

Volusia Growth Management Commission

MEETING MINUTES FOR  
REGULAR MEETING HELD  
Wednesday, March 25, 2009

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

MEMBERS PRESENT

Joan Spinney, Chair  
Gerald Brandon, Vice Chairman  
Steve Katz, Secretary  
Richard Walton  
Terry Griffiths  
Danny Allen  
Sandy Lou Gallagher  
Sandy Jones  
John Heaphy  
Roger Sonnenfeld  
Rick Tresher  
James Kerr  
Billy Carter  
Patricia Heller-Jackson  
Bobby Ball  
Sandra Walters  
Rachel Sieg  
Dwight Lewis  
John Nelson  
Kenneth Kuhar

Absent

REPRESENTING

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

NON-VOTING MEMBERS

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

REPRESENTING

Volusia Co. School Board  
SJRWMD

OTHERS PRESENT

Paul Chipok, GrayRobinson, P.A.  
Barry Wilcox, MSCW  
Merry Chris Smith, VGMC Coordinator

### CALL TO ORDER

VGMC Chair Joan Spinney called the meeting to order at 7:09 p.m.

Chair Spinney welcomed new member Terry Griffiths representing the City of Daytona Beach Shores.

### 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 February 25, 2009; seconded by Rachel Sieg. Motion carried unanimously.

### PUBLIC HEARING

1) Consideration of Request from Volusia County for a Waiver of the 90-day Rule, VGMC Case No. 08-079, Large Scale Amendment Application

There were no questions or comments concerning the request.

Steve Katz made a motion to approve the County of Volusia request for a waiver of the 90-day rule for VGMC Case No. 08-079; seconded by Dwight Lewis. Motion carried unanimously.

### REMARKS OF INTERESTED CITIZENS

None

### REPORTS OF OFFICERS

None

### REPORTS FROM CONSULTANTS

Legal Update: Mr. Chipok provided an update on the Partin matter. Most recently, Mr. Chipok stated we received an order from the 5<sup>th</sup> DCA on March 17, 2009 directing that the respondent, which is Partin, to file a response to the petition by April 13, 2009 and that there will be no further extensions granted. He stated the City and Partin had previously been in settlement discussions, however, he is not aware of any final settlement documents.

Planning Update: Mr. Wilcox provided a brief pending case update, adding that we currently have approximately 11 cases. He also indicated that we are expecting a new application from the

City of Port Orange relating to an amendment which was previously submitted in 2006. Mr. Wilcox stated the application is likely to be fairly contentious.

### REPORTS OF COMMITTEES

POP Committee: POP Committee Chairman Gerald Brandon stated the POP Committee met again prior to the regular meeting and are still in the process of evaluating. He stated the committee is coming very close to completing their draft recommendations and hope to present those to the full commission at the April meeting. Thereafter, a public hearing will be scheduled and the final draft amendment recommendations will follow. Mr. Brandon stated he hopes it will be finalized by June so that they may then transmit to the county for consideration and adoption. Chair Spinney complimented Mr. Brandon, the POP committee members and staff, adding that a significant amount of time and effort has gone into this process and we've come a long way with it.

Budget Committee: Budget Committee Chairman Steve Katz stated at the last meeting the commission discussed adding an additional \$25,000 litigation contingency since it was confirmed by Mr. Chipok that this contingency was not included in the submitted budget estimate. Mr. Katz stated the budget committee is recommending this amount be included as a separate line item to the budget. Ms. Smith will check with the county budget analyst to determine how that can be handled.

Mr. Katz also reported that the committee is recommending that postage be reduced from the proposed \$2,500, to a total of \$1,553, since many of the members have the capability to receive documentation electronically. Additionally, he stated the committee is recommending that since development is down, there would likely be less public hearings resulting in lower legal ad costs. He stated the committee has recommended a \$20,000 legal ad budget instead of the proposed \$25,000.

Overall, Mr. Katz stated that exclusive of the \$25,000 litigation contingency being proposed, by reducing the postage and legal ad budgets, the total proposed budget would be \$316,500 which is approximately 3% lower than last year's budget. With the \$25,000 litigation contingency, the total proposed budget will be \$341,000 which Mr. Katz stated is the motion and second from the budget committee.

Chair Spinney asked if the committee revisited the issue relating to member travel reimbursement. Mr. Katz stated the committee did discuss that and recommended leaving the budget as currently proposed which reimburses members \$25/meeting attended.

Mr. Brandon commented in opposition of reducing the member travel reimbursement from \$35 to \$25, adding that gas prices are again on the rise.

General discussion ensued relating to whether or not the litigation contingency should be listed as a separate line item when the budget is submitted.

Commissioner Nelson commented in support of showing the litigation contingency as a separate object code. He stated that contract services are expected legal costs, and he felt it is correct accounting for the litigation contingency to be segregated from the contract services account.

Getting back to the member travel reimbursement, Ms. Smith reported that a reduction in the reimbursement from \$35/meeting to \$25/meeting would result in an approximate budget savings of \$2,100.

Mr. Katz stated the motion and second which came out of the budget committee included three changes to the proposed budget: 1) add a \$25,000 litigation contingency; 2) reduce the legal ad budget to \$20,000; and 3) reduce the postage budget to \$1,553 – resulting in a total proposed budget of \$341,500.

Chair Spinney asked what rationale was used for reducing the legal ad budget. Mr. Katz responded that the committee discussed that development activity has been reduced and it is anticipated this will result in less scheduled public hearings.

General discussion ensued relating to the member reimbursements and whether the payments relate to time, travel, mileage, etc. Commissioner Lewis stated it needs to be determined specifically what it's for. Chair Spinney and Commissioner Brandon stated it is a flat rate travel reimbursement.

Mr. Katz suggested the commission vote on the motion and second from the budget committee. He reiterated the motion is to 1) add a \$25,000 litigation contingency, 2) reduce legal ads to \$20,000, and 3) reduce postage to \$1,553, for a total budget request of \$341,000.

Following a roll call vote, there were 11 members in favor of the motion, and 8 members opposed. [NOTE: While it was initially understood that the motion carried, following the meeting it was determined that per the Volusia County Charter, a 2/3 vote of the commission is required in order to adopt a budget. Therefore, the motion failed and the commission will reconsider the budget at the next regular meeting.]

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

None

#### REPORTS AND REQUESTS OF COMMISSION MEMBERS

None

REPORTS AND REQUEST OF COMMISSION CHAIR

None

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
Chairman

## VGMC ROLL CALL VOTE

Date: 3/25/09

MOTION: Budget committee motion & second to adopt the 2009-10 proposed budget with the following amendments: 1) add \$25,000 litigation contingency, 2) reduce legal ads to \$20,000, and 3) reduce postage to \$1,553.

|                      | Member                  | City<br>Population | Percentage    | Vote<br>Yes No |          |
|----------------------|-------------------------|--------------------|---------------|----------------|----------|
| DAYTONA BEACH        | Richard Walton          | 64,927             | 12.71%        | X              |          |
| DAYTONA BEACH SHORES | Terry Griffiths         | 5,461              | 1.07%         | X              |          |
| DeBARY               | Danny Allen             | 18,913             | 3.70%         | X              |          |
| DeLAND               | Steve Katz              | 27,326             | 5.35%         | X              |          |
| DELTONA              | Sandy Lou Gallagher     | 85,921             | 16.82%        |                | X        |
| EDGEWATER            | Sandy Jones             | 21,618             | 4.23%         | X              |          |
| HOLLY HILL           | John Heaphy             | 12,944             | 2.53%         |                | X        |
| LAKE HELEN           | Roger Sonnenfeld        | 2,871              | 0.56%         |                | X        |
| NEW SMYRNA BEACH     | Rick Tresher            | 23,716             | 4.64%         | X              |          |
| OAK HILL             | Vacant                  | 1,978              | 0.39%         |                |          |
| ORANGE CITY          | James Kerr              | 9,556              | 1.87%         |                | X        |
| ORMOND BEACH         | Gerald Brandon          | 40,920             | 8.01%         |                | X        |
| PIERSON              | Vacant                  | 2,657              | 0.52%         |                |          |
| PONCE INLET          | Patricia Heller-Jackson | 3,299              | 0.65%         |                | X        |
| PORT ORANGE          | Bobby Ball              | 57,218             | 11.20%        | X              |          |
| SOUTH DAYTONA        | Joan Spinney            | 13,765             | 2.70%         |                | X        |
| UNINCORPORATED AREA* |                         | 117,660            | 23.05%*       |                |          |
|                      | Dwight Lewis            |                    | 4.61%         | X              |          |
|                      | John Nelson             |                    | 4.61%         | X              |          |
|                      | Rachel Sieg             |                    | 4.61%         | X              |          |
|                      | Kenneth Kuhar           |                    | 4.61%         |                | X        |
|                      | Sandra Walters          |                    | 4.61%         | X              |          |
| <b>TOTAL:</b>        |                         | <b>510,750</b>     | <b>100.0%</b> | <b>11</b>      | <b>8</b> |

RESULT: 11 members voted in favor of the motion, and 8 members opposed. [NOTE: While it was initially understood that the motion carried, following the meeting it was determined that per the Volusia County Charter, a 2/3 vote of the commission is required in order to adopt a budget. Therefore, the motion failed and the commission will reconsider the budget at the next regular meeting.]



## VGMC Budget Worksheet

3/11/2009

| Object Code | Short Description    | Actuals 2004 | Actuals 2005 | Actuals 2006 | Actuals 2007 | Actuals 2008 | Current Adopted | 5 Year Average | 2009-2010 Proposed |
|-------------|----------------------|--------------|--------------|--------------|--------------|--------------|-----------------|----------------|--------------------|
| 1201        | Salaries             | \$13,972.69  | \$16,332.95  | \$17,693.55  | \$19,645.00  | \$21,749.08  | \$23,000.00     | \$17,878.65    | \$23,000.00        |
| 2100        | FICA                 | \$1,068.90   | \$1,249.47   | \$1,353.55   | \$1,502.85   | \$1,663.81   | \$1,760.00      | \$1,367.72     | \$1,760.00         |
|             | Personel SVC         | \$15,041.59  | \$17,582.42  | \$19,047.10  | \$21,147.85  | \$23,412.89  | \$24,760.00     | \$19,246.37    | \$24,760.00        |
| 3101        | Legal Expense        | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$2,095.00   | \$0.00          | \$419.00       | \$0.00             |
| 3320        | Comm., Fees          | \$629.00     | \$175.00     | \$175.00     | \$175.00     | \$175.00     | \$250.00        | \$265.80       | \$250.00           |
| 3400        | Contract Services    | \$134,278.16 | \$194,886.23 | \$213,709.55 | \$247,978.36 | \$257,465.35 | \$249,595.00    | \$209,663.53   | \$247,425.00 (1)   |
| 3710        | Computer Replacement | \$0.00       | \$1,876.00   | \$672.00     | \$663.00     | \$663.00     | \$2,330.00      | \$774.80       | \$802.00 (2)       |
| 3810        | Training & Education | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$60.00      | \$210.00        | \$12.00        | \$210.00           |
| 3820        | Registration Fees    | \$0.00       | \$20.00      | \$20.00      | \$60.00      | \$55.00      | \$250.00        | \$31.00        | \$250.00           |
| 4000        | Travel               | \$7,550.00   | \$2,040.00   | \$3,540.00   | \$0.00       | \$5,775.00   | \$0.00          | \$3,781.00     | \$0.00 (3)         |
| 4100        | Communications       | \$167.30     | \$0.00       | \$0.00       | \$350.00     | \$650.00     | \$600.00        | \$233.46       | \$600.00           |
| 4211        | Postage - CNTY       | \$1,311.39   | \$1,542.31   | \$2,366.17   | \$1,951.46   | \$2,247.06   | \$2,500.00      | \$1,883.68     | \$2,500.00         |
| 4250        | Mileage              | \$384.03     | \$256.35     | \$455.11     | \$653.92     | \$336.25     | \$1,000.00      | \$417.13       | \$1,000.00         |
| 4400        | Rent                 | \$4,800.00   | \$4,800.00   | \$5,940.00   | \$6,149.00   | \$6,900.00   | \$8,400.00      | \$5,717.80     | \$8,400.00         |
| 4500        | Insurance & Bonds    | \$2,500.00   | \$1,725.00   | \$2,432.00   | \$2,500.00   | \$2,500.00   | \$3,000.00      | \$2,331.40     | \$3,000.00         |
| 4660        | Office Equip (Maint) | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$250.00        | \$0.00         | \$250.00           |
| 4701        | Printing C/R         | \$0.00       | \$0.00       | \$317.01     | \$125.80     | \$134.40     | \$500.00        | \$115.44       | \$500.00           |
| 4711        | Xerox - C/R          | \$276.94     | \$1,352.96   | \$1,763.52   | \$1,139.11   | \$1,987.03   | \$2,000.00      | \$1,303.91     | \$2,500.00 (4)     |
| 4910        | Legal Ads            | \$11,479.59  | \$16,794.21  | \$16,685.19  | \$15,641.30  | \$21,817.41  | \$22,000.00     | \$16,483.54    | \$25,000.00 (5)    |
| 5100        | Office Supplies      | \$452.72     | \$1,005.06   | \$1,568.22   | \$1,351.79   | \$1,680.84   | \$1,800.00      | \$1,211.73     | \$2,000.00 (6)     |
| 5101        | Office Supplies- C/S | \$750.99     | \$664.60     | \$0.00       | \$0.00       | \$0.00       | \$0.00          | \$283.12       | \$0.00             |
| 5102        | Office Equipment     | \$0.00       | \$0.00       | \$70.00      | \$1,309.46   | \$117.00     | \$5,000.00      | \$299.29       | \$2,500.00 (7)     |
| 5230        | Food & Dietary       | \$0.00       | \$0.00       | \$73.75      | \$146.76     | \$384.60     | \$300.00        | \$121.02       | \$500.00 (8)       |
|             | Operating            | \$164,580.12 | \$227,137.72 | \$249,787.52 | \$280,194.96 | \$305,042.94 | \$299,985.00    | \$245,348.65   | \$297,687.00       |
| 6430        | Other Equipment      | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00          | \$0.00         | \$0.00             |
| *           | Capital Outlay       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00       | \$0.00          | \$0.00         | \$0.00             |
| **          | ORG                  | \$179,621.71 | \$244,720.14 | \$268,834.62 | \$301,342.81 | \$328,455.83 | \$324,745.00    | \$264,595.02   | \$322,447.00       |

(1) Contract Services includes \$97,000 GrayRobinson, \$115,000 MSCW, \$30,000 PDG, \$5,425 member travel

(2) This is annual lease costs for laptop and desktop computers -- fee is set by County and may change slightly

(3) Member travel reimbursements are to be paid out of Contract Services per County

(4) The color copier (which is utilized as primary office printer) was acquired mid-year--costs are expected to exceed last fiscal year

(5) Cost of legal ads expected to increase

(6) Cost of office supplies expected to increase

(7) Office equipment purchases expected to be less than current budget

(8) This covers meeting refreshments, plaques, etc. and we exceed last year's budget