

Volusia Growth Management Commission

MEETING MINUTES FOR  
Wednesday, November 29, 2006

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

MEMBERS PRESENT

Gerald Brandon , Chairman  
Joan Lee, Secretary  
Belinda Collins  
Robert Pascoe  
Jay Erndl  
Rebecca Mendez  
Karen Hall  
John Heaphy  
Ed Blackman  
Sally MacKay           Excused  
James Kerr  
Ann Caneer           Excused  
Donna Steinebach   Excused  
Joan Spinney  
Doug Weaver  
Rachel Sieg  
Tony Cole  
Suzanne Steiner

REPRESENTING

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

NON-VOTING MEMBERS

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

REPRESENTING

SJRWMD  
Volusia Co. School Board

OTHERS PRESENT

Paul Chipok, GrayRobinson, P.A.  
Megan Wimer, MSCW  
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

Chairman Brandon called the meeting to order at 7:05 p.m.

### ROLL CALL

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

Chairman Brandon introduced and welcomed Belinda Collins as the newest member of the commission appointed by the City of Daytona Beach.

Chairman Brandon congratulated Commissioner Tony Cole on his recent election to the Volusia Soil & Water Conservation District.

### APPROVAL OF MINUTES

Joan Spinney moved to approve the minutes of the September 27, 2006 meeting; seconded by Joan Lee. Motion carried unanimously.

### PUBLIC HEARING

#### 1) VGMC Case 06-064A, Daytona Beach Shores, Lady Godiva 2, LLC – Request for waiver of the 90 Day Rule

Michael Woods, law office of Cobb & Cole, 150 Magnolia Avenue, Daytona Beach addressed the commission on behalf of Lady Godiva 2, LLC. Mr. Woods stated the City and County have had discussions concerning this comprehensive plan amendment. He further stated the attorney representing the City, Glenn Storch, requested the 60-day abeyance in order to allow them to continue to work with the County. Mr. Woods advised that the applicant has no objection to the waiver and he is present to address any questions the commission may have.

Megan Wimer, MSCW, stated that staff has no comment concerning the request and recommends approval of the request for a waiver of the 90 day rule.

Commissioner Robert Pascoe commented favorably on the intergovernmental coordination efforts being demonstrated by the City and the County.

Commissioner Pascoe made a motion to approve the request for a waiver of the 90 day rule; seconded by John Heaphy. Motion carried unanimously.

### REMARKS OF INTERESTED CITIZENS

None

### REPORTS OF OFFICERS

Chairman Brandon commented that it was great to have the Commission meeting following the election and thanked everyone for all of their efforts and support in retaining the VGMC.

### REPORTS FROM CONSULTANTS

Megan Wimer, MSCW, provided a pending case update. Ms. Wimer noted that there are three small scale amendments from the City of Deltona that remain pending from 2005. She stated the County had requested a traffic study relating to those amendments, however, at this time, no further action had been taken on these cases. Commissioner Rebecca Mendez reported that VGMC Case No. #05-047 had actually been approved back in 2000, however, due to an apparent oversight, the City failed to adopt it at that time. As a result, the City resubmitted it through the proper process, and the County now has commented on traffic impacts. Commissioner Mendez stated the City of Deltona will have a new Development Services Director shortly and this will be looked at further at that time.

Commissioner Mendez also reported that the City has not heard from the applicant for Case #05-046 in some time and they may need to withdraw this amendment application.

With respect to Case #05-045, Commissioner Mendez stated the City and the County are working on a JPA for the Osteen area which includes this property. As a result, Ms. Mendez stated this application is basically on hold, and asked if it needed to be withdrawn or if we could allow it to sit. Mr. Chipok suggested leaving the file in stay since there is a provision in VGMC rules that would require a one year waiting period before the same application could be resubmitted.

Ms. Mendez stated once the new Development Services Director is on board, the City will provide something in writing regarding these files.

Ms. Wimer reported that New Smyrna Beach cases #05-055 and #06-050, Pierson #06-051, and DeBary #06-073 are large scale amendments with outstanding Requests for Additional Information (RAI) tolling the time. She also reported that an RAI had been issued on Daytona Beach #06-055 as a result of comments from Volusia County. The City of Daytona Beach has responded to the RAI and the County has indicated they will be withdrawing their comments.

Ms. Wimer advised that both Port Orange #06-059 and Daytona Beach Shores #06-064 have requested their large scale amendment applications be split in order to allow independent action be taken on the text amendments.

Paul Chipok, GrayRobinson, stated the appeal relating to the Pinder property in the City of Deltona remains pending and we have not yet received an order to show cause. Mr. Chipok reported that during this time, the City Commission requested the City Attorney draft an ordinance for adoption with the density at 2.85 units per acre which is a deviation from VGMC certification of one unit per acre. Mr. Chipok stated that Chairman Brandon wrote a letter to the City stating they need to be consistent with the VGMC certification. Subsequently, Mr. Chipok reported that we received information back from the City that they have stayed action on the Pinder property until the court case has been resolved.

Mr. Chipok reminded the Commission of the GrayRobinson holiday party scheduled for Thursday, December 7, 2006.

### REPORTS OF COMMITTEES

Chairman Brandon stated earlier in the year we had solicited and received proposals for planning services to replace MSCW. Subsequent to the election, he had a conversation with Jim Sellen of MSCW who indicated they would be willing to continue to provide planning services to the VGMC. Chairman Brandon reported that the P.O.P. committee had met and voted unanimously to recommend retaining MSCW as the VGMC consultant planning staff which serves as a motion; Joan Lee seconded the motion. Commissioner Hall asked if the rates would be increasing. Chairman Brandon responded that the current rates will not increase for the balance of the current budget year. Commissioner Pascoe commented that he feels strongly about keeping MSCW, however, asked if we need to look at other planning firms as well. Chairman Brandon responded that we did receive proposals from six other planning firms, however, after reviewing the proposals, the P.O.P. Committee felt that MSCW best represents the needs of the VGMC. He further added that the rates charged by MSCW are very comparable to those rates submitted with the other planning proposals.

Commissioner Lee commented that MSCW has been the backbone of the VGMC since it's inception, adding if they are willing to continue providing planning services, she recommends the VGMC move forward and continue the professional relationship with them.

Commissioner Pascoe clarified for the record that a recommendation from the P.O.P. Committee serves as both a motion and a second. The vote to retain MSCW as the VGMC consultant planning staff was taken and carried unanimously.

Chairman Brandon stated he is planning to meet with Tom, Paul, and Jim on December 11<sup>th</sup> to evaluate and assess the VGMC based on issues raised prior to the election in order to formulate a plan for the Commission's consideration to enhance public perception of the VGMC. There was a general consensus for Chairman Brandon to move forward with the scheduled meeting.

Commissioner Spinney commented in favor of the Commission becoming more proactive.

Commissioner Joan Lee stated there is nothing to currently report regarding the budget.

### UNFINISHED BUSINESS

#### 1) Election of Officers:

Joan Spinney nominated Karen Hall as Secretary; seconded by Joan Lee. Commissioner Hall declined the nomination due to other commitments.

Suzanne Steiner nominated Joan Spinney as Secretary; seconded by Jim Kerr. Ms. Spinney accepted the nomination and there were no further nominations. Commissioner Spinney was unanimously elected to the office of Secretary by the Commission.

Gerald Brandon nominated Robert Pascoe as Vice Chairman; seconded by Karen Hall. Mr. Pascoe accepted the nomination and there were no further nominations. Commissioner Pascoe was unanimously elected to the office of Vice Chair by the Commission.

Joan Spinney nominated Gerald Brandon as Chairman; seconded by Karen Hall. John Heaphy nominated Joan Lee, Commissioner Lee declined the recommendation. Mr. Brandon accepted the nomination and there were no further nominations. Commissioner Brandon was unanimously elected to the office of Chair by the Commission.

Chairman Brandon thanked Joan Lee for serving as the VGMC Secretary and Budget Committee Chair.

#### NEW BUSINESS

None

#### REPORTS AND REQUESTS OF COMMISSION MEMBERS

Commissioner Pascoe reported he had recently attended EAR planning workshops held by the cities of Daytona Beach and Daytona Beach Shores. Mr. Pascoe commented that these plans all emphasize and involve intergovernmental coordination, which demonstrates a strong need for a group like the VGMC. Mr. Pascoe reported that he also attended a Firewise Conference which he stated was very informative and professionally done.

#### REPORTS AND REQUEST OF COMMISSION CHAIR

Chairman Brandon distributed individual certificates of appreciation to the commission members.

Chairman Brandon advised that there will be no meeting in December, and the next regularly scheduled meeting is January 24, 2007.

Commissioner Spinney commended Chairman Brandon on all of his efforts and thanked him for accepting another term as the VGMC Chair.

#### ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

---

Attest:

---

Chairman