

**COUNTY COUNCIL ACTION LIST
JULY 22, 2004**

1. APPROVED retirement of James F. Benn, Supervisor III for Leisure Services. (Item 1)	M. Lary
2. CONTINUED TO 8/5 County Council minutes of the June 17, 2004 - Regular Session. (Item 2)	M. Rigsby
3. APPROVED with revisions, the County Council minutes of the April 1, 2004 - Regular Session. (Item 3)	M. Rigsby
4. ADOPTED Resolution No. 2004-132, abandoning/vacating a portion of Howe's Subdivision, Map Book 9, Page 20, containing approximately 40 acres in the New Smyrna area, for the purpose of creating four legal tracts containing 10+ acres each. [Jeannette Kagels Butts, Petitioner] (Item 4)	J. Enfinger S. Whittaker
5. APPROVED the "Amended Stipulated Settlement Agreement" between the County, the Department of Community Affairs, and two private parties, in the administrative hearing styled Hartland & Cattle, Inc. v. Department of Community Affairs, DOAH Case No. 03-3656GM, resolving a portion of a challenge to an amendment of the County's Comprehensive Plan provision for "Determining Residential Densities." (Item 5)	M. Beamer
6. ADOPTED Ordinance No. 2004-06 amending the County Comprehensive Plan Text to conform with the Amended Stipulated Agreement between the County of Volusia and the Department of Community Affairs, Hartland and Cattle, Inc., and Plum Creek Timber Company (DOAH Case No. 03-3656GM). (Item 6)	M. Beamer S. Whittaker
7. ADOPTED Ordinance 2004-08, with deletion of change in surfing area at Tom Renick Park, clarifying and amending Chapter 20 of the Volusia County Code of Ordinances regarding the Beach Code. (Item 7)	K. Sweat S. Whittaker
8. ADOPTED Resolution 2004-133, authorizing the issuance of up to \$60,000,000 in Tourist Development Tax Revenue Bonds, Series 2004; AUTHORIZED the sale of said bonds; ADOPTED Budget Resolution No. 2004-134; AUTHORIZED the Council Chair and County Manager to sign all related financing documents. [\$60,000,000.00] (Item 8)	R. Orr S. Whittaker
9. DENIED Appeal Case No. A-04-060, application of Matthew Branz, Attorney for Joseph Kohler, Owner, requesting to overturn the PLDRC's decision of Denial for Variance Case V-04-041, a variance for the front yard setback on Sea Shore Drive (17 ft. from the edge of traveled way in lieu of the required 40 ft.); a variance for the front yard setback on Ocean Shore Boulevard (6.5 ft. in lieu of the required 25 ft.); a variance for the east side yard setback(2.66 ft. in lieu of the required 15 ft.); and a variance for the south side yard setback (5 ft. in lieu of the required 15 ft.), for an existing single family. (Item 9)	M. Robinson
10. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF to approve Zoning Case Z-04-055, Robert Riggio, Esq, Attorney, Lynette Walters, Owner, requesting a rezoning from the R-3 (Urban Single-Family Residential) and R-4 (Urban Single-Family Residential) zoning classifications to R-4 (Urban Single-Family Residential) zoning classification. ADOPTED Resolution No. 2004-135. (Item 10)	M. Robinson S. Whittaker

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<p>11. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF to approve Zoning Case Z-04-044, John Dumbled, Owner, requesting a rezoning from the RA (Rural Agriculture) zoning classification to the A-4 (Transitional Agricultural) zoning classification. ADOPTED Resolution No. 2004-136. (Item 11)</p>	<p>M. Robinson S. Whittaker</p>
<p>12. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF to approve Zoning Case Z-04-042, Ivey Planning Group, Agent for Owner, James Skalko, requesting a rezoning from the RR (Rural Residential) and A-3 (Transitional Agriculture) zoning classifications to the R-1 (Urban Single-Family Residential) zoning classification. ADOPTED Resolution No. 2004-137. (Item 12)</p>	<p>M. Robinson S. Whittaker</p>
<p>13. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF to approve Zoning Case Z-04-054, Mark Watts, Attorney, Ocean Shore Estates, LLC., Owner, requesting a rezoning from the R-4 (Urban Single-Family Residential) and R-6 (Urban Two-Family Residential) zoning classifications to R-5 (Urban Single-Family Residential) zoning classification. ADOPTED Resolution No. 2004-138. (Item 13)</p>	<p>M. Robinson S. Whittaker</p>
<p>14. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF to approve Zoning Case PUD-04-056, Michael S. Teal, Attorney for Owner, Shirley Mascaro Life Estate, Owner, requesting a rezoning from the RR (Rural Residential) and R-4 (Urban Single-Family Residential) zoning classifications to a MPUD (Mixed Use Planned Unit Development) zoning classification. ADOPTED Resolution No. 2004-139. (Item 14)</p>	<p>M. Robinson S. Whittaker</p>
<p>15. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND THE ZONING STAFF to approve Zoning Case PUD-04-036, with changes, Paul Holub, Agent for Tuscany Villas Ormond, LLC., Contract Purchaser, Neil H. and Mildred Schaefer, Owners, requesting a rezoning from the B-8 (Tourist Commercial) zoning classification to the RPUD (Residential Planned Unit Development) zoning classification. ADOPTED Resolution No. 2004-140. (Item 15)</p>	<p>M. Robinson S. Whittaker</p>
<p>16. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND ZONING STAFF TO APPROVE Parcel #7344-05-00-0020 of Zoning Case No. Z-04-059, Gary and Doris Patient, Owners, requesting a rezoning from the MH-2 (Mobile Home Park and Recreational Vehicle Park) and R-4 (Urban Single-Family Residential) zoning classifications to MH-2 (Mobile Home Park and Recreational Vehicle Park) zoning classification. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION to DENY Parcel #7343-06-00-1260. ADOPTED Resolution No. 2004-141. (Item 16)</p>	<p>M. Robinson S. Whittaker</p>

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<p>17. CONTINUED TO 8/19/04 @ 10:00 A.M., Zoning Case No. Z-04-049, F.H. Tracey, Jr., Owner, requesting a rezoning from the RR (Rural Agriculture) zoning classification to A-4 (Transitional Agriculture) zoning classification. (Item 17)</p>	<p>M. Robinson M. Rigsby</p>
<p>18. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND ZONING STAFF TO APPROVE WITH CONDITIONS and a waiver of wheel stop requirements, Special Exception No. S-04-048, Christian Life Center, Owner, for a House of Worship and a waiver of 817.00(d)(2) to allow grass parking on R-3 (Urban Single-Family Residential) zoned property. (Item 18)</p>	<p>M. Robinson</p>
<p>19. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION AND ZONING STAFF TO APPROVE WITH CONDITIONS, Special Exception No. S-04-046, Michael Morris, Owner, requesting a special exception for garage apartment on R-3 (Urban Single-Family Residential) zoned property. (Item 19)</p>	<p>M. Robinson</p>
<p>20. UPHELD THE RECOMMENDATION OF THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION TO APPROVE WITH 15 CONDITIONS, Special Exception No. S-04-050, Mary Koenig, Agent for Owner, Daniel Parker and Bernadette Britz-Parker, Owners, requesting a special exception for a private school on R-3 (Urban Single-Family Residential) zoned property and a waiver to Section 817 (d) (2) of Ordinance 80-3, as amended, to permit grass parking spaces. (Item 20)</p>	<p>M. Robinson</p>
<p>21. APPROVED the proposed Task Assignment No. 4 to the contract with The LPA Group, Inc., for Architectural, Engineering, and Aviation Planning Services to design and prepare construction documents for the construction of an airfield perimeter road - Phase II, Project No. 5101-B, at the Daytona Beach International Airport. [\$90,060.00] (Item 21)</p>	<p>A. Smith</p>
<p>22. ADOPTED Budget Resolution 2004-142; AUTHORIZED the Council Chair and County Manager to execute documents for the submission of the FY 2004/05 One Year Action Plan for Volusia County to the U.S. Department of Housing and Urban Development (HUD) and execute associated contracts; AUTHORIZED the Community Services Director or designee to execute all Subrecipient and Community Housing Development Organization (CHDO) Agreements and to make technical modifications to the Action Plan and Subrecipient/CHDO agreements as necessary. [\$4,225,768.00] (Item 22)</p>	<p>R. Williams S. Whittaker</p>
<p>23. APPROVED to amend the Emergency Client Services Budget \$200,000, increasing it from \$900,000 to \$1,100,000, transferring monies from County General Fund reserves for FY 03-04, as a result of a substantial increase in the number of persons needing assistance. [\$200,000.00] (Item 23)</p>	<p>G. Fordham</p>

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<p>24. APPROVED to accept the Federal Transit Administration (FTA) Section 5309 Discretionary Grant for Fiscal Year 2003-2004; and ADOPTED Resolution No. 2004-143 adjusting the Fiscal Year 2003-2004 budget to appropriate \$736,695.00 for the purchase of replacement buses. [+\$736,695.00] (Item 24)</p>	<p>K. Fischer S. Whittaker</p>
<p>25. ADOPTED Resolution No. 2004-144 to revise precinct lines, to shift the voters into the city precincts as a result of the City of Orange City's annexation of land. (Item 24A)</p>	<p>J. Harrington S. Whittaker</p>
<p>26. APPROVED the Interlocal Agreement with the Orange County Sheriff's Office regarding the Community Oriented Policing Services (COPS) Interoperable Communications Equipment Grant Program; APPROVED expenditure of \$135,040 as 25% of the cost of the build out of the National Conventional Mutual Aid radio system and installation of VHF repeaters. [\$135,040.00; balance of the funding is to be provided by Federal grant] (Item 25)</p>	<p>B. Clausen</p>
<p>27. APPROVED the assignment of the Department of Management Services' lease of office space for the Office of the Public Defender, located at 110 Orange Avenue and 112 Orange Avenue, Suites A, B, C, and D, Daytona Beach, consisting of approximately 7,109 square feet. The remaining term of the lease is ten (10) months (July 2004 through April 2005). (Item 26)</p>	<p>F. Schwenck</p>
<p>28. APPROVED to award a contract to the lowest responsive and responsible bidder, Coleman Builders, Inc., to construct an affordable home for an approved applicant on County-owned land; APPROVED to transfer title of parcel #10 to the approved home buyer, upon proper execution and close of the home sale. Bid No. 04-B-59 BB (Item 27)</p>	<p>R. Williams</p>
<p>29. APPROVED to award bid for paper and form stock to Workflow of Longwood, Florida, for a period of three (3) years with two (2) one (1)-year extensions, contingent upon Council approval. [\$45,000.00] Bid No. 04-B-127JJ (Item 28)</p>	<p>J. Jennings</p>
<p>30. APPROVED the assignment of the contract from Sun Atlantic Corporation to Rent-A-PC, Inc. for Computer Laptop Rentals for the Elections Department during the Presidential Preference, Primary and General elections for 2004, as presented. Bid No. 02-B-73 (Item 29)</p>	<p>C. Olson</p>
<p>31. APPROVED the proposed Task Assignment No. 1 to the contract with O.C.O.R.P., a Florida Joint Venture of Daytona Beach, for Owner's Representative Services [Project No. P-5189-OR(1)] during the pre-construction phase of the Ocean Center Expansion, as presented. [\$370,749.00] RSQ 04-SQ-89BL (Item 30)</p>	<p>M. Greeson</p>
<p>32. APPROVED the fixed-fee, performance-based Agreement between the State of Florida and Volusia County for performing several tasks necessary to update county-wide hazards and vulnerability analyses for hazardous materials facilities/sites, which have been reported to the State Emergency Response Commission; ADOPTED Budget Resolution 2004-145. [\$10,287.00] (Item 31)</p>	<p>J. Ryan S. Whittaker</p>

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<p>33. ADOPTED the Homeland Security Grant Program (SHSGP); ADOPTED Budget Resolution 2004-146. This is a cost reimbursement grant. The eligible period of the grant is July 1, 2004-September 30, 2005. [\$298,984.00] (Item 32)</p>	<p style="text-align: center;">J. Ryan S. Whittaker</p>
<p>34. SET public hearing date of August 19, 2004 @ 9:15 a.m. for consideration of the Emergency Medical Foundation, Inc., d/b/a EVAC Ambulance's application for renewal of a Certificate of Public Convenience and Necessity (COPCN) for advanced life support, transport emergency medical services. (Item 33)</p>	<p style="text-align: center;">M. Zavadsky M. Rigsby</p>
<p>35. SET public hearing date of August 19, 2004 @ 9:16 a.m., for consideration of the Volusia County Fire Services (VCFS)'s application for renewal of a Certificate of Public Convenience and Necessity (COPCN) for advanced life support, transport emergency medical services. (Item 34)</p>	<p style="text-align: center;">M. Zavadsky M. Rigsby</p>
<p>36. APPROVED the final project costs and Final Assessment Roll regarding the Silverstone Court Special Assessment District; APPROVED to execute the Notice of Special Assessment Lien; ADOPTED Budget Resolution No. 2004-147 providing for necessary accounting adjustments. (Item 35)</p>	<p style="text-align: center;">G. Brinton G. Recktenwald S. Whittaker</p>
<p>37. APPROVED the purchase of Parcel 103, in accordance with the Right of Way Purchase Agreement regarding Project 4351, DeBary Avenue/Doyle Road, Parcel 103, Enterprise Area, District 5. [\$95,903.75] (Item 36)</p>	<p style="text-align: center;">G. Brinton</p>
<p>38. APPROVED the purchase of Parcel 104, in accordance with the Right of Way Purchase Agreement regarding Project 4351, DeBary Avenue/Doyle Road, Parcel 103, Enterprise Area. [\$92,990.00] (Item 37)</p>	<p style="text-align: center;">G. Brinton</p>
<p>39. APPROVED the purchase of Parcel 105, in accordance with the Right of Way Purchase Agreement regarding Project 4351, DeBary Avenue/Doyle Road, Parcel 103, Enterprise Area. [\$127,613.25] (Item 38)</p>	<p style="text-align: center;">G. Brinton</p>
<p>40. APPROVED the purchase of Parcel 110, in accordance with the Right of Way Purchase Agreement regarding Project 4351, DeBary Avenue/Doyle Road, Parcel 103, Enterprise Area. [\$164,430.00] (Item 39)</p>	<p style="text-align: center;">G. Brinton</p>
<p>41. APPROVED the purchase of Parcel 111 in accordance with the Right of Way Purchase Agreement regarding Project 4351, DeBary Avenue/Doyle Road, Parcel 103, Enterprise Area. [\$138,120.00] (Item 40)</p>	<p style="text-align: center;">G. Brinton</p>
<p>42. APPROVED the purchase/installation of a new traffic signal, at the Intersection of Spruce Creek Road and Commonwealth Boulevard, Port Orange, to Traffic Control Devices, Inc., in accordance with the Seminole County Contract # A/B 302101/GG, based on Price Agreement 3201. [\$52,332.67] (Item 41)</p>	<p style="text-align: center;">J. Cheney G. Lester</p>
<p>43. ADOPTED Ordinance No. 2004-09 adopting the Amendment Cycle 04-1, so that the items can be transmitted to the Florida Department of Community Affairs (FDCA) for compliance review. (Item 42)</p>	<p style="text-align: center;">M. Beamer S. Whittaker</p>

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<p>44. APPROVED the voluntary special assessment to the Florida Association of Counties for the purpose of funding fees and costs in pursuing legal action on Chapter Law 2004-263, related to unfunded mandate by the State of Florida to have counties pay for the predisposition detention cost of juvenile offenders. [\$3,309.00] (Item 43)</p>	<p style="text-align: center;">D. DeMarsh</p>
<p>45. WITHDRAWN BY STAFF, the Florida Association of Counties special assessment for the purpose of joining a statewide effort to educate the public on the harmful impacts from the additional \$25,000 homestead exemption constitutional amendment. [\$27,576.00] (Item 44)</p>	<p style="text-align: center;">D. DeMarsh</p>
<p>46. APPROVED the FY 2004-05 Recommended Budget and TRIM Rates identified in the Chart of Taxable Values and Millages; and SET the first public hearing for the budget at 5:05 p.m., on September 9, 2004, in the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida 32720. (Item 45)</p>	<p style="text-align: center;">D. Krueger M. Rigsby</p>
<p>47. DENIED the appeal of the City of Port Orange and upheld the determination made by the County Development Engineer and the DRC to deny the Use Permit application 04-P-USE-0362, for the construction of a water main on Taylor Road. (Item 46)</p>	<p style="text-align: center;">P. Panton</p>
<p>48. APPOINTED Meryl Baker (Dist. #1 – D. Lewis nom.) to the Human Services Board to fill a vacant position, for the remainder of the 2-year term, to expire 3/31/05. (Item 47)</p>	<p style="text-align: center;">J. Kennedy</p>
<p>49. REAPPOINTED Sydney Slome (A/L-Pat Northey nom.) to the Halifax Area Advertising Authority for another 3-year term to expire August 1, 2007. (Item 48)</p>	<p style="text-align: center;">S. Whittaker</p>
<p>50. APPOINTED Daniel Troian (Dist. #3 - J. Hayman nom.) to the Beach Policy Advisory Board to replace William Cook, for the remainder of his 2-year term, to expire March 31, 2005. (Council Time – J. Hayman)</p>	<p style="text-align: center;">J. Harper</p>
<p>51. ADOPTED Resolution No. 2004-148, adding a regular Council Meeting to be held on August 26, 2004 @ 1:00 p.m. (Staff Time)</p>	<p style="text-align: center;">S. Whittaker</p>
<p>52. APPOINTED Dwight Lewis to the Banking Services for Volusia County Selection Committee. (Council Time – D. Lewis)</p>	<p style="text-align: center;">C. Olson</p>