

Volusia Growth Management Commission

MEETING MINUTES FOR  
Wednesday, September 27, 2006

1<sup>st</sup> Floor Training Rooms  
Thomas C. Kelly Administration Center  
123 W. Indiana Avenue  
DeLand, FL

MEMBERS PRESENT

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

NON-VOTING MEMBERS

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

OTHERS PRESENT

Paul Chipok, GrayRobinson, P.A.  
Jim Sellen, MSCW  
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

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

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

REPRESENTING

SJRWMD  
Volusia Co. School Board

### ROLL CALL

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

Chairman Brandon announced the City of Daytona Beach has appointed Belinda Collins as their representative on the commission.

### APPROVAL OF MINUTES

James Kerr moved to approve the minutes of the June 28, 2006 meeting; seconded by John Heaphy. Motion carried unanimously.

John Heaphy moved to approve the minutes of the August 23, 2006 meeting; seconded by James Kerr. Motion carried unanimously.

### PUBLIC HEARING

Chairman Brandon stated there were no cases scheduled for public hearing.

### REMARKS OF INTERESTED CITIZENS

None

### REPORTS OF OFFICERS

None

### REPORTS FROM CONSULTANTS

Paul Chipok stated there was a pending case log included with the agenda package.

### REPORTS OF COMMITTEES

None

### UNFINISHED BUSINESS

- 1) Salary Increase for VGMC Coordinator – Joan Spinney moved to approve an 8% increase for the VGMC Coordinator; seconded by Karen Hall. Motion carried unanimously.

## NEW BUSINESS

1) Election of Officers – Chairman Brandon stated at the previous meeting a suggestion was made to defer the election of officers until after the outcome of the November general election. Joan Spinney made a motion to postpone the election of officers until the November meeting; seconded by Karen Hall. Commissioner Joan Lee asked if there was a need to appoint an officer to fill the Vice Chair vacancy created when former Chairman Mark Rakowski left and Jerry Brandon moved into the Chair's position. Mr. Chipok advised that a vacancy must be approved by a majority of VGMC members. The commission unanimously approved postponing the election of officers until the November meeting.

Further discussion ensued regarding the officer vacancy. Robert Pascoe made a motion to defer filling the Vice Chair vacancy until the November meeting; seconded by James Kerr. Motion carried unanimously.

Mr. Chipok stated these two items should be listed individually on the November agenda.

2) Discussion of VGMC History & Accomplishments – Jim Sellen presented the VGMC "Lessons Learned" document which was prepared by MSCW and GrayRobinson (labeled as Exhibit A to these minutes). Mr. Sellen discussed several specific larger projects and applications the VGMC has dealt with in the past and the resulting outcome. With respect to Orange City, VGMC Case 05-075, Mr. Sellen reported that the VGMC worked out a Proportionate Share Agreement with Orange City and the County to address traffic impacts and concurrency. Mr. Chipok commented that without this agreement, the County could've appealed Orange City's decision. Mr. Sellen added that an appeal in a case such as this may have cost as much as or more than the annual VGMC budget, and could take up to a year or more to resolve. General discussion ensued regarding the cost and time involved in situations where one jurisdiction would appeal the action of another jurisdiction.

Mr. Pascoe asked the status of the Pinder appeal of the VGMC decision. Mr. Chipok responded that we have not received a request to respond as of yet. Mr. Chipok further added that he spoke with the attorney for the City of Deltona who advised him the City Commission directed the City Attorney to draft the Pinder ordinance at 2.85 units per acre, notwithstanding VGMC's decision limiting it to 1 unit per acre. Mr. Chipok stated if they adopt the ordinance at 2.85 units per acre, he will advise the VGMC to determine what course of action the commission would like to take.

General discussion ensued regarding the total number of cases handled by VGMC, and the estimated number of those which were letter certified or required a public hearing.

Mr. Chipok stated that VGMC has an interlocal agreement with DCA and Volusia County where DCA defers to the VGMC findings for issues relating to intergovernmental coordination efforts. Mr. Sellen commented there is a perception that the VGMC duplicates what DCA does, adding that distance is a major issue in the DCA review process.

Referring to the County Urban Growth Boundary amendment, Mr. Sellen commented that this was likely the most comprehensive issue the commission had dealt with. He stated that the Cities had issues with the proposed amendment and VGMC had put together a recommendation to resolve those with a conditional approval. The County later chose not to accept the recommended conditions and did not adopt the amendment. Mr. Chipok stated when the VGMC originally received this amendment application it covered the entire County. He further stated the County cannot plan comprehensively inside of municipalities without a specific charter authority. Therefore, when the referendum giving them the authority was overturned by the circuit court, they were limited to areas only in unincorporated Volusia County.

Mr. Sellen commented that this case demonstrates the need for a forum to mediate issues and create workable solutions, adding that the organization must have the power to decide. He stated if the decisions are non-binding, there is a feeling of no conclusion.

With respect to the SWAC amendment, Mr. Sellen stated that a number of cities objected and VGMC created an intergovernmental solution which was worked into the DRI.

Referring to the Consolidated Tomoka request, Mr. Sellen stated this amendment had already been approved by the County, however, it was denied by the VGMC since there was outstanding information requested which was never provided. Mr. Chipok added the proposed amendment represented a significant increase in density.

Regarding the Port Orange (Coraci) Amendment, Mr. Sellen stated this was a large annexation area which required additional master planning. Mr. Chipok added with mixed use land designations, we've required parameters be established to include the minimum and maximum land use densities so the final effect can be measured to some level of certainty.

Mr. Sellen and Mr. Chipok then discussed the relevance of the mixed use district matrix that has been created and implemented with an earlier Orange City amendment, as well as the County Southwest Activity Center.

Mr. Sellen began review of the organization and scope of responsibilities prepared in the lessons learned handout. He stated it may not be efficient to look at all comprehensive plan amendments, and perhaps consideration should be given to reviewing only those where another jurisdiction or VGMC staff identifies intergovernmental coordination issues. Mr. Sellen added that whether the commission reviews all or only some of the plan amendments, the decisions need to be enforceable. General discussion ensued concerning possible processing modifications.

Mr. Sellen commented that it is important to establish closer ties to local governments, adding that perhaps a commission consisting of members of the local planning boards may have resulted in a higher profile and greater understanding of the VGMC.

Another suggestion for consideration would be for the commission to be funded equitably by all jurisdictions within the County, rather than entirely by the County. Discussion ensued and it was a general consensus that all residents pay County taxes, regardless of whether or not they reside within City limits. As a result, the commission decided to eliminate item D from the lessons learned.

Mr. Sellen stated that outsourcing staff has been extremely efficient and should continue into the future regardless of the form the commission may take. Chairman Brandon commented on the remarkable performance of both the planning and legal staff over the years. Commissioner Spinney stated it is important that staff be from outside of the County to avoid a conflict, and she suggested that language be added to Item E.

Moving into Item II. Growth Management and Sustainability, Mr. Sellen stated if the VGMC is abolished, there are several items we would want to share with the new commission. Mr. Sellen suggested that we need to build a vision and gain consensus from all local governments within the County in terms of the areas to be developed, and the most efficient type of development within these areas. Additionally, Mr. Sellen discussed the need for Mixed Use Villages and to avoid low density development patterns. General discussion ensued concerning the promotion of development ideas and guidelines.

Mr. Sellen continued discussion relating to redevelopment, school planning and improved regional collaboration. Mr. Sellen commented that Volusia County is a great community, but added there are a number of transformational issues which need to be addressed. He stated in the next 30 years, the number of new structures built will exceed what currently exists today in order to accommodate the population that is coming. In summary, Mr. Sellen stated we need to do everything we can do to deal with these transformational issues and that planning now for the next 20 years and beyond is more important now than at any other time in the history of Volusia County. For that reason, he stated there is a need for an organization that will provide the forum to test new ideas and provide an oversight that will assure cooperation can be achieved among all our local governments.

Several of the commission members highly praised the planning and legal staff for their work in putting together the "Lessons Learned" materials.

#### REPORTS AND REQUESTS OF COMMISSION MEMBERS

Commissioner Hall asked if there is something that the Commission as a whole could publish in the News Journal. Chairman Brandon reported a number of members, past and present, have submitted letters to the editor. Commissioner Spinney reported that her letter had appeared on the back page of the Neighbors Section in a recent issue, however, she was just contacted today by the Editorial Board who indicated they would be republishing it.

Commissioner Lee asked if we could request to meet with the News Journal. It was a general consensus of the Commission to try to meet with the News Journal. Mr. Sellen agreed to attend if he was available. Chairman Brandon advised he will contact the Editorial Board and ask for a meeting.

Commissioner Blackman stated we need to create a program to educate the community on planning issues. Chairman Brandon added that repeated requests by the VGMC to appear before the County Council have been put off by the Council.

#### REPORTS AND REQUEST OF COMMISSION CHAIR

Chairman Brandon reported the member travel reimbursement checks for the 2005-06 will be processed and issued shortly.

Chairman Brandon also stated that we have a plaque prepared for former member and Chair Mark Rakowski, however, he has been unable to attend the past several meetings to accept it. As a result, we will go ahead and deliver it to him.

#### ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

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Attest:

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Chairman