

**Minutes Outline**

POP Committee Workshop, May 15, 2008, 11:00 a.m.  
Discussion of Comments Received on VGMC Policies & Procedures  
City of Deltona, City Commission Chambers Conference Room, 2345 Providence Blvd.,  
Deltona, FL

In attendance: VGMC Chair Gerald Brandon; POP Committee Chair Robert Pascoe;  
POP Committee Members Jim Kerr & Sandra Walters; VGMC Legal Staff Paul Chipok;  
VGMC Planning Staff Barry Wilcox.

Also in attendance: VGMC Member Suzanne Steiner, and Betty O’Laughlin, a member  
of the public.

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The group concluded their review and discussion of all of the comments which have been  
submitted to the commission. Once the draft minutes are prepared and individually  
reviewed by the committee members for any modifications, Paul Chipok will begin to  
draft amendments to the VGMC rules. It is anticipated that the draft minutes will be  
prepared and reviewed by the individual committee members within three weeks, and the  
draft amendments are anticipated to be completed for review by the commission at the  
July regular meeting.

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The committee came to consensus on the following issues:

- 1) The committee concurred to establish a prehearing checklist for the applicant jurisdiction to provide any documentation which was not previously submitted (including the ORC report). This would be sent by the VGMC office with the notice of scheduled hearing.
- 2) Add the following items to be furnished as part of the initial application: a) Colored maps of the property which delineate boundaries, adjacent land uses, wetlands, FEMA flood zones, soils and any unusual features such as historical and/or archeological sites; and b) an aerial map of the property.
- 3) Draft a section which would allow VGMC services to be utilized for mediation by mutual consent of two jurisdictions outside the context of a comprehensive plan amendment when it deals with intergovernmental coordination between two jurisdictions.
- 4) Further define “substantially affected parties”.
- 5) Reaffirmed the committee’s recommendation that there should be no term limits, and the appointment terms would remain at three years.
- 6) The commission should look to formally adopt Roberts Rules of Order.
- 7) The commission should explore whether the VGMC Rules of Procedure which are adopted by VGMC Resolution should be rolled into the Consistency Certification Rules.

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Following is a *cumulative list* of issues the committee has agreed need to be addressed in more detail:

***Philosophy Issues –***

- 1) Whether or not governmental staff and/or elected officials should be members of the VGMC.

***Processing Issues –***

- 1) Look at requiring/allowing the jurisdictions to submit application packages electronically/via disc so they can be posted and easily accessed by interested parties and the general public. Discussion to include what defines an official document and what determines official receipt by the VGMC, as well as getting with the County IT staff and local planning managers regarding capabilities;
- 2) Further discuss adding a completeness review process;
- 3) Review the application submittal requirements to clarify what documentation needs to be submitted at application. This includes reviewing the individual consistency criteria to determine if additional analysis should be submitted at application;
- 4) Look at establishing an application submittal checklist to be utilized by the applicant, as well as for a completeness review;
- 5) Look at posting rules and procedures on-line;
- 6) Look at formally recognizing the NRMA map as one of the criteria that is utilized under the environmental impact portion of the consistency review;
- 7) Review the notification requirements for public hearings;
- 8) Further discussion of charging fees for advertising costs of developer generated amendments by units of government;
- 9) Look at posting applications or summary applications online;
- 10) Look at further defining “adjacent” jurisdiction;
- 11) Review what is currently provided at submittal as the “summary application”;
- 12) The committee concurred to establish a prehearing checklist for the applicant jurisdiction to provide any documentation which was not previously submitted (including the ORC report). This would be sent by the VGMC office with the notice of scheduled hearing;
- 13) Add the following items to be furnished as part of the initial application: a) Colored maps of the property which delineate boundaries, adjacent land uses, wetlands, FEMA flood zones, soils and any unusual features such as historical and/or archeological sites; and b) and aerial map of the property;
- 14) Draft a section which would allow the VGMC services to be utilized for mediation by mutual consent of two jurisdictions outside the context of a

- comprehensive plan amendment when it deals with intergovernmental coordination between two jurisdictions;
- 15) Further define “substantially affected parties”;
  - 16) The commission should look to formally adopt Roberts Rules of Order;
  - 17) The commission should explore whether the VGMC Rules of Procedure which are adopted by VGMC Resolution should be rolled into the Consistency Certification Rules.

***Timing Issues –***

- 1) Review the RAI process and timeframe in detail and formalize – see the following recommended amendments:
  - a) Amend Section 90-35(e)(1)a to extend staff’s review time to 35 days;
  - b) Amend Section 90-35(e)(1)d(ii) to require responses to RAI’s must be received within 60 days of issuance, with the ability to request two 30-day extensions which can be approved at the staff level, and anything beyond that must be approved by the full commission;
  - c) Amend Section 90-42 to allow an application to be withdrawn without penalty anytime two weeks prior to a scheduled public hearing;
  - d) Amend Section 90-35(e)(3) to clarify the language pertaining to the scheduling of a public hearing as suggested in Mr. Chipok’s proposed language;
  - e) Amend Section 90-35(g) to specifically recognize the tolling of time under the 90-day rule as suggested in Mr. Chipok’s proposed language;
  - f) Amend Section 90-35(g) to reflect that continuances of applications may be granted by the commission chairman for one 90-day extension, and any further requests for extension will be considered upon application to the full commission at a noticed hearing
  - g) Amend Section 90-37(i) to correct typographical error which should read certificate of “consistency”.

**MINUTES OUTLINE APPROVED BY THE POP COMMITTEE AT THEIR  
REGULAR MEETING OF July 23, 2008**

  
**Gerald Brandon**  
**VGMC Chairman**

## **Minutes Summary Discussion - 5/15/08 POP Workshop**

Committee Chair Robert Pascoe called the workshop to order at approximately 11:10 a.m.

The group then began continued discussions of the remaining individual comments, starting with Item #6 submitted by Gordon Williamson.

### **Item #6 dated 12/21/07 – Comments submitted by Gordon Williamson**

Mr. Chipok commented that our meetings are held in the evening which is generally when most citizens are available. Additionally, he stated our meetings are scheduled at the beginning of each year and posted accordingly.

The committee concurred that no action was necessary on this comment.

### **Item #9 dated 12/26/07 – Comments submitted by Norman Erickson, Citizen and Councilman-Elect from DeBary**

Issue #1 relates to city/county staff serving as members of the commission which the committee has already agreed to address further.

Issue #2 regarding the members appointed by the jurisdictions – Mr. Chipok commented that VGMC does not dictate who the jurisdiction's appoint.

The committee concurred that no additional action was necessary.

### **Item #11 dated 12/27/07 – Comments submitted by VGMC Member Sandra Walters**

Commissioner Walters reviewed her comments relating to suggested documents which should be furnished as part of the initial application. Ms. Walters suggested that DCA's ORC report be provided if one has been issued. Mr. Chipok commented that our time frame is such that if there are no issues with the application, we can get our certification letter issued prior to the time DCA would issue their ORC report. Mr. Wilcox added that our current rules require that the applicant jurisdiction provide the VGMC with any correspondence with DCA. Referencing the Thornby matter, Ms. Walters commented that we should know where the pending cases are in the DCA pipeline.

Mr. Pascoe commented concerning the DeBary amendment where the ORC report was released by DCA the day after the VGMC hearing was held. Mr. Pascoe asked how that can be avoided, and if VGMC can require a copy of the ORC report prior to the hearing. Mr. Chipok stated we have no authority to mandate a state agency to take any type of particular action. Mr. Chipok also stated that is inconsistent with our current time specific rules such as the 90-day rule and other time frames associated with public hearings.

General discussion ensued concerning the DeBary public hearing and the issuance of the ORC report. Mr. Wilcox commented that our rules currently require a jurisdiction to provide a copy of the ORC report if one has been issued, adding that DCA addresses issues outside of what VGMC reviews. Mr. Chipok added that we have no control over DCA and when they issue the ORC reports. Mr. Brandon commented that our rules allow a case to be reopened if additional information such as the ORC report contains information which may have impacted an earlier decision.

General discussion ensued relating to setting up a prehearing checklist for the applicant jurisdiction to provide any documentation which was not previously submitted, including the ORC report. Currently, the VGMC office sends a notice of the scheduled hearing to the applicant jurisdiction approximately two weeks prior. There was a general consensus that a prehearing checklist be created to be sent with this notice.

Ms. Walters also suggested that colored maps with specific delineations and an aerial map be required at application. Mr. Brandon stated that the jurisdictions do submit colored maps with the original application and the VGMC office now has a color copier to reproduce them. Mr. Wilcox commented that in most of the applications received, the maps do delineate those items suggested. Mr. Chipok added, however, that if a specific map submitted with an application is not pertinent to the issues, staff does not include it in the staff report.

General discussion ensued concerning electronic application submissions and the capabilities and limitations of posting case information on-line. Mr. Brandon stated that he envisions when the procedure review process is complete, we will be accepting electronic/disc applications and we would post the summary application online. If someone wanted more details, they could then contact the VGMC office. There was general agreement from the other members.

Mr. Kerr asked Mr. Wilcox how many jurisdictions currently provide colored maps and raised concern about a jurisdiction not having the capability to produce colored maps. Mr. Wilcox responded that it depends on the jurisdiction, and we currently get both colored and black/white maps. He also stated many jurisdictions are passing the cost and/or burden of producing colored maps onto their applicants for privately initiated amendments. Overall, Mr. Wilcox stated he did not believe it would be an issue to get colored maps from the jurisdictions.

Ms. Walters asked if the items contained in her recommendation concerning the colored maps, as well as requiring an aerial map, could be added to the application checklist. There was a general consensus to add these items to the application checklist.

Moving on to her recommendation relating to conditional certification, Ms. Walters suggested that a compliance committee be established to monitor conditions of certification. Mr. Brandon commented that he did not feel a committee would work. Mr. Chipok reviewed a memorandum which was distributed to the POP committee members outlining a process which is being implemented to monitor conditions of approval.

Specifically, staff is establishing a system to track the local government's adoption ordinances for amendments related to VGMC resolutions, as well as tracking compliance of conditions contained in the resolutions. Additionally, all future resolutions will contain a date certain for compliance with conditions utilizing uniform compliance dates of January & June. Mr. Chipok also stated that at the next application filing by a jurisdiction, VGMC staff will conduct an intensive review of prior resolutions issued to that jurisdiction to ensure compliance of any conditions of approval. The intended goal is to intensively review all of the jurisdiction's resolutions within the next two years. Ms. Walters asked if the full commission would be voting on the procedural process outlined in Mr. Chipok's memorandum. Mr. Chipok stated these are not changes in philosophy but rather minor administrative changes that can be implemented now.

Mr. Pascoe reviewed the individual process outlined in Mr. Chipok's memo to determine if staff or any of the committee members had any problems with it. There were no problems noted and there were general comments in favor of implementing this tracking system.

With respect to her comment concerning establishing term limits, Ms. Walters stated the committee had already discussed this and did not concur with her suggestion. Mr. Chipok commented that at a recent VCOG meeting that he attended, there was discussion among its members to reduce the VGMC appointees terms from 3 years, adding that we may hear more on that in future discussions. He also stated at an earlier POP workshop, there was a consensus of the committee to maintain the three year term and not establish term limits on appointments.

Moving on to her comments relating to public hearings, Ms. Walters suggested that when a public hearing is scheduled, the applicant jurisdiction should be required to post the property with VGMC hearing notices similar to how they post the properties for rezonings. Mr. Chipok stated that the underlying purpose of the VGMC is to look at the consistency of the proposed comprehensive plan amendment of the applicant jurisdiction to the comprehensive plan of neighboring jurisdictions. In most cases, he stated, the applicant and neighboring jurisdictions are the affected parties. Mr. Chipok added that compatibility and consistency in a zoning sense is much different than consistency in a comprehensive plan context, especially when you are looking at external consistency between comp plan and comp plan. He also commented that posting a property like it is a zoning hearing could lead to further confusion of VGMC's role.

Mr. Brandon and Mr. Wilcox concurred that posting a property for a VGMC hearing would lead to further confusion. Ms. Steiner commented that given the limited number of VGMC public hearings held that this would be a positive step in the direction of more fully informing residents who may be affected.

General discussion ensued relating to current notice requirements of the local jurisdictions and VGMC, the cost associated with posting properties for VGMC hearings, the effectiveness of posting the property and who the audience would be. Mr. Wilcox

commented that he felt posting the property may open the commission up to more comment on matters which the VGMC has no control over.

The committee also discussed that most matters of public hearing are large scale applications which contain text amendments and often multiple land use amendments to properties that are upward of 10-15 acres in size. The issue of requirements for posting large parcels of property, the inability to post for text amendments, as well as the issue of enforcing compliance were all discussed.

Ms. Walters commented in favor of requiring the jurisdictions to post properties when a VGMC public hearing is scheduled for those residents who may be affected. Messrs. Pascoe, Brandon, Kerr, Chipok and Wilcox stated they are not in favor of adding this requirement.

With regard to proxy voting, Ms. Walters asked for an understanding of what transpired with the City of Daytona Beach members where she stated James Chisholm was appointed, yet another individual attended and voted at a meeting, then at the next meeting another individual attended and voted. Mr. Chipok explained that the ordinance adopted by the City of Daytona Beach delegated the City Manager or his assignee as the VGMC member. At that time, the City Manager designated Cheryl Harrison-Lee as the VGMC member, however, shortly thereafter Ms. Harrison-Lee resigned. As a result, Mr. Chisholm designated the City's current member. Mr. Brandon asked if the City Manager can have a designee. Mr. Chipok stated that was the authority given to him by the City which we have no authority over, however, once the designee is appointed, they remain the representative until either their term expires or they resign. In this case, Ms. Harrison-Lee resigned.

Ms. Steiner asked about attendance requirements. Mr. Brandon stated there is no limit on excused absences, however, a member cannot have three consecutive unexcused absences. He added that the commission has exercised this rule in the past.

Ms. Walters withdrew her suggestion to form a rules & procedure review committee.

With respect to her comments relating to VGMC members, Ms. Walters stated most of these items have been discussed, however, she restated for the record that she feels it is not in the best interest of the commission to allow employees of jurisdictions as members of the commission. Mr. Chipok stated that the appointed members must be a resident of the jurisdiction they represent. Ms. O'Laughlin commented that this should be a board of citizens and not city or county staff. Mr. Brandon responded that the staff members are also citizens of their respective jurisdiction. Mr. Wilcox added that it is important to also have an appointment who is knowledgeable in intergovernmental coordination and the role of the commission.

Ms. Steiner suggested scheduling orientation sessions ½ hour prior to regular meetings for the purpose of educating new members on various definitions, etc. Mr. Kerr also suggested recording a training session on disc, along with any materials which could be

prepared in power point and provided to new members. There was a general consensus that training should be scheduled; Chairman Brandon stated we would look further into scheduling that.

Ms. Walters pointed out a letter dated March 13, 1990 from the County's PLDRC Chair where they requested the County Council amend the VGMC rules to prohibit local government employees to serve as voting members. Ms. Walters commented that two adjacent jurisdictions may have underlying alliances or conflicts which may come into factor when staff members are on the commission. She asked whether the issue of staff members being voting members on the commission will go before the full commission. Mr. Chipok stated that this came up as a philosophical matter which needs to be addressed further, and several members confirmed that it would come before the full commission.

At 12:45 p.m., the group broke for lunch and reconvened at 1:10 p.m.

Item #12 dated 12/21/07 – Comments from Joel Ivey

Item #1 relates to minimizing VGMC's objections in instances where there are no other objections – Mr. Wilcox stated that Mr. Ivey's comments may have stemmed from the recent Riverbend Church amendment. Mr. Wilcox stated in that case, although there were no objections filed by adjacent jurisdictions, the proposed amendment was inconsistent with an adjacent comprehensive plan and staff raised concerns. Mr. Chipok stated the VGMC was created to look at the consistency of amendments to comprehensive plans, regardless of whether or not comments from others are received. The committee members were in concurrence.

Mr. Brandon stated at previous VCOG meetings, several elected officials commented on expanding the role of the VGMC. He asked if the commission should explore taking on an arbitration role for resolving differences amongst jurisdictions outside of the comp plan amendment consistency review. Mr. Chipok stated if there is a jurisdictional conflict which is not related to a pending comprehensive plan amendment we don't inject ourselves in that situation, however, if a jurisdiction comes before us and asks for the VGMC to arbitrate we could. Mr. Brandon suggested we let it be known that the VGMC is available for arbitration. Mr. Chipok asked how the process is envisioned to occur, i.e. would it be handled utilizing VGMC staff resources in terms of sitting down with the jurisdictions, or would it come before the full commission. Mr. Brandon suggested it would be at the staff level.

General discussion ensued relating to staff's current role of negotiating with jurisdictions where conflict exists in an attempt to resolve issues prior to a public hearing. Mr. Wilcox commented that the critical issue is to have the issues dealt with prior to submitting an application, but also to have the ability to negotiate throughout the process which under the proposed rules changes would allow the applicant jurisdiction to withdraw an application and resubmit with changes.

Mr. Chipok stated that we currently have a mediation role but in the context of a pending comprehensive plan amendment. He stated if VGMC wants to expand to make those services available when there isn't a pending comprehensive plan amendment, the charter would not necessarily prohibit that and we would need to include a section in our rules stating this service is available and incorporate that into the County Code. Ms. Walters commented that this may be a back door way of getting joint planning agreements approved without coming before the VGMC. Mr. Chipok stated we do not approve joint planning agreements. Mr. Wilcox stated it could occur now -- where VGMC staff would meet with two jurisdictions and a JPA is agreed upon. He stated this would eventually come before the VGMC in the form of a comp plan amendment and the JPA would be submitted as additional evidence.

Mr. Pascoe raised a question concerning mediation versus arbitration. Mr. Chipok suggested VGMC's role in these matters would be mediation, with no binding authority. He added that if one jurisdiction filed lawsuit against another, the judge would ask if mediation had occurred and if not, would order it be done. If VGMC offered mediation relating to coordination conflicts, he stated this could potentially resolve issues prior to a lawsuit being filed. Mr. Chipok stated it would be voluntary for the jurisdictions and would serve as a resource available to mediate coordination conflicts. There was a general consensus to add a section that would allow the VGMC services to be utilized for mediation by mutual consent of two jurisdictions outside the context of a comprehensive plan amendment when it deals with intergovernmental coordination between two jurisdictions.

The committee also discussed pre-application meetings with staff which are available and have occurred.

Moving onto Issue #2 of Joel Ivey's comment relating to putting out bids for planning and legal services, the commission has discussed this over the past several years and did in fact bid out planning services and hired a secondary planning firm. Mr. Brandon stated this is an issue which the commission reanalyzes periodically, taking into consideration the experience, knowledge and cost of current staff.

Item #14 dated 12/28/07 – Comments submitted by Steve Kintner, Interim Growth and Resource Management Director, Volusia County

The group concurred that many of the issues raised in Mr. Kintner's correspondence have been addressed earlier in the review process under item #1, and confirmed that further defining substantially affected party will be looked at.

Item #25 dated 1/2/08 – Comments submitted by Joseph Yarborough, City Manager, South Daytona

Again, the group concurred that many of the comments raised in Mr. Yarborough's correspondence have been addressed earlier in the review process under item #1.

Item #27 excerpt from minutes of 10/24/07 VGMC meeting with comments from Saralee Morrissey, Volusia County Schools

The School Board currently receives a copy of all VGMC applications and the committee has already come to consensus that there should be no narrowing of notice requirements.

Item #32 dated 2/6/08 – Comments submitted by Michael Disher, Planning & Development Manager, Port Orange

Issue #1 relating to further defining substantially affected party is being addressed.

Issue #2 relating to not allowing adjacent jurisdictions to issue a request for public hearing at the same time an RAI is issued – Mr. Chipok explained that the 30 day comment period runs concurrent with the 30 day period to request public hearing. As a result, Mr. Chipok stated that if an RAI is issued, staff includes language that a public hearing is being requested, however, it may be withdrawn if the outstanding issues are satisfied. He added that if an adjacent jurisdiction has requested a public hearing but the issues are later resolved through the RAI process, the adjacent jurisdiction typically withdraws its request for public hearing. Discussion also ensued relating to citizen petitions for public hearing and providing an opportunity for those individuals, the applicant jurisdiction and staff to discuss their issues and review VGMC's role prior to a hearing occurring.

The committee then discussed the recommendation of formally adopting Roberts Rules of Order. There was a general consensus to formally adopt Roberts Rules of Order. Mr. Chipok stated that we are first looking at the consistency certification rules. Once completed, he stated we can look at the internal rules of procedures and requested the VGMC Coordinator to note that it should be added to the rules of procedure review that we have some form of statement indicating that except as otherwise done differently in our rules of procedure, the fallback is we rely on Roberts Rules of Order.

Mr. Chipok also stated the commission may want to eventually explore whether the VGMC Rules of Procedure which are adopted by VGMC Resolution should be rolled into the Consistency Certification Rules.

Discussion ensued relating to member terms and term limits, and the committee concurred their recommendation is that no term limits are established, and appointment terms would remain at three years.

The committee agreed the balance of the comments received have been previously discussed and concluded its review of comments.

Ms. Walters raised a question concerning what will be presented to the full commission for review. Mr. Chipok stated he will be preparing draft amendments with changes to the rules based on the POP committee's recommendations. This, he stated, will be presented

to the full commission as the starting point for discussion and additional changes may result from the discussion.

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The committee discussed the upcoming timeline and agreed that the draft minutes of this workshop should be completed in approximately two weeks at which time they will be circulated to the committee. Since approval of the minutes will not be scheduled until the next regular meeting of the POP, the members will be asked to review the draft and provide any comments or changes to the VGMC office within one week. Once the draft minutes have been reviewed and any changes noted, Mr. Chipok will begin drafting the changes.

It is anticipated that the draft amendments will be formalized for presentation to the VGMC in a workshop to be scheduled at the July 23, 2008 regular meeting. Then, it is anticipated to be scheduled on the August agenda to formalize the draft for distribution to the jurisdictions and other interested parties for further input.

The meeting concluded at 2:35 p.m.

**MINUTES SUMMARY DISCUSSION APPROVED BY THE POP COMMITTEE  
AT THEIR REGULAR MEETING OF July 23, 2008**

  
**Gerald Brandon**  
**VGMC Chairman**