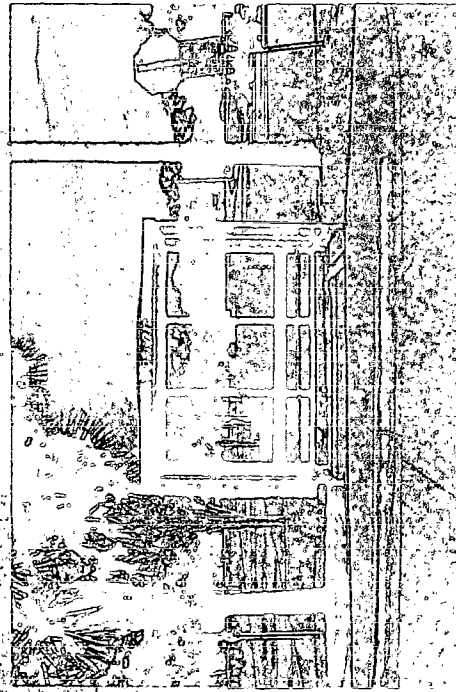


A service of Volusia County Government.



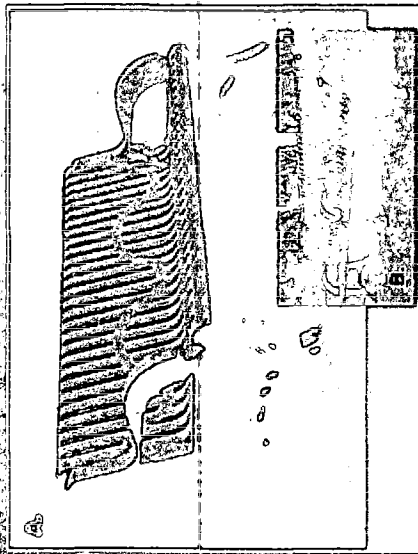
What are amenities?

- Signs (standard, scrolling)
- Benches/seating
- Shelters
- Lighting
- Trash receptacles



- Landing pads
- Bike racks
- Sidewalks & curb cuts
- Information kiosks
- Landscaping/beautification

Amenities are *important* for:



- Improving the environment and overall experience of riders;
- Developing a positive image throughout the community;
- Facilitating access (especially for seniors and the disabled);
- Creating a safe and secure environment.

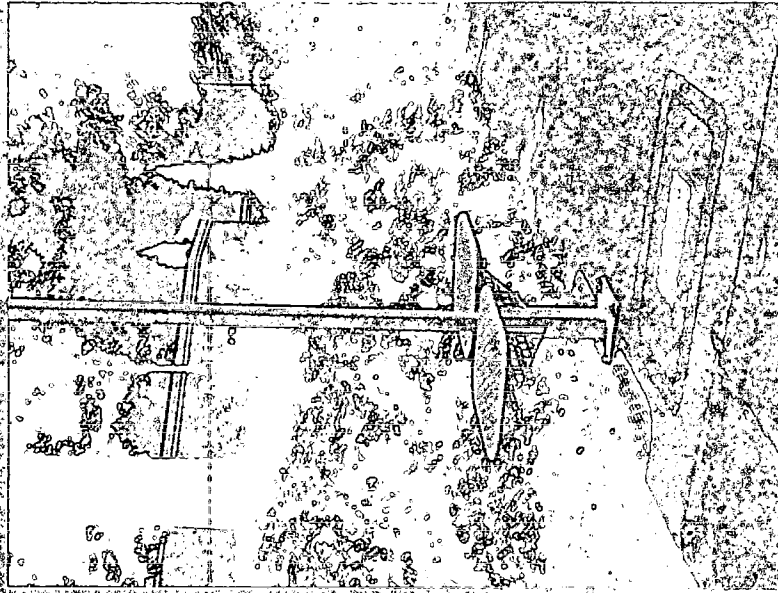


Implementing a program is *challenging* because:

- We don't own or control the right-of-way;
- Added infrastructure increases O&M costs;
- Jurisdictions have varying approaches and preferences (CRA's, historic areas);
- Public R-O-W is often limited;
- Local resistance is sometimes expressed.



Funding for this effort:



- Capital funding from FTAs;
(small annual set-aside)

- \$700,000 is available;

- Additional funding is available through the American Recovery and Reinvestment Act;

- \$500,000 has been identified for amenities.

Almost \$1,200,000 will be available

What are we hoping to accomplish?

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Program Approach

(Outline attached)

- Use MPO subcommittees as a forum to discuss possible projects
- Projects must be on a transit route and create a benefit to riders
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Estimated Program Expense

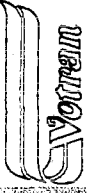
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A service of Volusia County Government.



Recommendation

1. Approve the public transit amenities program.
2. Discontinue advertising on public transit benches in unincorporated Volusia County.



Votran Passenger Amenities Partnership Program *Draft - May 2009*

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Please remember that this is a one time award program, and that replacement of damaged or missing items is the sole responsibility of the local jurisdiction.

Instructions

Applications should include:

- 1) a written proposal limited to 2 pages describing the project addressing each of the above requirements
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- 5) a map, site plan and/or design sketch (as appropriate to show compliance)

Deadline: Please submit proposals to the MPO by June 30, 2009

Please call Heather Blanck at 386-756-7496 with any questions

DRAFT

**County Council of Volusia County, Florida
MINUTES
FEBRUARY 18, 2010**

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

PUBLIC PARTICIPATION – 8:30 a.m.

Stacy Stepanovich, Volusia/Flagler AFL-CIO, spoke in support of a rally called "Save Our Space Exploration," to be held in Brevard County on February 27th in an effort to save jobs and human space flight. She also distributed a handout describing the event.

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: William L. Bradley, Jr., Pastor, New Hope Baptist Church, Deltona

RETIREMENTS

Item 1

- Dennis R. McGee, Department Director, Airport and Port Authority, will retire February 26, 2010, after more than 31 years of dedicated service

Staff Contact: Thomas Motes, 386-736-5951, ext. 2605

VC-1265381372340

PRESENTATIONS

9:00 a.m.

Item 2

Resolutions establishing policies for Community Redevelopment Areas (CRAs); and correcting Resolution 2001-233, which repealed a portion of authority delegated to certain cities

(Continued from January 21, 2010)

Staff Contact: Phil Ehlinger, 386-248-8048, ext. 8386

VC-1264167863722

County Manager Jim Dinneen and Director of Aviation and Economic Resources Rick Karl gave introductory remarks about the huge amount of work that had been done on the issue throughout the County. Economic Development Division Director Phil Ehlinger gave background on the process, which had started in 2008. County Attorney Dan Eckert described a conversation he had with Peter Dame, bond counsel for the City of Port Orange. Mr. Dame had furnished rewritten language for one of the resolutions which stated it was not the County Council's intent to constrain the abilities of CRAs to incur debts. He distributed copies of the rewritten language to the Council.

Some Council comments followed. Council Member Hayman said he applauded the efforts of the City of Port Orange and the County in working together on the resolution language and supported it. Regarding the resolution addressing future delegation of powers, Council Member Northey asked for clarification of non-capital costs. She thought CRA money was to go to capital spending, not something like a city festival. She used the example of a newspaper article which said \$150,000 in CRA money was to be used for a marketing campaign for a summer festival in Daytona Beach. Mr. Eckert explained the resolution stated the Council could limit spending to capital costs, as it did for Daytona Beach Shores and Ormond Beach, but it did not have to do so. The statute did allow for certain operational expenses, such as enhancement of policing and other things directed into the CRA district, and all CRA plans were different. Ms. Northey felt the city CRA partner should be held accountable for putting its CRA money toward capital spending, just as the County was. Mr. Ehlinger noted the provision referred to future CRAs. The proposed resolution would require the cities to submit their existing CRA budgets to the Council before adoption. The Council could always say it did not agree with what was submitted. Chair Bruno suggested the City of Daytona Beach make a presentation to the Council on what it was doing within that CRA to clarify the situation. Council Member Wagner felt marketing might be needed sometimes to draw attendance at various functions, as CRA plans were so different. He did not want to limit a CRA's ability to do what it truly felt was needed for economic development.

After additional dialogue, public participation took place. **Allen Green**, the Mayor of Port Orange, agreed clarity, certainty and transparency in the CRA partnership were desired by all parties. He believed the City and County were not far apart on this issue. Port Orange City Manager **Ken Parker** asked the Council to look at the proposed resolutions from the points of view of the cities and their redevelopment partners. **Margaret Roberts**, Port Orange City Attorney, thanked the Council for its consideration of adding Mr. Dame's language into the first resolution. She had no objection to the second resolution. In the interest of clarity, the City did have one request for the third resolution, and Ms. Roberts distributed copies of the proposal. The City wanted the following deletion—shown by strike-through—made:

WHEREAS, the County Council does not waive or restrict its authority to make revisions to or exceptions from such policy ~~or revoke or modify a delegation of authority.~~

Peter Dame said he was worried about the ability of the City's CRAs to issue bonds in the future because of the perception of prospective bond holders. He supported Ms. Roberts' request. **Buddy LaCour**, a developer in Port Orange who also was representing several partnerships there, said he was concerned that the ability of public/private partnerships to attract equity and debt could be compromised by the proposed language. He asked that the Council not be overly restrictive in its proposed language.

Adam Barringer, Mayor of New Smyrna Beach, said the City faced a number of challenges with CRAs. He requested the Council use flexibility in its language so as to not damage the partnership it had with the City. South Daytona City Manager **Joe Yarbrough** felt the restrictive language in the third resolution would not encourage investment and submitted a letter from the City's financial adviser to that effect.

Further Council discussion took place, and Mr. Eckert explained the purpose of the language Ms. Roberts wanted deleted and why he felt the Council should not do so. Council Member Hayman said he wished to take action on the resolutions separately and moved for APPROVAL of the second resolution in the Agenda Item, which corrected the scrivener's errors. Council Member Northey seconded the motion. After some comments by Mr.

Dinneen, the motion CARRIED 6-0, with Council Member Kelly out of the room. Resolution No. 2010-18, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2010-18

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING RESOLUTION 2001-233, WHICH REPEALED A PORTION OF THE DELEGATION OF POWERS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969 (CHAPTER 163, PART III, FLORIDA STATUTES) TO THE GOVERNING BODIES OF THE CITIES OF DAYTONA BEACH, DELAND, ORMOND BEACH, NEW SMYRNA BEACH, HOLLY HILL, PORT ORANGE, AND DAYTONA BEACH SHORES WITHIN THEIR RESPECTIVE BOUNDARIES; PROVIDING FOR RETROACTIVE EFFECT.

Council Member Hayman then moved for APPROVAL of the first resolution in the Item, which dealt with policy for existing CRAs, with the ADDITION of the language from Mr. Dame, inserted as a new section. Council Member Alexander seconded the motion, which CARRIED 6-0, with Council Member Kelly out of the room. Resolution No. 2010-19, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2010-19

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE DELEGATION OF THE EXERCISE OF ALL POWERS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969 (CHAPTER 163, PART III, FLORIDA STATUTES) CONFERRED UPON THE GOVERNING BODIES OF THE CITIES OF DAYTONA BEACH, DELAND, ORMOND BEACH, NEW SMYRNA BEACH, HOLLY HILL, PORT ORANGE, SOUTH DAYTONA AND DAYTONA BEACH SHORES WITHIN THEIR RESPECTIVE BOUNDARIES AND THE SPRING HILL COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

Council Member Hayman then said he agreed with Mr. Eckert's interpretation of the third resolution, which dealt with policy on future CRAs and moved for its APPROVAL, just as it was. Council Member Alexander seconded the motion.

Discussion on the motion followed. Ms. Northey said she still did not like to see CRA capital dollars used for funding a festival, but stated for the record the County needed to move forward on the issue and she would support the motion. Mr. Wagner said he was concerned with unintended consequences. For example, if a city wanted to modify a CRA and felt as Mr. Yarbrough did, the resolution would not encourage investment at a time when it was badly needed. He would not support the motion.

After some other dialogue, the motion CARRIED 5-1, with Council Member Wagner in opposition and Council Member Kelly out of the room. Resolution No. 2010-20, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2010-20

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, ESTABLISHING POLICY FOR FUTURE DELEGATION OR AMENDMENT OF EXISTING DELEGATION OF THE EXERCISE OF THE POWERS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969 (CHAPTER 163, PART III, FLORIDA STATUTES); PROVIDING AN EFFECTIVE DATE.

Item 3

Economic Development overview

Staff Contact: Philip Ehlinger, 386-248-8048, ext. 8386

VC-1265827898238

County Manager Jim Dinneen and Director of Aviation and Economic Resources Rick Karl gave introductory remarks. Economic Development Division Director Phil Ehlinger gave the staff report, along with an overhead PowerPoint slide presentation. The overview was in preparation for the Economic Development Workshop to be

held the next week. Deputy County Manager Charlene Weaver distributed a spreadsheet and commented on the Economic Development Division's budget. Mr. Dinneen said it would be necessary to decide where the division fit in with the SunRail project. He noted no extra money was being added for economic development incentives and also spoke about plans to build an intersection behind the airport and develop the area.

Comments and questions followed from Council. Council Member Northey felt the Economic Development Division did an excellent job and asked if the 2002 Strategic Plan might need a 10-year update. Mr. Ehlinger explained the basic framework of goals set forth in it was ongoing, but he could certainly have the plan reviewed. In response to a question from Council Members Alexander and Persis, he explained how the organization helped existing businesses to expand and the recurring visits staff members made to them. Council Member Wagner agreed with the need to retain existing businesses and help them grow and Mr. Ehlinger explained how the staff analyzed the needs in the community and responded to them. Additional remarks followed.

No action being needed, all Council Members thanked Mr. Ehlinger and his staff for the outstanding presentation.

APPROVAL OF MINUTES

Item 4

Minutes of the December 10, 2009, county council meeting
Staff Contact: Camilla Grasso, 386-736-5920, ext. 5898

VC-1265647491256

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

Item 5

Minutes from the Special County Council meeting held on January 28, 2010, to discuss the Farmton Local Plan
Staff Contact: Camilla Grasso, 386-736-5920, ext. 5898

VC-1265647716604

Council Member Hayman moved for APPROVAL as recommended. 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.

Chair Bruno:	None for himself, but noted Items 11 and 22 had been withdrawn.
Council Member Alexander:	Items 25 and 26
Council Member Hayman:	0
Council Member Kelly:	0
Council Member Northey:	0
Council Member Persis:	0
Council Member Wagner:	0

Council Member Persis moved to APPROVE the CONSENT AGENDA and all actions recommended therein, as amended to remove Items 25 and 26 for discussion. The motion was seconded by Council Member Hayman and CARRIED 7-0.

MINI BUDGET WORKSHOP

Item 6

Topic: Community Information
Staff Contacts: James Dinneen, 386-736-5920, ext. 2187
Charlene Weaver, 386-943-7054, ext. 7054
Dave Byron, 386-717-4190, ext. 2616

VC-1265370339082

This Item was WITHDRAWN.

PUBLIC HEARINGS AND OTHER TIME CERTAIN MATTERS

10:30 a.m.

Item 7

ECHO grant extensions to encumber funds and/or construct projects

Staff Contact: Margaret Hodge, 386-740-5210, ext. 2009

VC-1264787229269

Special Projects Coordinator Margaret Hodge gave the staff report, noting there were only nine requests for extensions this year, and she expected only three next year. Staff felt the reasons for the nine extension requests were all justifiable.

Council Member Northey moved for APPROVAL as recommended. Council Member Persis seconded the motion.

Discussion on the motion followed. In response to a question from Council Member Alexander, Ms. Hodge explained the reasons for the delays in permitting on four of the applications. The delays were simply part of the process, there was no blame to any agency. Ms. Alexander asked what had happened with Beck Ranch. Ms. Hodge said design changes had to be made due to some environmental issues. The motion CARRIED 7-0.

Deputy County Manager Mary Anne Connors said because Council would hold an ECHO workshop on February 25th, staff would need Council authorization for a deferral in the scoring of this year's ECHO applications. Right now, the scoring was scheduled to be held before the workshop. Staff felt it should be done in light of direction given by Council at that workshop.

Council Member Northey then moved to DEFER scoring the ECHO applications until after the February 25th workshop. Council Member Persis seconded the motion, which CARRIED 7-0.

10:45 a.m.

Item 8

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Ordinance No. 2010-03, amending the sign regulations to allow bus stop bench advertising

Staff Contact: Becky Mendez, 386-736-5959, ext. 2943

VC-1263243492531

Michael Dyer, 386-736-5950, ext. 2946

Becky Mendez, Senior Planning Manager, delivered the staff report, explaining the language was a simple text amendment to the Sign Ordinance. Both staff and the PLDRC recommended approval.

Council Member Alexander asked if the Council would ever be able to give an opinion on regulation of sign content. Assistant County Attorney Mike Dyer said the topic was not addressed in this ordinance. Something additional would be needed after the implementation of the Item at hand, but no Council action was needed on that today. Council Member Northey said she could not support the recommendation.

February 18, 2010 being the date for public hearing and there being no objection, Council Member Wagner moved to ADOPT Ordinance No. 2010-03, entitled as follows and on file in its entirety with the records of the County Council. Pursuant to Council Member Alexander seconding the motion, it was duly ADOPTED 6-1, with Council Member Northey in opposition.

ORDINANCE NO. 2010-03

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE OF VOLUSIA COUNTY, FLORIDA; AMENDING CHAPTER 72 "LAND PLANNING," ARTICLE II "ZONING", DIVISION 8 "SUPPLEMENTARY REGULATIONS" BY AMENDING SECTION 72-298 "SIGN REGULATIONS;" PROVIDING FOR

SIGNS ON PUBLIC TRANSPORTATION BENCHES AND SHELTERS;
PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING
ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

11:30 a.m.

Item 9

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Ordinance 2010-04, reorganization of Aviation and Economic Resources Department; Resolution amending merit system compensation plan

Staff Contacts: James Dinneen, 386-736-5920, ext. 2187

VC-1264539868934

Charlene Weaver, 386-943-7054, ext. 7054

Deputy County Manager Mary Anne Connors and County Manager Jim Dinneen gave explanatory remarks, noting the Item reflected the ongoing effort to reduce overhead at the administrative level. What was once a department now became a division and that department director was eliminated. Council Member Alexander asked about the position of Licensed Practical Nurse. Deputy County Manager Charlene Weaver explained there was an individual who gave physical exams and monitored blood pressure and heart rate for the County's physician as part of the Wellness Program and a proper classification was needed for her. Staff had simply taken the opportunity to make that change at the same time the other classification changes were made; it had nothing to do with the Aviation and Economic Resources Department. Pursuant to other questions from Ms. Alexander, Assistant County Attorney Mike Dyer explained gaps in the language of the Administrative Code that had occurred over time and the need to relocate that language. Mr. Dinneen also explained the benefits to effectiveness and efficiency the restructuring would have.

After additional discussion, County Attorney Dan Eckert stated two actions were required. It was necessary to adopt the ordinance and also the accompanying resolution. Both actions could be made with one motion. In response to a question from Council Member Hayman, Mr. Dinneen said he would send Council an explanation of the "best practices in the industry."

February 18, 2010 being the date for public hearing and there being no objection, Council Member Alexander moved to ADOPT Ordinance No. 2010-04 and Resolution No. 2010-21, entitled as follows and on file in their entirety with the records of the County Council. Pursuant to Council Member Hayman seconding the motion, they were duly ADOPTED 7-0.

ORDINANCE NO. 2010-04

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, COUNTY OF VOLUSIA; RENUMBERING AND AMENDING SECTION 2-93 TO CREATE THE AVIATION AND ECONOMIC RESOURCES DEPARTMENT; CREATING AVIATION, COASTAL AND ECONOMIC DIVISIONS OF SAID DEPARTMENT; REPEALING SECTION 2-147, AIRPORT AND PORT DEPARTMENT; COASTAL DIVISION TO REFLECT CREATION OF NEW DEPARTMENT; AMENDING TITLE OF CHAPTER 2, ARTICLE II AND DIVISION 2 OF SAID ARTICLE; MERGING SECTION 2-149, OCEAN CENTER DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 2010-21

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE MERIT SYSTEM COMPENSATION PLAN, PROVIDING AN EFFECTIVE DATE.

11:45 a.m.

Item 10

Budget adjustment to recognize and appropriate re-budgeted projects and certain authorized expenditures and certain revenues to reflect anticipated collections, continued from December 17, 2009; \$29,148,267.00

Staff Contact: Tammy Bong, 386-736-5934, ext. 2848

VC-1262182593508

Charlene Weaver, 386-943-7054, ext. 7054

Management and Budget Director Tammy Bong delivered the staff report, stating each fiscal year it was necessary to adjust the current year budget for projects and expenditures that were multi-year in nature and certain revenues based on the current projections. Council Member Hayman observed that both the operating and capital budgets showed an increase.

There being no other questions, Council Member Persis moved for APPROVAL as recommended, and after Council Member Hayman seconded the motion it CARRIED 7-0. Resolution No. 2010-22, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2010-22

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE FISCAL YEAR 2009-10 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES, SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

BEGIN CONSENT AGENDA**AIRPORT AND PORT**

- **Airport Services**

Item 11

This Item was WITHDRAWN.

Item 12

Cooling tower refurbishment at the Daytona Beach International Airport, contract no. C-1327; Expenditure: \$119,779.00

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

VC-1265043513726

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

COMMUNITY SERVICES

- **Community Assistance**

Item 13

FY 2008/09 consolidated plan amendments for the Community Development Block Grant

Staff Contact: Dona DeMarsh, 386-943-7039, ext. 3472

VC-1263499571939

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

Item 14

Budget resolution - Low Income Home Energy Assistance Program (LIHEAP) contract;

Revenue \$2,031,916.00

Staff Contact: Dona DeMarsh, 386-943-7039, ext. 3472

VC-1263243872254

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2010-23, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2010-23

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA
AMENDING THE FISCAL YEAR 2009-2010 BUDGET, CHANGING THE ESTIMATED TOTAL
REVENUES, SURPLUS AND EXPENDITURES, AND PROVIDING AN EFFECTIVE DATE.

- **Parks, Recreation and Culture**

Item 15

No. 10-SQ-16DS, Award of contracts for professional archaeological and historic preservation services
Staff Contact: Tim Baylie, 386-736-5953, ext. 2636 VC-1264186540827

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

Item 16

Parks, Recreation and Culture fee adjustments
Staff Contact: Tim Baylie, 386-736-5953, ext. 2636 VC-1264525533075

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

Item 17

Budget resolution - Florida Humanities Council mini-grant; Revenue: \$4,000.00
Staff Contact: Nancy H. Maddox, 386-736-5953, ext. 2463 VC-1265053792732

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2010-24, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2010-24

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING
THE FISCAL YEAR 2009-10 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES,
SURPLUS AND EXPENDITURES AND PROVIDING AN EFFECTIVE DATE.

COURT ADMINISTRATION

- **Administration**

Item 18

Solicitation 09-SQ-147JD, Misdemeanor Probation Services
Staff Contact: Mark Weinberg, 396-257-6097, ext. 6097 VC-1264436005074

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

ELECTIONS

- **Elections**

Item 19

Budget resolution - Florida Department of State voter education grant agreement;
Revenue: \$66,837.54 (15% county match = \$8,717.94)
Staff Contact: Ann McFall, 386-736-5930, ext. 2565 VC-1264621892021

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2010-25, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

BUDGET RESOLUTION NO. 2010-25

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING
THE FISCAL YEAR 2009-10 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES;
SURPLUS AND EXPENDITURES, AND PROVIDING AN EFFECTIVE DATE.

Item 20

Purchase of SOE Software Corporation's Clarity Online Election Training application and hosting and supporting of the application; Expenditure: \$97,416.00 from grant funds

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

VC-1264713585925

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

FINANCIAL AND ADMINISTRATIVE SERVICES

- **Central Services**

Item 21

Extension of contract agreements for HVAC services with Air Mechanical, D.G. Meyer, Flair Services and Ferran Services, Nos. 3426, 3432, 3441 and 3440; Expenditure: \$90,000.00

Staff Contact: George Baker, 386-254-1595, ext. 1850

VC-1265308661143

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

- **Information Technology**

Item 22

This Item was WITHDRAWN.

- **Revenue**

Item 23

Extension of contract for private tag agency services with Auto Tag Management Group

Staff Contact: Peggy Flomerfelt, 386-736-5938, ext. 2329

VC-1264093219281

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

GROWTH AND RESOURCE MANAGEMENT

- **Environmental Management**

Item 24

Florida Department of Environmental Protection grant assistance agreement;

Revenue: \$164,355.00

Staff Contact: Ginger Adair, 386-736-5927, ext. 2059

VC-1264431854496

Jack Rawlins, 386-736-5927, ext. 2095

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2010-26, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2010-26

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE FISCAL YEAR 2009-10 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES; SURPLUS AND EXPENDITURES, AND PROVIDING AN EFFECTIVE DATE.

Item 25

Budget resolution - Florida Inland Navigation District (FIND) grant for the annual St. Johns River clean-up;

Revenue: \$5,000.00

Staff Contact: Ginger Adair, 386-736-5927, ext. 2059

VC-1264441985902

Tom Carey, 386-736-5927, ext. 2073

Council Member Alexander stated both Items 25 and 26 had to do with the clean-up of rivers, FIND was contributing to both and the County had other monies to complete the funding. She then moved for APPROVAL of both as recommended, and after Council Member Hayman seconded the motion it CARRIED 6-0, with Council Member Northey out of the room. Resolution No. 2010-27, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2010-27

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE FISCAL YEAR 2009-10 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES; SURPLUS AND EXPENDITURES, AND PROVIDING AN EFFECTIVE DATE.

Item 26

Budget resolution - Florida Inland Navigation District (FIND) grant for the annual Halifax/Indian River clean-up;
Revenue: \$5,000.00
Staff Contact: Ginger Adair, 386-736-5927, ext. 2059 VC-1264442116824
Tom Carey, 386-736-5927, ext. 2073

This Item was approved at the time Item 25 was approved. Resolution No. 2010-28, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2010-28

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE FISCAL YEAR 2009-10 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES; SURPLUS AND EXPENDITURES, AND PROVIDING AN EFFECTIVE DATE.

Item 27

Budget resolution - Caribbean Conservation Corporation grant for the Marine Science Center; Revenue: \$2,500.00
Staff Contact: Ginger Adair, 386-736-5927, ext. 2059 VC-1264613504429
Tom Carey, 386-736-5927, ext. 2073

This Item was approved at the time the CONSENT AGENDA was approved. Resolution No. 2010-29, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

RESOLUTION NO. 2010-29

RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE FISCAL YEAR 2009-10 BUDGET, CHANGING THE ESTIMATED TOTAL REVENUES; SURPLUS AND EXPENDITURES, AND PROVIDING AN EFFECTIVE DATE.

PUBLIC PROTECTION

• **Animal Services**

Item 28

Halifax Humane Society and Southeast Volusia Humane Society contracts;
Expenditure: \$300,000.00
Staff Contact: Becky Wilson, 386-248-1790, ext. 3522 VC-1264607564710

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

• **Beach Safety**

Item 29

Special event request: LandShark Pro Surf Contest, Beach festival
Staff Contact: Kevin Sweat, 386-239-6414, ext. 231 VC-1263934141560

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

Item 30

Beach special event, Birthplace of Speed Celebration
Staff Contact: Kevin Sweat, 386-239-6414, ext. 231 VC-1264454272198

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

PUBLIC WORKS

- **Engineering**

Item 31

Award of bid to Shoemaker Construction Co., Inc. for Votran transit facility site improvement - renovation of parking lot; ITB 10-B-18DS; Expenditure: \$933,870.00

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

VC-1264626781302

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

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

Item 32

Award of bid to Schuller Contractors, Inc. for Tomoka Farms Road landfill maintenance facility addition;

Expenditure: \$147,797.32

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

VC-1265043944778

Leonard Marion, 386-943-7889, ext. 6021

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

Item 33

Award of bid to Pillar Construction Group for construction of land acquisition and management building;

Expenditure: \$422,630.00

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

VC-1265734991120

Doug Weaver, 386-740-5261, ext. 2953

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

- **Solid Waste**

Item 34

Termination of agreement with A & E Landclearing, Inc. and award of bid to R & R Dozer Service as the primary contractor; Expenditure: \$630,000.00

Staff Contact: Leonard Marion, 386-943-7889, ext. 6021

VC-1262805051775

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

- **Water Resources and Utilities**

Item 35

Single source approval of Sensus for water meters and parts; Expenditure: \$230,000.00

Staff Contact: Gloria Marwick, 386-943-7027, ext. 2724

VC-1255716755258

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

END CONSENT AGENDA

12:00 noon

LUNCH RECESS

PUBLIC HEARINGS AND OTHER TIME CERTAIN MATTERS

2:00 p.m.

ZONING/SPECIAL EXCEPTIONS

Item 36

Order of Business:

Open Public Hearing

Staff Report
Public Participation
Close Public Hearing
Council Discussion/Action

Case No. S-10-002 - Renewal of a special exception for a temporary campground with 150 campsites located on A-1 (Prime Agriculture) zoned property; Applicant: Ronald Luznar, Owner
ECO Map: NO

STAFF RECOMMENDATION: UPHOLD the PLDRC recommendation

Staff Contact: Becky Mendez, 386-736-5959, ext. 2943

VC-1265331268620

Senior Planning Manager Becky Mendez gave the staff report, along with location and aerial maps as overhead slides.

Some comments and discussion from Council followed. In response a question from Council Member Alexander, Ms. Mendez explained the process of how such special exceptions were granted for one year originally, followed by a three-year, then a five-year renewal. Council Member Northey felt in the future staff should obtain formal comments from the Sheriff's Office as part of the temporary campground process. Chair Bruno said he would see staff was directed to do so. Ms. Northey also said she did not historically support requests for five-year extensions on temporary campgrounds and would not support this one either. Council Member Hayman said the key issue for him was traffic control at the intersection of Pioneer Trail and S.R. 415.

Ronald Luznar, applicant, said he had never had any problems at the campground and explained about measures he had taken for traffic control, security and the safety of the general public.

After additional discussion, Council Member Persis moved to UPHOLD the recommendation of the PLDRC of APPROVAL, subject to the following CONDITIONS:

1. The temporary campsite shall be limited to the areas as depicted on the enclosed site plan. The temporary campsite will only be open for operation 3 days before, during, and 3 days after any regularly scheduled racing event at the Daytona Beach International Speedway for Speedweeks, Biketoberfest, the Pepsi 400 (Coke Zero), and Bike Week for five years, from the beginning of Speedweeks 2010 through the close of Biketoberfest 2014.
2. The maximum number of campsites that may be allowed on the site shall not exceed 150. The size of the individual campsites and the number of portable toilets, potable water, shower facilities, and number and location of trash containers shall be in accordance with Volusia County Health Department requirements. Trash containers shall be emptied and cleaned on an as needed basis. The campsite shall be maintained to be completely clear of litter and other refuse, after each day of operation.
3. Vendors or itinerant merchants shall be prohibited from operating on the subject property. In addition, no special event(s) or contest(s) shall take place at the camp site.
4. The property owner or authorized agent shall create and submit written copies of provisions that address these conditions of approval, directly to the Volusia County Health Department, Fire Services, Sheriff's Office, Traffic Engineering, and the Growth and Resource Management Department for review and approval. The provisions including a site plan and signed contracts for portable toilets and garbage containers servicing, shall be submitted to the Building and Zoning Division a minimum of 4 days prior to the opening of the campsite for the Bike Week 2010 event and 30 days for any other subsequent regularly scheduled racing event. The property owner or authorized agent shall coordinate with these departments on an individual basis.
5. A security plan shall be developed and submitted directly to the Sheriff's Office for review and approval. This plan shall include, but not be limited to, the following: a copy of the agreement with the security company; names and phone numbers of security personnel; location of security station with phones; estimated number of patrons to be served during peak days; estimated number of vehicles entering and exiting site of campground; traffic control plan (i.e., entering, exiting property); parking coordination; use of alcoholic beverages; handling and security of cash receipts; personal plan for handling situations that demand immediate response from law enforcement; number of armed private security officers at campsite; number of unarmed private security officers at campground; assignments of private security officers; and number of off-duty

- law enforcement officers scheduled for campsite. A security plan must be submitted to the Sheriff's Office at least of 4 days prior to the opening of the campsite for the Bikeweek 2010 event and 30 days prior to other subsequent opening(s) of the campsite for each other regularly scheduled racing events.
6. The Volusia County Sheriff's Office, Finance, Fire Services, Traffic Engineering, and Growth and Resource Management Departments, and the Volusia County Health Department and State Department of Revenue, and the Department of Business and Professional Regulation (DBPR) shall have unlimited and unconditional access to the subject campsite, including common areas within the temporary camp site, on a 24-hour a day basis without having to give prior notice and without having to pay any type of fee or dues to gain entrance for inspection or enforcement purposes.
 7. The property owner or authorized agent shall provide fire protection services for the temporary campsite and demonstrate compliance with the requirements of the Florida Fire Prevention Code and the relevant chapters of the Volusia County Code regarding fire protection including, but not limited to stabilized access drives for emergency vehicles and apparatus to all areas and sites, and other as needed provisions for fire suppression, including fire extinguishers and equipment.
 8. All recreational vehicle units with self-contained holding tanks for wastewater shall have sewer waste line caps which shall be secured at all times in a manner to preclude any leakage. Posted signs throughout the campsite shall state that no direct discharge of any wastewater from any recreational vehicle will be permitted.
 9. Adequate portable toilets, portable showers, and hand wash sinks shall be required at a central location at the campsite. An approved service contract for pumping of the portable toilets shall be provided to the Volusia County Health Department prior to the opening of the campsite.
 10. The temporary campsite shall comply with all the provisions of the Florida Administrative Code Chapter 64E-15 and Volusia County Health Department temporary campground guidelines. Provisions for potable water are subject to approval by the Volusia County Health Department.
 11. The property owner must obtain final approval from the Growth and Resource Management Department before opening of the campsite for any regularly scheduled racing event. The property owner is responsible for and must collect all appropriate tourist development tax and sales tax, as required by County Ordinance and State Statute.
 12. Adequate off-street parking and loading areas shall be provided on the property, by the property owner to accommodate campground visitors, employees, and guests. No vehicles shall park or stand within the right-of-way of any public street. Campsite use is limited to tents and standard passenger vehicles (i.e., cars, and pickup trucks without trailers), unless on-site traffic circulation is reversed (with ingress from County Road (CR) 415 and egress on Pioneer Trail) and vehicles (including trailers) are limited to a maximum length of 30 feet.
 13. The property owner shall provide adequate traffic control as determined by the Sheriff's Department, including, but not limited to, off-duty uniformed officer(s) (police/sheriff/highway patrol) stationed during weekends, special events, and peak traffic hours along Pioneer Trail, and/or Tomoka Farms Road in front of the entrance and exit. The uniformed officer(s) are for traffic control only and the applicant is required to pay any cost associated with these officer(s). The applicant shall prohibit ingress if the campsite becomes full or if congestion problems develop on Pioneer Trail and/or Tomoka Farms Road.
 14. All on-site wetlands shall be protected during campsite operation by the installation of orange safety barrier fencing, around the wetland boundary as determined by Growth and Resource Management staff, consistent with the enclosed comments. The property owner shall also obtain a County tree removal permit for tree(s) to be removed from the property.
 15. Violation of any of these conditions may result in automatic revocation of the Special Exception by the Zoning Enforcement Official. Upon revocation, the temporary campground shall not be resumed without approval of another Special Exception application by the County Council.

Council Member Hayman seconded the motion. In discussion on the motion, Council Member Kelly said he also wanted to see temporary campground renewal requests more frequently than every five years, as circumstances could change quickly. The motion CARRIED 5-2, with Council Members Northey and Kelly in opposition.

Item 37

Order of Business:

Open Public Hearing

Staff Report
Public Participation
Close Public Hearing
Council Discussion/Action

First public hearing - Rezoning Case No. Z-09-072. A request for rezoning of 672.9 acres of public-owned land from A-1 (Prime Agriculture), A-2 (Rural Agriculture), FR (Forestry Resource) and RC (Resource Corridor) to C (Conservation) zoning classification; Applicant: Doug Weaver, Land Acquisition and Management Director

ECO Map: YES

STAFF RECOMMENDATION: Schedule second final hearing for March 4, 2010 at 2:00 p.m.

Staff Contact: Becky Mendez, 386-736-5959, ext. 2943

VC-1264778073558

Deputy County Attorney Jamie Seaman said Items 37, 38, 39 and 40 were all requests to rezone County-owned lands to conservation properties and, since it was after 2:00 p.m., the Council could consider all four simultaneously.

Chair Bruno read the titles of the Items aloud and Senior Planning Manager Becky Mendez gave the staff reports. She noted the rezonings were administrative in nature and would require a second public hearing. Staff requested the hearing be held March 4, 2010 at 2:00 p.m.

Council Member Hayman moved for APPROVAL of all four Items as recommended, including the second public hearing's being held at 2:00 p.m., March 4, 2010. Council Member Alexander seconded the motion, which CARRIED 7-0.

Item 38
Order of Business:
Open Public Hearing
Staff Report
Public Participation
Close Public Hearing
Council Discussion/Action

First public hearing - Rezoning Case No. Z-09-073 - Request for rezoning of 92 acres of public-owned land from A-2 (Rural Agriculture), RC (Resource Corridor), and R-4 (Urban Single-Family Residential) to C (Conservation) zoning classification; Applicant: Doug Weaver, Land Acquisition and Management Director

ECO Map: YES

STAFF RECOMMENDATION: Schedule second final hearing for March 4, 2010 at 2 p.m.

Staff Contact: Becky Mendez, 386-736-5959, ext. 2943

VC-1265040650377

This Item was approved at the time Item 37 was approved.

Item 39
Order of Business:
Open Public Hearing
Staff Report
Public Participation
Close Public Hearing
Council Discussion/Action

First public hearing - Rezoning Case No. Z-09-074 - Request for rezoning of 40.8 acres of public-owned land from A-2 (Rural Agriculture) and RC (Resource Corridor) to C (Conservation) zoning classification; Applicant: Doug Weaver, Land Acquisition and Management Director

ECO Map: YES

STAFF RECOMMENDATION: Schedule second final hearing for March 4, 2010 at 2 p.m.

Staff Contact: Becky Mendez, 386-736-5959, ext. 2943

VC-1265041218243

This Item was approved at the time Item 37 was approved.

Item 40

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

First public hearing - Rezoning Case No. Z-09-075 - Request for rezoning of 40.1 acres of public-owned land from RC (Resource Corridor) to C (Conservation) zoning classification; Applicant: Doug Weaver, Land Acquisition and Management Director

ECO Map: YES

STAFF RECOMMENDATION: Schedule second final hearing for March 4, 2010 at 2 p.m.

Staff Contact: Becky Mendez, 386-736-5959, ext. 2943

VC-1265041593795

This Item was approved at the time Item 37 was approved.

2:30 p.m.

Item 41

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Ordinance Nos. 2009-27, 2009-28, 2009-29, 2009-30, 2009-31, 2009-32 and 2009-33 – Comprehensive Plan Amendments: Large Scale Cycle 09-2 (DCA 10-1); Amendments one through nine adoption hearing.

Staff Contact: Gregory Stubbs, 386-736-5959, ext. 2000

VC-1263589414143

Volusia County Senior Planning Manager Becky Mendez gave the staff report, along with an overhead PowerPoint slide presentation on the nine Amendments in question. She noted that Ordinance No 2009-27 included three Conservation Amendments. The other six ordinances each dealt with one Amendment. The Council had no questions of Ms. Mendez and there was no one present from the public present to speak to the issue.

February 18, 2010 being the date for public hearing and there being no objection, Council Member Hayman moved to ADOPT Ordinance Nos. 2009-27 through 2009-33, entitled as follows and on file in their entirety with the records of the County Council. Pursuant to Council Member Alexander seconding the motion, they were duly ADOPTED 7-0.

ORDINANCE NO. 2009-27

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 CHAPTER 1, THE FUTURE LAND USE ELEMENT, SECTION F, FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF RURAL TO CONSERVATION FOR APPROXIMATELY 76.9 ACRES LOCATED ON THE SOUTH SIDE OF MCGREGOR ROAD, ADJACENT TO THE INTERSECTION OF FATIO ROAD, BETWEEN MCGREGOR ROAD ON THE NORTH AND WEST, FRENCH AVENUE ON THE SOUTH, ABUTTING THE CSX RAIL ROAD RIGHT-OF-WAY ON THE EAST; BY AMENDING FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF ENVIRONMENTAL SYSTEMS CORRIDOR AND FORESTRY RESOURCE TO CONSERVATION FOR APPROXIMATELY 1040 ACRES LOCATED APPROXIMATELY 2 MILES SOUTH OF S.R. 40, BETWEEN C.R. 4023 (LAKE WINONA ROAD) ON THE EAST AND U.S. HIGHWAY 17 ON THE WEST, SOUTH OF AND ADJACENT TO HEART ISLAND CONSERVATION AREA; BY AMENDING FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION OF RURAL AND ENVIRONMENTAL SYSTEMS CORRIDOR TO CONSERVATION FOR APPROXIMATELY 58.03 ACRES LOCATED NORTH OF TURNBULL BAY ROAD, EAST OF I-95/VICTORY'S

PATH TERRACE AND SOUTH OF SPRUCE CREEK; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; BY PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 2009-28

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 CHAPTER 1, THE FUTURE LAND USE ELEMENT, SECTION F, FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF RURAL (R) TO URBAN LOW INTENSITY (ULI) FOR APPROXIMATELY 25.89 ACRES LOCATED NORTH OF MINNESOTA AVENUE, EAST OF HILL AVENUE, WEST OF PLEASANT RUN DRIVE, AND SOUTH OF MYSTIC OAKS DRIVE; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2009-29

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ORDINANCE NO. 90- 10 AS PREVIOUSLY AMENDED TO PROVIDE FOR GREENHOUSE GAS REDUCTION STRATEGIES, BY AMENDING CHAPTER 2, TRANSPORTATION ELEMENT; BY AMENDING CHAPTER 12, CONSERVATION ELEMENT; BY PROVIDING FOR AN ENERGY CONSERVATION AREAS MAP AND RENUMBERING EXISTING MAPS; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; BY PROVIDING FOR SEVERABILITY; BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2009-30

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 CHAPTER 1, FUTURE LAND USE ELEMENT, SECTION F, FUTURE LAND USE MAP, TO CHANGE THE FUTURE LAND USE DESIGNATION OF ENVIRONMENTAL SYSTEMS CORRIDOR (ESC) TO CONSERVATION (C) FOR APPROXIMATELY 71.8 ACRES LOCATED ON THE EAST SIDE OF I-4, APPROXIMATELY 4,500 FEET SOUTHWEST OF THE US-92 ON-RAMP AND 3.8 MILES TO THE WEST OF I-95 AND CITY LIMITS OF PORT ORANGE; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2009-31

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ORDINANCE NO. 90-10 AS PREVIOUSLY AMENDED, BY AMENDING POLICY 2.3.3.3 OF CHAPTER 2, "TRANSPORTATION ELEMENT" TO IMPLEMENT FLORIDA SCENIC HIGHWAY PROGRAM REQUIREMENTS FOR THE RIVER OF LAKES HERITAGE CORRIDOR SCENIC HIGHWAY AND THE HERITAGE CROSSROADS: MILES OF HISTORY HERITAGE HIGHWAY, AND BY AMENDING FIGURE 2-8 OF THE "TRANSPORTATION MAP SERIES" TO INCORPORATE SAID SCENIC HIGHWAYS; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; BY PROVIDING FOR SEVERABILITY; BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2009-32

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ORDINANCE NO. 90-10 AS PREVIOUSLY AMENDED, BY UPDATING VOLUSIA COUNTY THOROUGHFARE DESIGNATED ROADWAYS BY AMENDING FIGURE 2-1 THOROUGHFARE ROADWAY SYSTEM 2025

MAP; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN;
BY PROVIDING FOR SEVERABILITY; BY PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2009-33

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ORDINANCE NO. 90-10 AS PREVIOUSLY AMENDED, BY AMENDING CHAPTER 1, FUTURE LAND USE ELEMENT, PARAGRAPH B., FUTURE LAND USE CATEGORIES, FORESTRY RESOURCE, TO REMOVE REFERENCE TO POLICY 1.4.1.8; REPEALING POLICY 1.4.1.8 RELATING TO MINIMUM LOT SIZE EXCEPTIONS WITHIN AGRICULTURE RESOURCE AND FORESTRY RESOURCE DESIGNATIONS UNDER SPECIFIED CIRCUMSTANCES; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; BY PROVIDING FOR SEVERABILITY; BY PROVIDING FOR AN EFFECTIVE DATE.

2:45 p.m.

Item 42

Order of Business:

Open Public Hearing

Staff Report

Public Participation

Close Public Hearing

Council Discussion/Action

Ordinance No. 2009-34 - Adoption Hearing for the Farnton Local Plan Large-Scale Comprehensive Plan Amendment

Staff Contact: Gregory Stubbs, 386-736-5959, ext. 2000

VC-1265297843713

Growth and Resources Management Director Greg Stubbs gave the staff report, along with an overhead PowerPoint slide presentation. Senior Planning Manager Becky Mendez also displayed maps of the Farnton Local Plan Spine Transportation Network and the Future Land Use Map.

Some questions followed of staff. Council Member Kelly asked for clarification on population projections and densities, which Mr. Stubbs supplied, citing research done by the Schimberg Center and Bureau of Economic and Business Research (BEBR), both at the University of Florida. He added it was impossible to give an exact figure, as out-migrations, in-migrations, economics, births and deaths and many other factors all came into play. Mr. Kelly said he was concerned that the Council was being asked to decide something today that would project very far into the future and govern where and how the County would grow. He also did not feel proper projections had been made for transit-oriented developments (TODs) for commuter rail in certain areas. He wondered why the development areas of Farnton did not simply incorporate as a city. Deputy County Attorney Jamie Seaman explained how the State Legislature controlled such action. The Farnton area originally was classified as Rural Land Stewardship, which meant it would never be a city.

Glenn Storch and Clay Henderson, attorneys for the applicant, then gave a large overhead PowerPoint slide presentation. The production highlighted the many benefits of the development to the County, and it was noted that the previous 75% of land that was to be put into permanent conservation had risen to 77%, some 35,000 acres. They emphasized that a needs assessment in a number of areas would have to be met before any home could be built. They also pointed to the enormous amount of acreage that would be protected under a conservation land trust—including more than 1,100 acres in the Deep Creek Conservation Area—the enhancement of the Regional Habitat Corridor and what the public benefit would be from the development. **Dr. Devo Seereeram**, hydrologist for the project, gave expert testimony on the sufficiency of water for the area. In response to a question from Council Member Hayman, he said on a scale of 0-100, with 100 being a perfect assurance of water adequacy for the area, he would give a score of 100.

Some questions from the Council to the applicant's representatives followed. In response to a technical question from Council Member Kelly on the use of I-95 in relation to the project, **Sans Lassiter**, transportation consultant for the applicant, explained how the project staff had worked on FDOT's concerns and had produced a parallel road system that connected three potential interchanges that would take a good deal of local use away from I-95.

After a short break, public participation took place. **Mary Martin, Earl Underhill, William Campbell, Charles Williams, Steven Costa, Colleen Castille, Elizabeth Layton, Charles Lee, Jason Steele, Dalita Singh, Jim Russell and Allen Watts** spoke in favor of the proposal. Mr. Lee, Director of Advocacy for Audubon of Florida, said his organization would support the plan if it included Audubon's revised language regarding the conservation easement which was included in the materials staff had given to the County Council. **Ferd Reinlieb, Sonya Guidry, Mike Thompson, Robert Perkins, Elizabeth Camarota, Bertie Falk, Richard Abbott, William Hall, Betty O'Laughlin, Susan Young, Eric West, Norman Lane, Donald Kanfer, Suzanne Steiner, Henry Morganstern, Robert Sitler, Janet Stanko, Bill Brown, Alice Jaeger, Chris Bowler and Joe Jaynes** spoke against it. Ms. O'Laughlin submitted a petition into the record, Ms. Young displayed overhead photographs of existing wildlife in the area, Mr. Brown submitted tax records on Farmton for 2009 into the record and Mr. Morganstern distributed a letter of opposition from a local resident and the Edgewater Citizens Alliance for Responsible Development, Inc. (ECARD).

Mr. Storch concluded his presentation and Council discussion followed. Council Member Persis said he was against the proposal. He did not like the time staff had been required to put into it, did not think it was the place to build so many homes and thought the timing was wrong. He felt there was more of a need to revitalize existing cities than there was to create a new one. He did not think the County needed to change its Comprehensive Land Use Plan to accommodate the Miami Corporation. He was concerned about there being a perception by the public that the Council was trying to rush the project through to beat the November referendum on Amendment 4.

Mr. Kelly said he also was opposed to rushing the plan through, and agreed with the Amendment 4 perception problem. He had never liked the density proposals and now was not confident there would be an adequate water supply. He was concerned about the needs assessment concept and added there was definitely infrastructure the County would have to pay for, such as garbage collection and roads. He was not ready to make a decision today on something to be determined so far into the future.

Other Council Members supported the plan. Council Member Alexander said she had been studying the plan for some months and felt approving it, with the perpetual conservation of more than 40,000 acres, was absolutely the right thing to do. It would add to the County's efforts at saving the conservation corridor and was all about planning for the future. Chair Bruno spoke about the "How Shall We Grow?" process and did not understand why the decision was so difficult, as the Council had been talking about planning for growth for the future for years. Also, nothing would happen for 25-50 years, until the needs assessment triggers took place. Mr. Hayman also supported it and felt scientific determination would be seen more and more in future development decisions. He said approval was simply the right thing to do.

February 18, 2010 being the date for public hearing and there being no objection, Council Member Hayman then moved to ADOPT Ordinance No. 2009-34. Council Member Alexander seconded the motion.

Discussion on the motion followed. Council Member Northey asked if the motion included the revised conservation easement language for sections FG 2.13, FG 2.15, FG 2.16 and FG 2.17, as proposed by the Audubon Society. Mr. Storch said his project team had reviewed the recommendations and had no problem with their addition. Both Mr. Hayman and Ms. Alexander agreed to the addition of the language.

Ms. Northey also spoke about the concept of "How Shall We Grow?" and said she supported the plan as it created a true conservation corridor. The County had been working on future growth planning for a long time and the Farmton plan would keep rural sprawl from happening in the area. Council Member Wagner said he supported the plan for a number of reasons. He felt the plan was an amazing one, defined everything smart growth was about and was fiscally neutral.

The motion CARRIED 5-2, with Council Members Kelly and Persis in opposition. Ordinance No. 2009-34, entitled as follows and on file in its entirety with the records of the County Council, was duly ADOPTED.

ORDINANCE NO. 2009-34

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 CHAPTER 1, "FUTURE LAND USE ELEMENT" INCLUDING BACKGROUND, FUTURE LAND USE DESIGNATIONS,

GOALS, OBJECTIVES AND POLICIES; PROVIDING FOR A FIFTY YEAR PLANNING HORIZON; PROVIDING FOR DENSITY AND INTENSITY RESTRICTIONS PRIOR TO THE YEAR 2025; PROVIDING FOR DEVELOPMENT REVIEW STANDARDS, PHASING AND MONITORING; AMENDING THE "FUTURE LAND USE MAP" BY ADDING THE "FARMTON LOCAL PLAN FUTURE LAND USE MAP" TO THE LAND USE MAP SERIES CHANGING APPROXIMATELY 46,957 ACRES FROM AGRICULTURAL RESOURCE, ENVIRONMENTAL SYSTEMS CORRIDOR, AND FORESTRY RESOURCE TO FARMTON LOCAL PLAN GREEN KEY AND SUSTAINABLE DEVELOPMENT AREA; AMENDING THE "ENVIRONMENTAL CORRIDOR OVERLAY" MAP BY SUBTRACTING APPROXIMATELY 268 ACRES AND ADDING APPROXIMATELY 21,167 ACRES WITHIN THE FARMTON LOCAL PLAN; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

REPORTS

May be heard anytime throughout County Council meeting as time permits

None.

OTHER BUSINESS - NOMINATIONS/APPOINTMENTS

Item 43

BOARD: VOLUSIA COUNTY EDUCATIONAL FACILITIES AUTHORITY

INCUMBENT: John J. Dianto

TERM EXPIRES: March 1, 2010

LENGTH OF TERM: Five Years

Nomination Method: Entire council

Adoption of resolution

Application received from:

John J. Dianto

Donald O. Travis

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

VC-1265217877952

Council Member Wagner moved to REAPPOINT John Dianto. Council Member Hayman seconded the motion. Discussion on the motion followed. Council Member Persis said he felt Mr. Dianto had done a fine job, but the appointment was for five years. He thought it would be good to have a new person appointed, and personally knew Dr. Travis and his profound community involvement.

Council Member Wagner WITHDREW his motion. Council Member Persis then moved to APPOINT Donald Travis. Council Member Hayman seconded the motion, which CARRIED 7-0. Resolution No. 2010-30, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2010-30

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, TO FILL A VACANCY ON THE VOLUSIA COUNTY EDUCATIONAL FACILITIES AUTHORITY, PROVIDING AN EFFECTIVE DATE

PUBLIC PARTICIPATION

None.

DISCUSSION BY STAFF OF MATTERS NOT ON AGENDA

County Manager Jim Dinneen:

1. Announced the mini budget Item for Community Information was being WITHDRAWN.

2. Had Community Services Director Dave Byron distribute two memos regarding staffing needs. One was from the Library Services Director and dealt with the need for additional staffing at the Ormond Beach and DeBary Libraries. The memo asked to close the Holly Hill and S. Cornelia Young Libraries one day per week and shift personnel to Ormond Beach and DeBary to cover the needed staffing levels. The other memo was from the Veterans Services Director and announced the need to return the New Smyrna Beach and Orange City offices back to a part-time status that would have them open only two days a week. A good deal of Council discussion followed, and there was a CONSENSUS to go ahead with the plan for Veterans Services but postpone taking the requested action with the Library system at least until the next Council meeting.
3. Praised staff and the County Council for all the hard work on the CRA issue.

Deputy County Manager Mary Anne Connors:

1. Said Embry-Riddle Aeronautical University (ERAU) had requested the Airport support two of the funding requests it wished to submit to the Federal government; one to acquire unmanned training platforms and one to bring biofuel testing to its research center. Council Member Hayman moved to SUPPORT the university's requests. Council Member Persis seconded the motion, which CARRIED 7-0.

County Attorney Dan Eckert:

1. Praised the Legal staff members for their work on the Farmton and Daytona Beach Water Park (DBWP) issues.

Deputy County Attorney Tura Schnebly:

1. Regarding the extension of time to February 10th Council had granted the principles of DBWP to execute certain affidavits regarding its lease, said the County did in fact receive the affidavits on schedule. A more detailed report would be forthcoming at the March 4th County Council meeting.
2. Regarding SunRail, said the County still did not have any proposed amendments to the agreements, although FDOT had said that the County would have them by the end of February. Therefore, staff had nothing for the Council to look at to give direction to Chair Bruno for the February 26th Commuter Rail Commission Meeting. Mr. Bruno added the Commission had asked to extend the current term of its Chair for another year to get through the legislative process for funding purposes. He had stated he would support same as long as Volusia County remained in the position of holding the Chair in 2012, and asked for the Council's support in the matter. Council Member Northey moved to EXTEND the current term of the Commuter Rail Commission's Chair, but only if Volusia County was in the position of Chair in 2012. Council Member Hayman seconded the motion, which CARRIED 7-0.

DISCUSSION BY COUNCIL OF MATTERS NOT ON AGENDA AND COMMITTEE REPORTS

Chair Bruno:

1. Said he needed a member of the County Council to serve as liaison to the Office of Sustainability and Energy Management and appointed Council Member Northey to the position.
2. Spoke about meetings he had with members of Fighting Against Injustice Towards Harmony (F.A.I.T.H.) regarding a local contractor preference policy. He noted he had not cared for the tone of the meetings. Some discussion followed.

Council Member Alexander:

1. Said she felt the entire title of the Fighting Against Injustice Towards Harmony organization should be used instead of the shortened acronym of F.A.I.T.H., as she felt the acronym was misleading.
2. Gave an update on the Census 2010 effort. She cautioned there were people taking advantage of the census awareness movement by handing out forms and flyers that were not related to the census at all. The census forms would not be mailed out until mid-March.

3. Felt the County should formally endorse the "Save Our Space Exploration" rally to be held February 27, 2010 in Titusville and moved to ADOPT a resolution in support of it. Council Member Wagner seconded the motion, which CARRIED 7-0 Resolution No. 2010-32, entitled as follows and on file in its entirety with the records of the Volusia County Council, was duly ADOPTED.

RESOLUTION NO. 2010-32

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, EXPRESSING SUPPORT FOR THE "SAVE OUR SPACE EXPLORATION" RALLY; PROVIDING FOR AN EFFECTIVE DATE.

4. Pointed out there was another reduction in fines by the Code Enforcement Board, this time from \$215,000 to \$0.

Council Member Hayman:

1. Commented on the F.A.I.T.H. organization.

Council Member Kelly:

1. Gave his views on the F.A.I.T.H. organization.
2. Regarding the Agenda Item on the contracts with Halifax Humane Society and the Southeast Volusia Humane Society, said he did not want to lose focus on the trap, neuter and release program. At the same time, he wanted to recognize the importance of the Pet Vet cruiser.

Council Member Northey:

1. Asked if she could give the name of Water Resources Manager Tom Carey as staff contact at her upcoming meeting with the St. Johns River Alliance. The Alliance was setting up a classroom situation and she thought Mr. Carey would be the proper person to name as liaison. Deputy County Manager Mary Anne Connors said she would see to it.
2. Spoke about a letter to Phil Laurien, Director of the East Central Florida Regional Planning Council (RPC) from Orange County Mayor Richard Crotty that had been distributed at the previous day's meeting of the RPC. The letter addressed what Orange County was doing to cut its 2011 budget because of expected reductions in revenues. Orange County was asking its outside partners to make budget cuts and Ms. Northey felt Volusia County should do the same.
3. Regarding the West Volusia Tourism Advertising Authority (WVTAA), said it was trying hard to take a countywide approach to its advertising but were required to use the County's outside auditor and had been charged a huge audit fee. The WVTAA thought perhaps it could save quite a bit of money if it selected its own audit company. Discussion followed.
4. Said she wanted to take the concept of a corridor analysis of U.S. 17-92, similar to the ISB corridor study, one step further and form a SunRail coalition group consisting of public and private partners who would have input as to their Transit-Oriented Development desires. She felt more awareness on the SunRail project and the County's role in it was needed by all concerned parties. A good deal of discussion followed.

Council Member Persis:

1. Publicly thanked staff members for all their hard work on the Farmton project.
2. Spoke about a meeting he attended of the newly-appointed Animal Control Advisory Board where the free-roaming cat issue had been discussed. There was the possibility the board would ask the Council if the use of the Pet Vet cruiser could be broadened to help in controlling the issue.

Council Member Wagner:

1. Also thanked staff for its dedicated work on the Farmton development.
2. Complimented Ms. Northey for her efforts on Deep Creek.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:12 p.m.

APPROVED
COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

BY _____
Frank T. Bruno, Jr., County Chair

ATTEST _____
James T. Dinneen, County Manager