

**COUNTY COUNCIL ACTION LIST  
NOVEMBER 11, 2004**

1. <b>APPROVED</b> retirement of David M. Nowinski, a Telecommunicator with the Sheriff's Office. (Item 1)	<b>M. Lary</b>
2. <b>APPROVED</b> the Volusia County Sheriff's Office to accept an American Heart Association grant, to purchase forty-four (44) Automated External Defibrillators (AED) from Zoll Medical Corporation (County Price Agreement 7254); and <b>ADOPTED</b> Budget Resolution 2004-212 appropriating the funds into account 001-400-2000. [+ \$46,000.00] (Item 2)	<b>L. Bounds S. Whittaker</b>
3. <b>UPHELD THE APPEAL</b> with the revision that the right of way be limited to 15 feet, Mr. Robert J. Riggio, Attorney representing Ms. Lynette Walters, to <b>OVERTURN</b> the denial of the Volusia County Development Review Committee's (DRC) action that John Anderson Highway is designated as a Collector Thoroughfare, which requires a minimum right-of-way width of 80 feet, as noted in Table III of the Land Development Code. The Council limited the right of way to 15 feet. (Item 3)	<b>P. Panton</b>
4. <b>WITHDRAWN BY PETITIONER</b> , abandonment of a portion of an unnamed, un-opened 50-foot wide right of way, lying within the subdivision of Caleb McKeel's Subdivision. (Item 4)	<b>J. Enfinger</b>
5. <b>SET SECOND PUBLIC HEARING</b> on December 16, 2004 @ 10:00 a.m. for PUD-04-113, application from Rick Michael, Agent for County of Volusia, Owner, requesting a rezoning from the I-1 (Light Industrial) zoning classification and I-1/C (Light Industrial/Thoroughfare Overlay Zone) zoning classification to the IPUD (Industrial Planned Unit Development) zoning classification and IPUD/C (Industrial Planned Unit Development). (Item 5)	<b>S. Ashley M. Rigsby</b>
6. <b>UPHELD RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF TO APPROVE</b> Zoning Case Z-04-106 – Application of E. Channing Coolidge, Jr., Attorney for Gas Properties, Inc., Owner, requesting a rezoning from the R-1C (Urban Single-Family Residential/Thoroughfare Overlay Zone) to the B-2C (Neighborhood Commercial/Thoroughfare Overlay Zone) zoning classification. Resolution No. 2004-213. (Item 6)	<b>S. Ashley S. Whittaker</b>
7. <b>UPHELD RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF TO APPROVE</b> Zoning Case PUD-04-102 with additional conditions that a cul-de-sac be placed at the end of Rodeo Road with emergency ingress and egress, and that the developer be responsible for stormwater management control generated by his project. This is the application of Sam Merrill, Jr., Contract Purchaser, Shirley Barnes, Owner, requesting a rezoning from A-2 (Rural Agriculture) zoning classification to Rodeo Road RPUD (Residential Planned Unit Development) zoning classification. Resolution No. 2004-214. (Item 7)	<b>S. Ashley S. Whittaker</b>

**COUNTY COUNCIL ACTION LIST  
NOVEMBER 11, 2004**

<p>8. <b>APPROVED</b> Zoning Case Z-04-097, Application of Kirk Bauer, Attorney for Frank and Cynthia Fusco, Owners, rezoning from the A-1 (Prime Agriculture) zoning classification to A-4 (Transitional Agriculture) zoning classification on both parcels. Resolution No. 2004-215 <u><i>The Council later voted to rehear this case on December 16, 2004 at 10:00 a.m. (Item 8)</i></u></p>	<p style="text-align: center;"><b>S. Ashley</b></p>
<p>9. <b>UPHELD RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF TO APPROVE</b> Special Exception Case S-04-105, with 5 conditions. Application of Bechtel Telecommunications, Agent for Cingular Wireless, Applicant, Helen Alderman, Owner, requesting a special exception for a Communications Tower exceeding 70 feet in height (190 feet monopole tower including antennae), with supporting equipment, and a waiver of Section 817.00(w)(5)e, Setbacks and Separation, (for a 500 foot separation from a single-family dwelling in lieu of the required 1,000 foot) on RC (Resource Corridor) zoned property. (Item 9)</p>	<p style="text-align: center;"><b>M. Robinson</b></p>
<p>10. <b>UPHELD RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF TO APPROVE</b> Special Exception Case S-04-069 with 7 conditions, Application of Bob Chopra, WFI, Agent for Cingular Wireless, agent for Owner, Broadway Investments, Inc. c/o Jimmie Townsend, requesting a special exception for a communication tower exceeding 70 feet in height above ground level (220 feet) on FR (Forestry Resource) and RC (Resource Corridor) zoned property. (Item 10)</p>	<p style="text-align: center;"><b>M. Robinson S. Whittaker</b></p>
<p>11. <b>UPHELD RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF TO APPROVE</b> Special Exception Case S-04-109 with conditions, Application of A. and Sharon D. Yelle, Jr., Owners, requesting a Special Exception for a Garage apartment on R-1 (Urban Single-Family Residential) zoned property. (Item 11)</p>	<p style="text-align: center;"><b>S. Ashley S. Whittaker</b></p>
<p>12. <b>UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION TO APPROVE</b> Special Exception Case S-04-110, Application of Dennis K. Bayer, Attorney for Robert and Theresa Hernandez, Owners, requesting a special exception for a single-family residence on B-8 (Tourist Commercial) zoned property with the condition that it is subject to Department of Community Affairs approval. (Item 11A)</p>	
<p>13. <b>APPROVED</b> the Second Amendment to the Food and Beverage Concession Agreement with MSE International of Florida, LLC, to purchase all required equipment for the Volusia Room Expansion at the Airport; and authorized the Chair and County Manager to execute the Second Amendment. [not to exceed \$42,000.00] (Item 12)</p>	<p style="text-align: center;"><b>S. Cooke</b></p>
<p>14. <b>ADOPTED</b> Resolution No. 2004-216 authorizing the borrowing of \$2,080,000.00 for the refinancing of a Solid Waste loan; <b>ADOPTED</b> Budget Resolution No. 2004-217; <b>ADOPTED</b> IRS Resolution No. 2004-218; and authorized the Council Chair and County Manager to sign all related financing documents. [\$2,080,000.00] (Item 13)</p>	<p style="text-align: center;"><b>R. Orr J. Grusauskas S. Whittaker</b></p>
<p>15. <b>APPROVED</b> to award bid for the banking services contract to the top</p>	<p style="text-align: center;"><b>C. Weaver</b></p>

**COUNTY COUNCIL ACTION LIST  
NOVEMBER 11, 2004**

<p>ranked firm, Bank of America, Tampa, Florida, for an initial three year term, with two one-year renewals, permissible upon mutual written agreement and Council approval; and authorized the Council Chair and the County Manager to sign the contract. [\$105,838.48] (Item 13A)</p>	
<p>16. APPROVED to award Bid No. 04-B-246LB, Contract No. 1114, for the Resurfacing of Various Roads Countywide 2004, to the lowest responsive, responsible bidder, P &amp; S Paving, Inc. of Daytona Beach, Florida. [\$1,620,954.28] (Item 14)</p>	<p style="text-align: center;">G. Brinton</p>
<p>17. APPROVED to award Bid No. 04-B-273LB to the lowest responsive, responsible bidder, McMahan Construction, Inc., of DeLand, Florida, for the construction of approximately 4,500 lineal feet of water main and approximately 4,300 lineal feet of force main from 17/92 to the DeBary Hall Visitor's Center and Trailhead, located adjacent to the historic DeBary Hall, and authorize the Council Chair to sign all required documentation. [\$219,387.00] (Item 15)</p>	<p style="text-align: center;">N. Maddox</p>
<p>18. APPROVED to award Bid No. 04-B-128PW to Sita Construction of Daytona Beach, and to Acoustical Contractors, a Division of Steve Carr Construction of Fruitland Park, Florida, each for three (3) years, with options for two (2) one-year renewals, with Council approval, for carpentry, drywall, plastering, masonry and ceiling installation for small projects for Facilities Services. [\$145,000.00] (Item 16)</p>	<p style="text-align: center;">F. Schwenck</p>
<p>19. APPROVED to award Bid No. 04-B-252JJ to Hirt Construction of Osteen, Florida for a period of three (3) years, renewable for two (2) additional one (1)-year periods, contingent upon Council approval, to excavate borrow from stormwater ponds to build solid waste facilities and cover the landfill, pursuant to permits. [\$325,000.00] (Item 17)</p>	<p style="text-align: center;">J. Grusauskas</p>
<p>20. APPROVED to utilize the Shared Interest Cooperative Purchasing (SICOP) Bid 03-001E (Volusia Co. Bid No. 05-B-16JJ), for the purchase of chemicals, for a period of two (2) years, with the option to renew for two (2) additional one-year periods, contingent upon Council approval. [\$120,000.00] (Item 18)</p>	<p style="text-align: center;">J. Stewart</p>
<p>21. APPROVED to award Bid No. 04-B-263LB, Contract No. 1121, Southwest Activity Center Lift Station and Force Main in Orange City, to the lowest responsive, responsible bidder, McMahan Construction, Inc., DeLand, Florida; and request to authorized the Council Chair to sign all corresponding documentation. [\$1,268,936.00] (Item 19)</p>	<p style="text-align: center;">G. Marwick</p>
<p>22. APPROVED the Volusia Forever Group A and B List (Exhibit A), as submitted, with direction to staff to begin the acquisition process on the Group A properties. (Item 20)</p>	<p style="text-align: center;">D. Weaver R. Walsh</p>
<p>23. APPROVED the Florida Communities Trust Grant Contract for the Doris Leeper Spruce Creek Preserve, Phase II, and Paul and Bayou Bay Properties, and authorized staff to proceed with the Project Plan and Management Plan. ADOPTED Budget Resolution No. 2004-219 appropriating \$1,384,900.00. (Item 21)</p>	<p style="text-align: center;">D. Weaver B. Gardner S. Whittaker</p>

**COUNTY COUNCIL ACTION LIST  
NOVEMBER 11, 2004**

<p>24. <b>APPROVED</b> Task Assignment No. 5 to the contract with Environmental Consulting &amp; Technology, Inc., of New Smyrna Beach, for coastal engineering services, to evaluate, design and to provide specifications, permitting, bidding assistance and construction phase services for the seawall and park facility repair and/or improvements for the 27th Avenue Park located in the City of New Smyrna Beach, Project No. 5300. [\$66,000.00] (Item 22)</p>	<p style="text-align: center;"><b>J. Harper</b></p>
<p>25. <b>APPROVED</b> to grant a Development Order approving the application for a Final Plat and approval of the required Maintenance Agreement and any necessary Performance Agreement for the Lakewood Terrace subdivision, subject to resolution of conditions 1 through 4 contained therein. 04-S-FPL-0555 (Item 23)</p>	<p style="text-align: center;"><b>P. Panton</b></p>
<p>26. <b>APPROVED</b> fiscal year 2004-05 website provider expenditure to Far Reach Technologies Inc., for www.volusia.org, its subwebs, live streaming County Council meeting audio and beachcam, and other web-related services. [\$30,000.00] (Item 24)</p>	<p style="text-align: center;"><b>D. Byron</b></p>
<p>27. <b>ADOPTED</b> Resolution No. 2004-220, authorizing the submission of an application to the State's Qualified Target Industrial Tax Refund Program (QTI), on behalf of BBK PERFORMANCE, INC., a California-based manufacturer and distributor of auto parts and accessories, creating up to 30 new manufacturing and distribution jobs, averaging in excess of \$32,000.00 annually, within thirty-six months of occupancy. [20% local cash match or a total of \$18,000.00] (Item 25)</p>	<p style="text-align: center;"><b>R. Michael S. Whittaker</b></p>
<p>28. <b>ADOPTED</b> Resolution No. 2004-221, authorizing the submission of an application to the State's Qualified Target Industrial Tax Refund Program (QTI) on behalf of PROJECT HOMELAND, an information technology company specializing in government related services, creating up to 300 new to Florida full-time jobs, averaging in excess of \$50,000.00 annually within thirty-six months of occupancy. [20% local financial match or a total of \$300,000.00] (Item 25A)</p>	<p style="text-align: center;"><b>R. Michael S. Whittaker</b></p>
<p>29. <b>APPROVED</b> Public Official Bonds for County Chair Frank T. Bruno, and County Council Members Dwight Lewis, Art Giles, Jack Hayman, Carl Persis, and Bill Long; and request to approve Public Official Bonds for Sheriff Ben F. Johnson, Property Appraiser Morgan Gilreath, Elections Supervisor Ann McFall, and Clerk of the Court Diane Matousek. (Item 26)</p>	<p style="text-align: center;"><b>S. Whittaker</b></p>
<p>30. <b>APPROVED</b> the County Manager to execute the Letter of Agreement with Daytona Beach Community College (DBCC) and authorized the transfer of property to DBCC for the development of a corporate and cultural training center/multi-use meeting facility along the eastside of Veterans Memorial Parkway, across from the County's PFC Bennett Park in Orange City, and approve the transfer of 37.52 +/- acres to DBCC. (Item 27)</p>	<p style="text-align: center;"><b>M. Greeson</b></p>
<p>31. <b>APPROVED</b> the service contract with Halifax Humane Society to impound animals, from the unincorporated areas and included municipalities, for fiscal year 2005. [\$160,000.00] (Item 28)</p>	<p style="text-align: center;"><b>B. Wilson</b></p>
<p>32. <b>APPROVED</b> the Emergency Management Preparedness and Assistance Trust Fund Grant Agreement, and <b>ADOPTED</b> Budget Resolution 2004-222. [+\$102,959.00] (Item 29)</p>	<p style="text-align: center;"><b>J. Ryan S. Whittaker</b></p>

**COUNTY COUNCIL ACTION LIST  
NOVEMBER 11, 2004**

<p><b>33. APPROVED the Local Agency Program (LAP) Agreement between the Florida Department of Transportation and the County of Volusia, for the design and construction of Bellevue Avenue Extension Paved Shoulders from Williamson Boulevard to Clyde Morris Boulevard in the City of Daytona Beach; and ADOPTED Resolution No. 2004-223, authorizing the Council Chair to sign the LAP agreement; and ADOPTED Budget Resolution No. 2004-224, approving the expenditure of grant funds for the Bellevue Avenue Paved Shoulders project. [\$472,879.00] (Item 30)</b></p>	<p style="text-align: center;"><b>G. Brinton S. Whittaker</b></p>
<p><b>34. APPROVED the Local Agency Program (LAP) Agreement between the Florida Department of Transportation and the County of Volusia, for the design and construction of the Kepler Road Paved Shoulders project, from SR 44 to Talmadge Drive (north intersection) in Volusia County; ADOPTED Resolution No. 2004-225, authorizing the Council Chair to sign the LAP agreement; and ADOPTED Budget Resolution No. 2004-226, approving the expenditure of grant funds. [\$244,392.00] (Item 31)</b></p>	<p style="text-align: center;"><b>G. Brinton S. Whittaker</b></p>
<p><b>35. ADOPTED Resolution No. 2004-227 approving the acquisition by eminent domain of Pond "A" for the intersection improvement at Tymber Creek and Airport Road in Ormond Beach, Florida; and, approval of the Intersection Improvement Evaluation Report establishing the necessity for the acquisition. (Item 32)</b></p>	<p style="text-align: center;"><b>G. Brinton G. Minter S. Whittaker</b></p>
<p><b>36. APPROVED the EPA Section 319(h) grant contract No. WM792 time frame extension, to November 18, 2005, for the "Riverbreeze Park Wetland Stormwater Treatment Facility". (Item 33)</b></p>	<p style="text-align: center;"><b>G. Cook</b></p>
<p><b>37. ADOPTED Resolution No. 2004-228 abandoning/vacating a portion of 40-foot wide Vermont Avenue lying within the J.A. Lizzie Davis Subdivision and 30-foot wide Goodall Avenue lying within the Map of W.W. Marshall Subdivision (the Vermont Avenue and Goodall Avenue beach approaches in the Daytona Beach area), for the purpose of development of the property, with the revisions that a pedestrian walkway be provided that is at least 6 ft. wide and ADA (American Disabilities Act) compliant. [Daytona Oceanfront LLC, Petitioner] (Item 34)</b></p>	<p style="text-align: center;"><b>M. Greeson S. Whittaker</b></p>
<p><b>38. ADOPTED Resolution No. 2004-229, Notice of Proposed Change for the National Gardens Development of Regional Impact (DRI). (Item 35)</b></p>	<p style="text-align: center;"><b>M. Beamer S. Whittaker</b></p>
<p><b>39. TOOK NO ACTION regarding the request of Scott Culp, Executive Vice President, Sandspur Housing Partners, LTD (Enterprise Cove Apartments), to assess road and school impact fee rates regarding a proposed 216 unit affordable housing apartment complex, at the rates in effect on February 19, 2004. (Item 36)</b></p>	<p style="text-align: center;"><b>M. Robinson</b></p>
<p><b>40. CONTINUED TO DECEMBER 2, 2004, Federal Feasibility Cost Share Agreement for the Volusia County hurricane and storm damage reduction study, and request approval for the Chair and County Attorney to execute the attached agreement between the Department of the Army and Volusia County, Florida. (Item 37)</b></p>	<p style="text-align: center;"><b>J. Nolin M. Rigsby</b></p>

**COUNTY COUNCIL ACTION LIST  
NOVEMBER 11, 2004**

<p><b>41. WITHDRAWN BY STAFF, regarding the Florida Inland Navigation District (FIND) and the U.S. Army Corps of Engineers, modifying current plans for Intra-coastal Waterway (IWW) dredge spoil disposal in the Central Volusia reach, to include placement on the South Beaches in Segments B and C, and include a maintenance dredging event at Ponce de Leon Inlet. (Item 38)</b></p>	<p style="text-align: center;"><b>J. Nolin</b></p>
<p><b>42. APPROVED to rehear Item 8, Zoning Case Z-04-097, Application of Kirk Bauer on December 16, 2004 @ 10:00 a.m. (F. Bruno – Council Time)</b></p>	<p style="text-align: center;"><b>M. Robinson M. Rigsby</b></p>
<p><b>43. APPROVED to present all full-time and part-time county employees with a \$25.00 gift certificate for thanks for all the hard work during the hurricanes and elections. (D. Lewis – Council Time)</b></p>	<p style="text-align: center;"><b>B. Holness</b></p>
<p><b>44. APPROVED to move forward to acquire the property where the “Happy Whale” is located in Ormond Beach. (J. Jaynes – Council Time)</b></p>	<p style="text-align: center;"><b>D. Weaver</b></p>
<p><b>45. APPROVED to challenge the City of Deltona regarding City Ordinance #26-2004 (Chalk annexation) and City Ordinance #29-2004 (D Ranch annexation). ADOPTED Resolution No. 2004-230 to initiate conflict resolution procedures. (D. Eckert – Staff Time)</b></p>	<p style="text-align: center;"><b>D. Eckert M. Beamer</b></p>