

Volusia Growth Management Commission

MEETING MINUTES FOR  
REGULAR MEETING HELD  
Wednesday, November 19, 2008

County Council Chambers  
Thomas C. Kelly Administration Center  
123 W. Indiana Avenue  
DeLand, FL

MEMBERS PRESENT

Joan Spinney, Chair  
Gerald Brandon, Vice Chair  
Steve Katz, Secretary  
Richard Walton                      Excused  
Stephan Dembinsky  
Danny Allen  
Sandy Lou Gallagher              Excused  
Sandy Jones  
John Heaphy  
Roger Sonnenfeld  
Rick Tresher  
James Kerr  
Patricia Heller-Jackson  
Bobby Ball  
Billy Carter  
Sandra Walters                      Excused  
Rachel Sieg                              Excused  
Tony Cole                                Excused  
Suzanne Steiner

REPRESENTING

South Daytona  
Ormond Beach  
DeLand  
Daytona Beach  
Daytona Beach Shores  
DeBary  
Deltona  
Edgewater  
Holly Hill  
Lake Helen  
New Smyrna Beach  
Orange City  
Ponce Inlet  
Port Orange  
Pierson  
Volusia County  
Volusia County  
Volusia County  
Volusia County

NON-VOTING MEMBERS

Sara Lee Morrissey                  Present  
Peter Brown                              (not present)

REPRESENTING

Volusia Co. School Board  
SJRWMD

OTHERS PRESENT

Heather Ramos, GrayRobinson, P.A.  
Andre Anderson, PDG  
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

Joan Spinney, Chair, called the meeting to order at 7:04 p.m.

### ROLL CALL

Roll call was taken and it was determined there was a quorum present.

### APPROVAL OF MINUTES

Gerald Brandon made a motion to approve the minutes of the regular meeting held on October 22, 2008; seconded by John Heaphy. Motion carried unanimously.

### PUBLIC HEARING

1) Consideration of Request from Volusia County for a Waiver of the 90-day Rule, VGMC Case No. 08-051B, Large Scale Amendment Application.

There being no questions or discussion of the Commission members, Danny Allen made a motion to approve the request from Volusia County for a waiver of the 90-day rule for VGMC Case No. 08-051B; seconded by Steve Katz. Motion carried unanimously.

### REMARKS OF INTERESTED CITIZENS

None

### REPORTS OF OFFICERS

Gerald Brandon reported that he attended the County Council meeting on November 13, 2008 along with the VGMC Coordinator where they were considering the legal and planning staff budget for the 2008-09 fiscal year. Mr. Brandon reported that the discussion took nearly 40 minutes and following a number of questions and remarks relating to the commission, the members, procedural changes, and the budget, they approved the purchase orders for legal and planning staff for the full amount.

### REPORTS FROM CONSULTANTS

Joan Spinney, Chair, asked if there were any updates on the reply to the RAI regarding the Restoration amendment. Saralee Morrissey responded that the only outstanding RAI on this case is associated with the school district and they have been working with the developer on a capacity enhancement agreement. She also stated that if it weren't for the VGMC and the school board's ability to issue comments, they would not have gotten the attention of the developer. Ms. Morrissey added that at this point in time, it appears they will be able to resolve all of their issues.

Ms. Spinney commented that the commission members received a large package of information from a citizen in Daytona Beach relating to the Restoration amendment, including the analysis from DCA. Ms. Spinney stated that the VGMC mission is narrow and there was a considerable

amount of information in the package that could be extremely confusing. She added that the VGMC addresses jurisdictional disputes and the commission was originally put in place to keep the jurisdictions from continually suing each other over disputes. Ms. Spinney stated there is a massive amount of information in the DCA report that does not apply to the jurisdictional issues.

Ms. Spinney stated the commission will not be taking up the correspondence submitted by the citizen, and stated that staff will issue their findings once the response to the RAI is received and the school board is satisfied, adding that the amendment will likely be eligible for certification.

Commissioner Steiner commented in disagreement with some of Chair Spinney's comments, stating that transportation is an issue of consistency. There was discussion between Ms. Spinney and Ms. Steiner regarding the current status of the Restoration amendment and the appropriateness of discussing the information contained in the DCA report. Ms. Steiner stated she would reserve her comments until later in the meeting.

#### REPORTS OF COMMITTEES

Commissioner Brandon stated the POP committee is waiting for the jurisdictions to come back with their comments and philosophies for further consideration in the procedure review process. Mr. Brandon encouraged each of the commission members to get together with their respective jurisdiction with whom they were appointed to ensure that they are on the same page and to clear up any misconceptions which may exist.

Ms. Spinney added that the VGMC is not a zoning board and does not take up those issues, adding that it is inappropriate for the mission and function of the VGMC.

#### UNFINISHED BUSINESS

Saralee Morrissey asked what the next step is with respect to amendments to the VGMC procedures. Commissioner Brandon advised that staff has met with the City/County managers, and also the mayors through VCOG, and the jurisdictions are looking at collectively submitting to VGMC recommendations they feel are workable. He stated these comments are expected in the next couple of months, at which time they will be evaluated by the POP committee with a recommendation for the full commission's consideration, and eventually for County Council approval.

In reviewing the comments and communications relating to the procedures, Ms. Morrissey stated there have been comments about limiting participation to adjacent jurisdictions. She stated the commission needs to be careful when they are considering who is eligible to participate since limiting it to "adjacent jurisdictions" would eliminate the school board. Ms. Morrissey added that the term "local government" would also exclude the school board. Ms. Morrissey stated that she understands the discussions that are going on with this issue and why they are going on, however, she wants to ensure that whatever terminology is decided upon that the school district is considered a substantially affected party as they are now.

Commissioner Brandon asked Ms. Morrissey to put her comments in writing so that the POP will include it at their next meeting.

#### NEW BUSINESS

None

#### REPORTS AND REQUESTS OF COMMISSION MEMBERS

With respect to the Restoration project, Commissioner Steiner quoted Paul Chipok's memo dated November 17, 2008 which stated that staff has reviewed the 90-37 criteria and determined in the context of a VGMC consistency review, there are no consistency issues and is not requesting a public hearing. Ms. Steiner asked Andre Anderson how that could happen since her review of the DCA report showed huge transportation issues, which she stated is one of VGMC's consistency points. Mr. Anderson stated he has not reviewed the referenced amendment and could not comment specifically. He stated that theoretically if the issue is inter-jurisdictional there may be some ability to comment. Discussion ensued as to whether Mr. Chipok's communication was based on the planning staff review. Heather Ramos of GrayRobinson clarified that Paul advised her that he had spoken with Barry, and the only issue that can be addressed before the commission at this point is the school board. Saralee Morrissey added that when she spoke with Barry on the school board matter, he indicated the same.

Commissioner Steiner stated that the County and the City of New Smyrna Beach had extensions to comment on the amendment, however, during that time they met and the County dropped their concerns and so did the City. She added that the County had 11 pages of concerns which are mirrored in the DCA report.

Commissioner Tresher commented that the City of New Smyrna Beach recognized the problems, however, the City chose not to ask for a public hearing before the VGMC, and decided to try to work out the differences directly with the City of Edgewater. Mr. Tresher stated as a citizen of the City of New Smyrna Beach he was deeply concerned by that action, however, he does not believe it will come before the commission for anything other than school district issues. He added that what concerns him is that if the negotiations between the two cities fail and there is no meeting of the minds, there is no recourse.

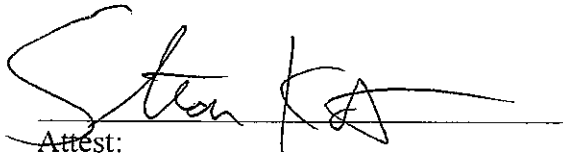
Joan Spinney, Chair, commented that this appears to have gotten out of our hands. Commissioner Steiner concurred and commented that it would seem these matters are part of the purview of our staff to review and that it seemed there was no staff review. Ms. Spinney stated she's sure staff reviewed it. Ms. Steiner replied that DCA then saw it very differently.

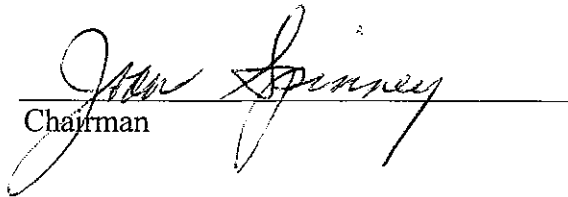
#### REPORTS AND REQUEST OF COMMISSION CHAIR

Joan Spinney, Chair, presented Gerald Brandon with a plaque recognizing his outstanding service as former Chairman of the commission. The commission members applauded his efforts.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

  
Attest:

  
Chairman