

**COUNTY COUNCIL ACTION LIST
DECEMBER 2, 2004**

1. APPROVED Proclamation and presentation of Chief's Medal to Mike McKinley, Fire Explorer with Volusia County Fire Services, for his valor in the rescue of neighbor Nick Giampietro, from a house fire on September 26, 2004. (Item 1)	M. Dorn
2. APPROVED County Council minutes of the July 8, 2004 - Regular Session. (Item 2)	M. Rigsby
3. DENIED request of Jim Corbett, Attorney for Owners, John and Marta Carbone, to APPEAL the Zoning Enforcement Official's Decision pertaining to Chapter 58 Health & Sanitation, Article II Lot Maintenance, Section 58-36 Declaration of Nuisance, regarding Zoning Compliance Complaint #040607039. The property is located at 12 Sand Dollar Drive, Ormond Beach, Florida. (Item 3)	C. Kerrigan
4. ADOPTED Resolution No. 2004-231 abandoning/vacating a 15-foot drainage easement lying within Waterway Park Sec. No. 3, Map Book 19, Page 279, in the Edgewater vicinity, for the purpose of centering their proposed home on the property. [Malvin R. & Virginia A. Langley, Petitioners] (Item 4)	J. Enfinger S. Whittaker
5. ADOPTED Ordinance 2004-25 creating the Shell Harbor Road Special Assessment District, in the Pierson vicinity, and approve the Tentative Assessment Roll. [\$317,750.00: The County will contribute 50% of the cost of the road construction, excluding administrative expenses, at an estimated cost of \$153,700.00] ADOPTED Budget Resolution No. 2004-232 appropriating the funds. (Item 5)	G. Brinton S. Whittaker
6. ADOPTED Resolution No. 2004-233 abandoning/vacating a portion of the plat and two portions of unopened platted road rights of way in "WILSON'S DeLEON SPRINGS SUBDIVISION", Map Book 1, Page 131, containing approximately 10.32 acres. The petitioners are requesting this abandonment in order for their property to be in compliance with growth management rules. The unopened platted rights of way (Carl Street) and (Clara Avenue) intersect US 17, in the DeLeon Springs vicinity. [William and Janis Girard, Petitioners] (Item 6)	J. Enfinger S. Whittaker
7. ADOPTED Resolution No. 2004-234 abandoning/vacating a portion of Pablo Subdivision, MB 4, Page 101 and a portion of the Re-subdivision of Lot 125 Pablo Subdivision, MB 3, Page 155 containing approximately 38.40 acres, in the Oak Hill vicinity. The petitioners are requesting this plat abandonment in order to subdivide the land in accordance with the recent rezoning. [Clifford Louis Shover, III and Janet Shover, Petitioners] (Item 7)	J. Enfinger S. Whittaker
8. DENIED Special Exception Case S-04-087, Application of Mark Watts Applicant, George L. Southworth, Owner, requesting a Special Exception for a Permanent Concrete Batch Plant on proposed I-2 / RC (Heavy Industrial / Resource Corridor) zoned property. (Item 8)	M. Robinson
9. DENIED appeal of Ronald Miller to OVERTURN the denial of the Volusia County Development Review Committee's (DRC) action and upheld the determination of County Environmental Management, setting the requirements of the issuance of a Wetland Alteration Permit (04-P-WTL-0911). (Item 9)	P. Panton

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<p>10. APPROVED Lease Agreement with Oceanside Two, Ltd. to construct a Marriott Residence Inn Hotel on Parcel 1B at the Daytona Beach International Airport; and authorized the Chair and County Manager to execute the lease. (Item 10)</p>	<p>D. McGee</p>
<p>11. APPROVED proposed Change Order No. 2 to Contract No. 1078-B, for additional work in the construction of the TSA Facility and Airport Terminal Modifications. [\$96,382.00: the change order is funded 100% by FDOT Flexible Funding as a result of 9/11] (Item 11)</p>	<p>D. McGee</p>
<p>12. APPROVED the amendments to the Community Development Block Grant (CDBG) Program and Home Investment Partnership Program (HOME) Consolidated Plan for FY 2001/02, 2002/03, 2003/04 and 2004/05, in order to bring the projected use of funds into consistency with current project estimates, and to amend the activities per requests from the participating municipalities; and authorized the Community Services Director, or designee, to submit related grant documentation to the U.S. Department of Housing and Urban Development and amend all subrecipient agreements, as necessary. (Item 12)</p>	<p>D. Phillips</p>
<p>13. ADOPTED Budget Resolution 2004-235 modifying the State Housing Initiatives Partnership (SHIP) budget. [\$1,188,714.00] (Item 13)</p>	<p>R. Williams S. Whittaker</p>
<p>14. APPROVED to cancel the contract between the County of Volusia and RSB Homes of DeLand, Florida, from Invitation to Bid No. 04-B-203PW, for the construction of a single family home at 349 Palm Street, New Smyrna Beach, Florida, due to increases in costs and delays from the hurricanes. (Item 14)</p>	<p>R. Williams C. Olson B. Bishop</p>
<p>15. APPROVED the revised Affordable Housing Program Policy, to address the need to assist substantial rehabilitation clients who have existing mortgages. (Item 15)</p>	<p>R. Williams</p>
<p>16. APPROVED to pay off Yvonne Burke's first mortgage of approximately \$10,000.00, demolish the existing dilapidated home, in the Spring Hill community south of DeLand, for approximately \$5,000.00, and build a new home at an estimated cost of \$80,000.00, and roll the mortgage payoff into a new 30-year mortgage of approximately \$95,000.00, through the State Housing Initiatives Partnership (SHIP) Program. [\$95,000.00] (Item 16)</p>	<p>R. Williams</p>
<p>17. APPROVED to extend the contract for security guard services with Securitas Security Services, South Daytona, Florida, through February 28, 2005, or two (2) months beyond the current expiration date, to facilitate the bid process. [\$68,000.00] (Item 17)</p>	<p>F. Schwenck</p>
<p>18. APPROVED the proposed Lease with Clark Properties, of 3,000 square feet of office space, for the Office of the State Attorney, 5111 South Ridgewood Avenue, Suite 302, Port Orange, for a term of two (2) years, with the option to renew for a term of three (3) additional years. [\$40,000.00, annually] (Item 18)</p>	<p>F. Schwenck</p>
<p>19. APPROVED the proposed Lease with Ira B. Adams, for the rental of approximately 1,965 square feet of office space at 128 Georgia Avenue in DeLand, for a period of three (3) years, for use by Information Technology. [\$24,000.00, annually for the first two (2) years and \$25,200.00 for the third year] (Item 19)</p>	<p>F. Schwenck</p>

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<p>20. APPROVED the settlement agreement, completely resolving all claims, including costs and attorney's fees, in the case of Maria Treme Berg v. County of Volusia. [\$10,000.00] (Item 20)</p>	<p>F. Catapano N. Jones</p>
<p>21. APPROVED the settlement of Alice Bebee's workers' compensation claim, Claim Number 99-3378. [\$22,700.00] (Item 21)</p>	<p>F. Catapano</p>
<p>22. APPROVED Settlement Agreement of Dean Maxwell and Eron Maxwell v. County of Volusia, Circuit Court Case Number 2003-11082-CIDL, to completely resolve the claim. [\$25,000.00] (Item 21A)</p>	<p>G. Minter F. Catapano</p>
<p>23. APPROVED to award Bid No. 04-B-259RB to Hershey Technologies of La Jolla, California, for an initial term of three (3) years, with two one-year renewals, permissible upon mutual written agreement and Council approval. [The purchase of new scanners (estimated at 5 per year) including all hardware, scan software and the first year maintenance is \$7,775.00 per scanner with the estimated annual expenditure for scanner systems at \$38,875.00; the annual expenditure of existing scanner maintenance is \$20,391.00; the total estimated cost per year is \$59,266.00] (Item 22)</p>	<p>C. Olson J. Nogueira</p>
<p>24. APPROVED to award Bid No. 04-B-272BB to the lowest responsive and responsible bidders, Shelly's Environmental Systems in Zellwood, for liquid sludge hauling for \$280,000.00 annually, and to Waste Management of Ormond Beach for sludge cake container hauling for \$68,000.00 annually, for an initial three (3) year term with two one-year renewals, permissible upon mutual written consent and Council approval. [\$348,000.00] (Item 23)</p>	<p>T. May</p>
<p>25. APPROVED to award Bid No. 04-B-281PW to Brunswick Door Company of Deerfield Beach, Florida, for doors and door Frames, for three (3) years, with options for two (2) one-year renewals, with Council approval. [\$30,000.00, annually] (Item 24)</p>	<p>F. Schwenck</p>
<p>26. APPROVED to award Bid No. 04-B-277PW to Hill's Fencing, Inc. of Lake Helen and AAA Fence Company of Daytona Beach, for fence installation, repairs and materials, for three (3) years, with two one-year renewals, contingent upon Council approval. [\$139,000.00, annually] (Item 25)</p>	<p>B. Bishop</p>
<p>27. APPROVED to award Bid No. 04-B-63BB to the lowest, responsive and responsible bidder, Unique Construction of Volusia County, to construct an affordable home for an approved applicant on County-owned land; and request approval to transfer title of parcel #2 to the approved home buyer, upon proper execution and close of the home sale. [\$88,856.00] (Item 26)</p>	<p>R. Williams</p>
<p>28. APPROVED to award Bid #04-B-278JG to Conrad Yelvington Distributors, Inc., Daytona Beach, Florida, the only responsive and responsible bidder, for aggregates and stone used for open grade emulsion to pave the roads for dirt road reduction, for a term of one (1) year, with four (4) subsequent one (1) year renewals, permissible upon mutual written agreement and approval of County Council. [\$330,000.00] (Item 27)</p>	<p>G. Recktenwald</p>
<p>29. APPROVED to accept donation of land from DeBary Hall, Inc., to include three parcels totaling 2.06 acres, with the original swimming pool and bath house that was part of the DeBary Estate, with the conditions as stated. (Item 28)</p>	<p>N. Maddox</p>

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<p>30. APPROVED to execute the Hurricane Frances Disaster Relief Agreement; apply for and receive disaster relief funding; and ADOPTED Budget Resolution 2004-236 providing for the FY 2003-04 appropriation of \$20,243,570.00 in estimated storm damages to include a transfer of \$1,012,179.00 from General fund, Emergency Reserves. The FY 2004-05 General fund Emergency Reserve balance after this transfer is \$8,281,787. [\$20,243,570.00: 90% federal/10% shared state-local applicant] (Item 29)</p>	<p style="text-align: center;">J. Ryan S. Whittaker</p>
<p>31. APPROVED to execute the Hurricane Jeanne Disaster Relief Funding Agreement; apply for and receive disaster relief funding; and ADOPTED Budget Resolution 2004-237 providing for the FY 2003-04 appropriation of \$14,706,250.00 in estimated storm damages to include a transfer of \$735,313.00 from General fund, Emergency Reserves. The FY 2004-05 General fund Emergency Reserve balance after this transfer is \$7,546,475. [\$14,706,250.00: 90% federal/10% shared state-local applicant] (Item 30)</p>	<p style="text-align: center;">J. Ryan S. Whittaker</p>
<p>32. APPROVED the renewal of the three (3) fire hydrant maintenance agreements for the Cities of DeLand, Ormond Beach, and Port Orange, for the period beginning October 1, 2004 through September 30, 2005. [\$66,500.00] (Item 31)</p>	<p style="text-align: center;">J. Tauber</p>
<p>33. ADOPTED Resolution No. 2004-238, Parcel 5919-00-00-0022; ADOPTED Resolution No. 2004-239, Parcel 7019-09-05-0320; and ADOPTED Resolution No. 2004-240, Parcel 7020-22-00-0001, accepting Quit Claim Deeds for the right of way donation of Lemmon Road, in the Barberville area and for continued use as drainage retention areas in unincorporated Southwest DeLand. (Item 32)</p>	<p style="text-align: center;">G. Brinton S. Whittaker</p>
<p>34. APPROVED to purchase the required 5.29 mitigation credits regarding a St. Johns River Water Management District (SJRWMD) permit for the construction of Dunn Avenue from Williamson Boulevard to Tomoka Farms Road (the Dunn Avenue extension project), from the only approved source, Farmton Management, LLC. [\$102,626.00] (Item 33)</p>	<p style="text-align: center;">G. Brinton</p>
<p>35. APPROVED to award a single source purchase of OEM parts and services for Wilco Marsh buggies to Western Hills, Inc. of Bunnell, Florida, to repair the undercarriage of Wilco Marsh buggy W71, property number 160717. [\$34,866.00] (Item 34)</p>	<p style="text-align: center;">J. Stewart</p>
<p>36. APPROVED the budget adjustments for the Capital equipment purchases for the Solid Waste Division, as presented. [The revised total capital expenditure for Solid Waste equipment with a net reduction of \$1,160.00 is \$1,263,831.00] (Item 35)</p>	<p style="text-align: center;">J. Grusauskas</p>
<p>37. APPROVED the Water Authority of Volusia (WAV) Memorandum of Understanding for West Volusia Finished Water Interconnections between the City of DeLand, City of Orange City, and the County of Volusia, at Martin Luther King Boulevard and State Road 472. [\$30,120.00] (Item 36)</p>	<p style="text-align: center;">G. Marwick</p>
<p>38. APPROVED proposed Task Assignment No. 3 to the contract with PBS&J of Orlando for utility engineering services for the Evaluation of Membrane Fouling at Volusia County Membrane Water Treatment Plants, Project No. 5302. [\$34,500.00] (Item 37)</p>	<p style="text-align: center;">G. Marwick</p>

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39. APPROVED proposed Task Assignment No. 12 to the contract with CPH Engineers, Inc., of Sanford, for utility engineering services for the Halifax (Northeast) Service Area Planning Study, Project No. 5303. [\$37,523.00] (Item 38)	G. Marwick
40. APPROVED the expenditure of \$9,750.00 of E-911 monies for the purchase of three (3) Zetron Model 3022 Instant Recall Recorders from Replay Systems, Ft. Lauderdale, Florida; and authorized the Purchasing Director to purchase items in accordance with County ordinance. [\$9,750.00] (Item 39)	L. Bounds
41. APPROVED the Purchasing Director to purchase the following items pursuant to County Purchasing ordinance, to upgrade and expand the Sheriff's Office Emergency Vehicle Operations Course (EVOC) training program with a number of improvements: 2005 Ford Crown Victoria patrol vehicle from Duval Ford (\$23,591.00 - FSA Bid 04-12-0823); six (6) MA/Com Panther Radios for \$3,012.00 from Communications International, Inc. (Vero Beach, Florida); paving contract with P&S Paving (Daytona Beach, Florida) for (1) 225x7 area and (3) 20x7 areas for \$16,896.00; and sprinkler system contract with Lawson Irrigation, Inc. for \$5,000.00. [\$49,649.00] (Item 40)	L. Bounds
42. APPROVED a 36-month lease of a 60x24 section modular portable building from Williams Scotsman (Orlando, Florida), for use by the Sheriff's Office Communications Section. [\$34,900.00] (Item 41)	L. Bounds
43. TOOK NO ACTION (after a failed motion to approve), regarding Ordinance No. 2004-23, amending the Volusia County Land Development Code (Ordinance 88-3, as amended) regarding Subdivision/Concurrency Management Regulations. (Item 42)	P. Panton S. Whittaker
44. ACCEPTED the report of Spillis Candella DMJM of Coral Gables, regarding the Spatial Needs Analysis - Phase II, Indian Lakes Road Complex. (Item 43)	F. Schwenck
45. APPROVED Proclamations for ST PALs, Veterans and John L. Mica Week; Veterans Day; Stetson Baptist Church 75th Anniversary Day; Family Renew Community 15th Anniversary Day; Dr. Glenn Wilkes Day; Second Harvest Food Bank of Central Florida Food Drive Day; Deanie Lowe Day. (Item 44)	M. Dorn
46. APPOINTED Gary Huttman (Dist. #1 – J. Jaynes for D. Lewis appt.) to the Planning and Land Development Regulation Commission to replace Roy Schleicher for the remainder of his 2-year term to expire March 31, 2005. (Item 45)	M. Robinson
47. REAPPOINTED Gary Wisniewski (J. Alexander nom.) and Pete Zahn (J. Alexander nom.) to the Code Enforcement Board for another 3-year term to expire November 18, 2007. (Item 45A)	C. Kerrigan
48. APPROVED to accept additional grant funds from the Natural Resource Conservation Services for debris removal. (Staff Time – M. Connor)	M. Connor