

Volusia Growth Management Commission

MEETING MINUTES FOR
Wednesday, March 22, 2006

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

MEMBERS PRESENT

Mark Rakowski, Chairman
Gerald Brandon , Vice Chairman
Joan Lee, Secretary
Robert Pascoe
Jay Erndl
Walter Smith Absent
Rebecca Mendez
Kenneth Hooper
John Heaphy
Ed Blackman Absent
Jiles Smith Absent
James Kerr
Deanna Bennett Absent
Ann Caneer Absent
Donna Steinebach
Joan Spinney
Doug Weaver
Rachel Sieg
Tony Cole
Suzanne Steiner

NON-VOTING MEMBERS

Peter Brown (not present)
Sara Lee Morrissey (not present)

OTHERS PRESENT

Paul Chipok, GrayRobinson, P.A.
Teri Bowley, MSCW
Barry Wilcox, MSCW
Stephanie Cross, Acting Coordinator

REPRESENTING

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

REPRESENTING

SJRWMD
Volusia Co. School Board

CALL TO ORDER

Chairman Rakowski called the meeting to order at 7:09 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

Chairman Rakowski advised that he found a couple of minor typographical errors in the minutes which he would request Merry Chris to correct. Gerald Brandon moved to approve the minutes of the November 2, 2005 meeting; seconded by John Heaphy. Motion carried unanimously.

PUBLIC HEARING

1) Consideration of Resolution 2006-01, Apportionment of Voting Weight

Chairman Rakowski explained that the weighted vote is based on the population of the community in which each member represents.

Donna Steinebach made a motion to approve Resolution 2006-01; seconded by Rachel Sieg. Motion carried unanimously.

2) Consideration of VGMC application 05-075: Orange City, Large Scale Amendment Request

Chairman Rakowski stated he received a letter from Mr. Kerr (labeled as Exhibit A in these minutes), a planner for the City of Orange City, requesting a continuance of this item and a 60-day waiver of the 90-day rule. Chairman Rakowski advised the reason the meeting was moved forward one week was to avoid going past the 90 days and having the amendment deemed automatically approved. Mr. Chipok advised that typically the waiver of the 90-day rule is open-ended, however, there is nothing to prohibit the City from wanting to come back before the board within the next two months. Discussion ensued relating to the timing of the 60-day waiver request as it relates to upcoming scheduled VGMC meetings. It was determined that the regularly scheduled meeting on May 24, 2006 was 63 days away, therefore, Mr. Chipok asked Mr. Kerr if he would amend the request to a 64-day waiver of the 90-day rule in order to allow the regular meeting to take place and the Resolution to be executed. Mr. Kerr agreed to the change.

Joan Spinney moved to approve the City's request for a continuance of VGMC Case No. 05-075 and a 64-day waiver of the 90-day rule; seconded by Gerald Brandon.

Ron Paradise, Volusia County Growth Management Department, asked the Commission to direct staff to include Volusia County in any meetings or other decision making events which address this case.

Joan Spinney moved to approve the request of the County; seconded by John Heaphy. Motion carried unanimously.

Chairman Rakowski stated there is still a motion and second on the floor regarding the City's request for continuance and waiver of the 90-day rule that needed action. The motion carried unanimously.

REMARKS OF INTERESTED CITIZENS

No one present spoke.

REPORTS OF OFFICERS

Chairman Rakowski advised that he and Tom Cloud addressed the Charter Review Commission (CRC) at their March 13, 2006 meeting and summarized the discussion. Several members who were present at the CRC meeting complimented Chairman Rakowski on his presentation.

Mr. Chipok stated he felt the CRC members were looking to gain an understanding of what the VGMC was about. He advised that Mr. Cloud explained the VGMC's primary purpose is to promote intergovernmental coordination, and further discussed the narrow scope and focus of the VGMC.

Mr. Chipok reported that one of the items the CRC was concerned about was the voting issue related to the Thornby amendment. Mr. Chipok stated the current language of the majority rule relating to the weighted vote has been interpreted that more than 50% of the weighted vote of the entire commission is required to pass a motion, regardless of whether all members are present. He stated, however, the rule does not specifically state 50% of the 100%, nor does it state 50% of the members present. Mr. Chipok distributed a draft resolution (labeled as Exhibit B of these minutes) modifying the language to specifically state that more than 50% of the total weighted votes of the Commission members present at the meeting is required to pass a motion. He advised if that is the intent of the Commission, then the resolution can be scheduled for consideration at the next meeting. Or, he stated, if it is the intent to require more than 50% of the total 100% weighted vote, the language should be modified to more clearly state that. In either case, Mr. Chipok suggested that the Commission consider action to modify the language to clarify that particular paragraph.

General discussion ensued relating to this topic and also the importance of member attendance. It was a consensus of the commission that the weighted vote should be based on the members

present at the meeting and they requested the draft resolution be scheduled for consideration at the next regular meeting.

REPORTS FROM CONSULTANTS

Teri Bowley introduced Barry Wilcox as a new planner with MSCW who will also be working on VGMC cases. Ms. Bowley also indicated they anticipate the balance of the Deltona amendments will come before the Commission at the next regular meeting in April.

REPORTS OF COMMITTEES

- A) POP Update – Committee Chair Brandon reported that a new office location is available in the Kress Building on Beach Street with rent at \$550 per month. The POP Committee is recommending the VGMC approve entering into a lease agreement so the office can be moved as quickly as possible. Mr. Pascoe asked the size of the new office and the length of the lease. Mr. Brandon responded it is just under 400 square feet, and the term of the lease is one year.

The POP Committee recommendation serves as a motion and a second to enter into the lease agreement; motion carried unanimously.

Mr. Brandon provided an update regarding replacement planning staff. He advised that Mr. Chipok recommended the planning firm of Land Design Innovations for VGMC consideration. Mr. Brandon reported he had previously met with Tracy Crowe representing that firm, and that Ms. Crowe attended the earlier POP Committee meeting and is currently present in the audience. He further explained the need to go through the process of looking at other interested firms as well.

Joan Lee asked what the process would be for hiring a new firm. Chairman Rakowski responded that typically when hiring consultant staff, you would request a proposal from interested firms, then rank them based on their qualifications, develop an agreement with price and begin contract negotiations. He indicated if a contract cannot be reached with the highest ranking firm, then you would continue on to the next ranked firm and so on. Ms. Lee asked if we would have the availability to consider all applicants and not necessarily have to select the lowest bid. Mr. Brandon responded affirmatively. Ms. Spinney commented that the Budget Committee was concerned with using the term “bid” in the process, and suggested we request proposals.

Ms. Sieg asked where the RFP would be advertised. Mr. Brandon responded that we have names of planning firms in the central Florida area in which to request proposals from. Additionally, he stated we were looking at newspaper advertising, although specific paper(s) have yet to be determined.

In response to questions from several commission members, Mr. Brandon stated we would be looking outside of Volusia County for planners, that we are looking at options to advertise in planning publications such as FAPA & FPZA, and that a rough draft of a request for proposals had been prepared.

- B) Budget Committee Update – Budget Chair Joan Lee distributed a proposed 2006-07 budget worksheet which the Committee is recommending be submitted to the County. Ms. Lee discussed several line items in which we are looking for additional funding over the currently approved budget. Those specific line items included contract services, travel, postage, rent, Xerox and legal ads. She further stated that the planning budget proposal is based on historical costs with MSCW. However, with a change in planning staff beginning with the next fiscal year, it is hoped that the new firm will be able to work within the approved budget. Mr. Erndl asked if the contract services could be broken down to reflect the individual planning and legal budget. Chairman Rakowski responded that of the \$230,000 proposed for contract services, \$145,000 represents planning services and \$85,000 is for legal.

Discussion ensued relating to where the office telephone charges are budgeted and charged. Ms. Lee advised she would check on that issue. The Commission also discussed that there is \$1,500 available in the current year office equipment budget which can be utilized for new office furniture, and another \$1,500 proposed for next year.

The Budget Committee recommendation serves as a motion and a second to submit the 2006-07 VGMC proposed budget to the County. The Commission also understands that they could amend it a later date if they find that monies need to be added to cover telephone expenses.

Discussion ensued relating to the approval process. Mr. Chipok clarified that this is essentially the draft we are submitting to County staff, not the County Council. Once the County staff prepares its recommendation, it will come back before the VGMC for consideration at that time.

Motion carried unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1) Election of Officers – The Commission discussed the timing of the Election of Officers and there were discrepancies as to when the Election should occur. Chairman Rakowski will ask Merry Chris to check into it upon her return.

REPORTS AND REQUESTS OF COMMISSION MEMBERS

None.

REPORTS AND REQUEST OF COMMISSION CHAIR

Joan Spinney requested that the VGMC hold a training session for the members. Mr. Chipok advised he will ask Merry Chris to survey the members for availability and preference and we'll try to schedule it to accommodate the majority of members.

ADJOURNMENT

Ms. Sieg moved to adjourn; seconded by Mr. Brandon; motion carried unanimously and the meeting was adjourned at 8:06 p.m.

Attest:

Chairman