

Volusia Growth Management Commission

MEETING MINUTES FOR  
REGULAR MEETING HELD  
Wednesday, August 22, 2007

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

MEMBERS PRESENT

Gerald Brandon , Chairman	
Robert Pascoe, Vice Chair	
Joan Spinney, Secretary	
Daniel Reed	Absent
Steve Katz	
Rebecca Mendez	
Karen Hall	Excused
John Heaphy	
Ed Blackman	
Sally MacKay	
James Kerr	
Donna Steinebach	Absent
Sandra Walters	
Rachel Sieg	
Tony Cole	Excused
Suzanne Steiner	
Joan Lee	Absent

REPRESENTING

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

NON-VOTING MEMBERS

Sara Lee Morrissey	
Peter Brown	(not present)

REPRESENTING

Volusia Co. School Board  
SJRWMD

OTHERS PRESENT

Thomas Cloud, GrayRobinson, P.A.  
Barry Wilcox, MSCW  
Kathy Quillinan, MSCW  
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

Chairman Brandon called the meeting to order at 7:00 p.m.

### ROLL CALL

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

Chairman Brandon welcomed two new members to the commission – Sandra Walters representing Volusia County, and Daniel Reed representing the City of Daytona Beach (Mr. Reed was not in attendance). Mr. Brandon announced several member reappointments – Steve Katz, Becky Mendez, John Heaphy and himself. He also announced two resignations, Jay Erndl from the City of DeBary, and Belinda Collins from the City of Daytona Beach.

### APPROVAL OF MINUTES

John Heaphy moved to approve the minutes of the April 25, 2007 meeting as written; seconded by Joan Spinney. Motion carried unanimously.

Commissioner Sieg noted a typographical correction to the minutes of the June 11, 2007 meeting on page 2, item 2), line 3, change “closed” to “close”. Joan Spinney moved to approve the minutes of the June 11, 2007 meeting as corrected; seconded by Steve Katz. Motion carried unanimously.

### PUBLIC HEARING

- 1) Request from the City of Orange City for an extension to comply with VGMC Resolution #2006-06

Barry Wilcox, MSCW, addressed the commission concerning the request. Mr. Wilcox stated that when Resolution #2006-06 was approved by the commission in August, 2006, Condition #3 required the City to enter into an interlocal agreement with Volusia County relating to transportation methodologies and funding strategies for roadway improvements within one year. Mr. Wilcox reported that he spoke with the cities of Orange City and Deltona, as well as Volusia County, and he understands they have been working to put together a larger study to address transportation questions in this area of the County.

Mr. Wilcox stated the initial request from Orange City was for a one-year extension, however, there has been subsequent discussions concerning an 18-month or two-year extension. Mr. Wilcox stated that staff is comfortable with a one-year extension, at which time the progress of the study could be evaluated and another extension, if necessary, could be requested at that time.

Don Sikorski, representing the City of Orange City, addressed the commission concerning the efforts that have been put forth by the jurisdictions within the southwest area of the County to address the transportation issues. Mr. Sikorski stated that in early meetings with Volusia County staff, they suggested a regional transportation study be prepared for the southwest area of the County. As a result, he stated there have been ongoing meetings since April with the various jurisdictions and at this point, the consultant has prepared a scope of work. Mr. Sikorski reported that once an agreement is reached regarding the scope of work and arrangements for the

financing, the consultant has indicated the study may take at least one year. He stated that the City of Orange City feels 18 months would be a more appropriate timeframe in order to allow time for the study to be completed by the consultant, reviewed by the various jurisdictions and finalized.

Commissioner Walters asked what the affects would be granting 18 months versus two years. Mr. Wilcox responded that one of the concerns of staff is that it took six months from the original approval date for the process to begin. He added that staff feels a one year extension is more appropriate in order to measure the progress and ensure it stays on track. Mr. Wilcox also specifically requested that VGMC staff be included in the progress as it moves forward.

In response to questions from the commission, Mr. Wilcox stated that staff is recommending a one-year extension. He added that he spoke with the County and the City of Deltona, both of whom confirmed a one-year extension is acceptable, although they acknowledged the study may take longer than a year.

Mr. Cloud stated he received several calls in the past day from the attorney representing Orange City who advised that he feels the delay in getting this started was due to the inability to schedule items with former staff members at the County. Mr. Cloud added that the parties are working together now, and the County sent an email to staff today indicating an 18-month extension would be acceptable to them.

Mr. Cloud advised the commission that they have the discretion to grant an extension. With respect to the length of extension, Mr. Cloud stated if the commission approved a 12-month extension, they could look at the progress and consider another extension. He added if an 18-month extension is approved, he would be less inclined to grant an additional extension thereafter.

Commissioner Katz asked if the commission needs to address another condition of approval included in the resolution relating to concurrency management. Mr. Wilcox responded that VGMC has not received anything from the City pertaining to that condition, nor have they requested an extension for that condition of approval.

Mr. Cloud stated that Mr. Sikorski has indicated the City has a concurrency management program in place. Mr. Cloud also added that this issue is not before the commission tonight, and suggested the commission focus their motion on the request before them.

Mr. Sikorski reiterated to the commission that the traffic engineer has advised the study will take approximately one year to complete and it cannot be started until the scope of work is finalized and reviewed by the local governments, which could take a couple of more months.

Commissioner Walters asked what the affects of a delay, positive or negative, would be on applications that may be received on any developments that are happening. Mr. Cloud responded that these are comprehensive plan amendments and not immediate project rezonings or approvals. This particular amendment, he stated, addresses an area which will take years to

build, and there will be no immediate impact. Mr. Cloud added that this study will provide an additional level of assurance, as well as additional data and analysis to determine where road improvements need to be made in the long term.

Commissioner Walters asked if the cities and County cannot agree on methodology, what would be the determining authority. Mr. Cloud responded that it ultimately falls back on Orange City since if they cannot reach an agreement with the County, they cannot move forward with the development under the plan amendment. He added that all of the parties have appropriate incentives to reach a reasonable agreement.

Commissioner Mendez commented that this is a regional transportation study that has become larger than just meeting the condition of VGMC approval in the prior resolution. She added this study is a partnership effort of all of the local governments in southwest Volusia County and it is expected to take approximately 18 months to complete due to various steps and multiple jurisdictions involvement.

Commissioner Steve Katz made a motion to approve the City of Orange City's request for an 18 month extension; seconded by Joan Spinney.

As a point of clarification, Commissioner Pascoe suggested the draft resolution, Section 2.A.3. be amended to read 30 months in place of 2 years; and also to change item (5) in Section 1 to 18 months as opposed to 12 months. Commissioner Katz concurred.

Motion carried unanimously.

#### REMARKS OF INTERESTED CITIZENS

None

#### REPORTS OF OFFICERS

Commissioner Pascoe welcomed commissioners Donna Steinebach and Steve Katz as the newest members of the POP Committee.

Commissioner Spinney thanked Commissioner Pascoe for attending the County Council meeting in July for the amended budget request.

#### REPORTS FROM CONSULTANTS

Tom Cloud reported that the City of DeBary and the developer have accepted VGMC Resolution #2007-02 and have presented a Joint Stipulation for Voluntary Dismissal of the pending litigation. Mr. Cloud stated unless directed otherwise by the commission, VGMC legal staff would execute the Joint Stipulation for Voluntary Dismissal, adding that it may be appropriate to have a motion and vote by the commission as a matter of formality.

Steve Katz moved to authorize VGMC legal staff to execute the Joint Stipulation for Voluntary Dismissal; seconded by Joan Spinney. Motion carried unanimously.

With the dismissal of the DeBary litigation, Mr. Cloud reported that the VGMC is now free to move forward with looking at its procedures. He recommended an area to look at would be to soften the impact of time frames or eliminating them altogether.

Mr. Cloud also reported that at the request of the County, he and Chairman Brandon recently met with Councilman Jack Hayman, County Manager Jim Dineen, and Deputy County Attorney Jamie Seaman. The representatives from the County asked for our thoughts concerning smart growth and how best to proceed. Mr. Cloud suggested the County utilize a process they were comfortable with, such as the process used in the school board interlocal agreement, they might consider this same process to develop an interlocal agreement between the local governments as to what smart growth should look like. Mr. Cloud added that under the new County Administrator, he feels new opportunities have been created for interlocal cooperation. He stated the VGMC should encourage this process since under our rules, if an agreement is in place, we must follow it. Mr. Cloud stated he advised them the VGMC could participate in the meetings if they wanted us to, however, VGMC should not be taking the lead. Instead, he suggested they find people to participate who have been successful in the past, and also to include VCARD. In closing, Mr. Cloud stated that we want this process to be successful and it's not about the VGMC, but rather helping people to find ways to reach consensus on issues as important as smart growth.

Chairman Brandon stated that Mr. Cloud's comments and suggestions at the meeting were very well received by the County attendees and he feels that through various meetings over the past six months, the County looks more favorably on the commission. Mr. Brandon thanked both the legal and planning staff for their part in this.

With respect to procedural issues, Chairman Brandon suggested legal and planning staff meet and prepare a recommendation to any changes which would be brought back through the POP Committee and onto the full commission. Commissioner Katz added that during the process we look at the scheduling of meetings where litigation is pending, and also the availability of modifying agendas after they've been published.

Mr. Cloud suggested staff put together a redraft with a bulletized outline of the nature of changes to provide the commission with a starting point. Mr. Cloud added that flexibility concerning the agenda can be built into the procedures, and also that you can have executive sessions when litigation is pending.

Commissioner Joan Spinney made a motion to schedule an open POP Committee meeting for all commission members to discuss and hear the recommendation from staff and accept input; seconded by Commissioner Steve Katz. Following discussion concerning the format and timing of the meeting, the motion carried unanimously.

Commissioner Becky Mendez made a motion to schedule the open POP meeting prior to the regular meeting scheduled for September 26, 2007. Mr. Cloud responded that he will be out of town for several weeks in September and therefore, September 26<sup>th</sup> is not an option.

Considerable discussion followed relating to various dates to schedule the meeting for the full commission. Mr. Cloud stated that historically, the POP Committee would hold workshops with participation from interested parties and bring the recommendations back to the full commission, which makes scheduling easier. Several members commented that they wanted full commission input prior to going to the POP Committee.

Commissioner Steiner asked if the members could get a copy of the drafted changes prior to the scheduled meeting date. Mr. Cloud responded that he could distribute the draft via email and present it in a form which included a narrative explaining any suggested changes.

In an attempt to ensure maximum member attendance, the members discussed scheduling a staff presentation of the draft at the October 24, 2007 regular meeting, and sometime thereafter, schedule a POP Committee workshop to further review.

Commissioner Rebecca Mendez made a motion that staff present a draft to the commission as a scheduled agenda item at the regular meeting scheduled for October 24, 2007; seconded by Suzanne Steiner. Motion carried unanimously.

Barry Wilcox presented a request from the City of Oak Hill for a waiver of the 90 day rule relating to VGMC Case #07-040. Mr. Wilcox explained that we currently have an outstanding RAI and also the City needs additional time to address extensive issues that were contained in ORC report issued by DCA.

Commissioner Rebecca Mendez made a motion to approve the City of Oak Hill's request for a waiver of the 90 day rule pertaining to VGMC case #07-040; seconded by Steve Katz.

Commissioner Walters asked what the County's position was with respect to the request. Mr. Wilcox advised that the County was copied on the correspondence and did not submit an objection to the request.

Jim Smith, Planner for Oak Hill addressed the commission. Mr. Smith stated they are working with DCA on the issues raised and they expect it to be a lengthy process. Additionally, Mr. Smith stated that he expects the revisions will result in significant changes.

Motion carried unanimously.

#### REPORTS OF COMMITTEES

1) POP Chairman Robert Pascoe once again welcomed Donna Steinebach and Steve Katz to the POP Committee.

- 2) Budget Committee Chair Joan Spinney stated the committee met prior to the regular meeting. Ms. Spinney reported that the County Council approved an increase to our legal budget, raising it to \$125,000. Additionally, she reported that the MSCW purchase order was reduced by \$10,000 in order to allocate those funds for the Planning Design Group for the balance of the fiscal year. Ms. Spinney advised that we have a \$50 monthly internet connection fee through the building which houses the VGMC office. She also advised that we are over budget in postage and mileage, which are the two accounts that the County cut back when the 2006-07 budget was approved. Overall, Ms. Spinney reported that we appear to be on target for the fiscal year end. With respect to our 2007-08 proposed budget, Ms. Spinney advised that County staff made no changes to what we submitted, and the County Council will be reviewing as part of their budget hearings in September.

#### UNFINISHED BUSINESS

Commissioner Walters asked the status of the executed agreement between the School Board and the City of DeBary. Mr. Cloud responded that he did not know the current status.

Commissioner Steiner raised a question concerning scheduling the DeBary hearing prior to the regularly scheduled June meeting. Mr. Cloud advised there were timing factors from the judge on the pending litigation, as well as DCA. In order to reach an agreement which was accommodative to all parties, it was necessary to have the meeting earlier. Mr. Cloud added that if the meeting was put off, it would have adversely impacted the litigation settlement.

Commissioner MacKay expressed concern that the DeBary meeting was scheduled on an evening outside of the normal schedule and she was unable to attend or vote on the matter.

#### NEW BUSINESS

Informational Item – Presentation of MPO Transportation Impact Analysis (TIA) Guidelines:

Bob Keeth, Senior Planner with Volusia County MPO addressed the commission concerning the development and impacts of the TIA guidelines. Mike Neidhart, also a planner with the MPO, was present at the meeting. Mr. Keeth explained that over the past approximate 1 ½ years, the MPO and a technical coordinating committee have put together a methodology which sets out uniform procedures and standards that jurisdictions should use to measure the impacts of traffic on roadways which cross jurisdictional lines. He added that all of the cities represented on the MPO have agreed to the methodology, and the guidelines were approved by the MPO Board in May, 2007. Following adoption by the MPO Board, Mr. Keeth reported that Mike Neidhart with MPO sent it to all of the jurisdictions requesting they adopt it as well. Mr. Keeth pointed out that the methodology does not address level of service standards as they feel that should be left at the local jurisdiction level. He added there is one other element that MPO will likely address which deals with an accounting system to measure the impacts over time.

Commissioner Walters asked if the guidelines were mandatory, or just a suggestion at this time. Mr. Keeth stated they are suggested guidelines, however, there has been discussion that would require the local governments to adopt the methodology before MPO will consider their projects for prioritization.

Commissioner Pascoe commented on the need for uniform methodology. Mr. Keeth responded that these guidelines will not eliminate all conflicts, however, it is mechanism to narrow the limits within which the disagreements can occur.

Commissioner Mendez commended the MPO for their efforts in putting together the guidelines, adding that the City of Deltona plans to adopt them.

Mike Neidhart from the MPO advised the commission that at their meeting scheduled for next Tuesday, the MPO Board will be considering a resolution which would ask the local governments to adopt the guidelines in their land development regulations. If the resolution is approved, the jurisdictions would have until next June to adopt and if they choose not to, the MPO would not prioritize transportation projects for the particular jurisdiction.

Barry Wilcox commented that the majority of the issues that come before the commission are related to transportation, and specifically the methodology used in the analysis, and the possibility that this could be used to alleviate some of those conflicts.

Mr. Wilcox also stated that as the procedures are being reviewed, the commission may want to look at timeframes in responding to RAI's as there are several older pending cases that have outstanding RAI's. In these cases, he stated, earlier analysis' provided may be outdated.

Commissioner Sieg also commended the MPO for their efforts in preparing the guidelines.

Commissioner Pascoe raised a question concerning the application recently submitted by Mr. Keeth on behalf of the Town of Pierson. VGMC Coordinator, Merry Smith, stated that since we have the original pending application (VGMC #06-051) and the newly submitted application contains information related to these same amendments, the new submission is being considered a response to the original RAI(s) and will be reviewed under the original VGMC case number. Mr. Keeth confirmed that was the intent.

#### REPORTS AND REQUESTS OF COMMISSION MEMBERS

None

#### REPORTS AND REQUEST OF COMMISSION CHAIR

Barry Wilcox introduced Kathy Quillinan, a planner with MSCW, who will be assisting with the VGMC matters.



Referring to the updated VGMC member list contained in the agenda packet, Chairman Brandon asked the members to let the Coordinator know if there are any changes or corrections necessary.

Commissioner Pascoe asked for an update concerning the two new small scale amendment applications referred to our new planning staff, Planning Design Group. The VGMC Coordinator reported that both of the cases are still within the initial 30-day comment period, neither of which comments have been received to date.

ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

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Attest:

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Chairman