Volusia Growth Management Commission Meeting

MINUTES FOR
MEETING HELD
Wednesday, September 23, 2015

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

MEMBERS PRESENT	REPRESENTING
James Wachtel, Chairman	Volusia County
Gerald Brandon, Vice Chairman	Ormond Beach
Roger Sonnenfeld, Secretary	Lake Helen
Sid Vihlen	DeBary
Sandy Lou Gallagher	Deltona
Loretta Arthur	Holly Hill
Robert Lovelace	New Smyrna Beach
Robert Storke	Orange City
Don Romanik	Ponce Inlet
Debbie Connors	Port Orange
Glyn Slay	Volusia County
Sandra Walters	Volusia County

MEMBERS NOT PRESENT	
Richard Kane	South Daytona
Robert Lott	Edgewater
Mark McGee	Oak Hill
William Pouzar	Volusia County
Rich Walton	Daytona Beach

NON-VOTING MEMBERS		
Sara Lee Morrissey	(not present)	Volusia Co. School Board
Steven Fitzgibbons	(not present)	SJRWMD

OTHERS PRESENT

Heather Ramos, GrayRobinson, VGMC General Counsel
Chris Dougherty, Littlejohn, VGMC Planning Consultant
Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chairman James Wachtel called the meeting to order at 7:02 p.m.

ROLL CALL

Roll call was taken and it was determined there was a quorum present. Chairman Wachtel announced the following member reappointments: Bob Lovelace, New Smyrna Beach; Richard Kane, South Daytona; Sid Vihlen, DeBary; Glyn Slay, Volusia County; Mark McGee, Oak Hill; and Sandy Gallagher, Deltona. He also announced that Douglas deLeon representing Volusia County had requested not to be reappointed and has resigned from the commission.

CITIZEN COMMENTS

There were no citizens present who wished to speak.

APPROVAL OF MINUTES

1) March 25, 2015 Regular Meeting – Debbie Connors made a motion to approve the minutes of the March 25, 2015 regular meeting of the commission as presented; seconded by Loretta Arthur. Motion carried unanimously.

2) April 22, 2015 Regular Meeting – Commissioner Sonnenfeld stated he recalled at the April 22, 2015 meeting that Jim Sellen had commented during the Oak Hill hearing regarding a previous recommendation relating to the subject property which approved the land uses of 75% residential and 25% commercial. Mr. Sonnenfeld felt this should be included in the minutes and Ms. Smith was going to go back to the audio in order to amend the minutes appropriately.

   Debbie Connors made a motion to approve the minutes as amended; motion was seconded by Roger Sonnenfeld. Motion carried unanimously.

PUBLIC HEARING

Consideration of VGMC Case No. 15-031, City of DeLand Small Scale Amendment Application –

Heather Ramos, GrayRobinson, VGMC Legal Consultant addressed the commission. Ms. Ramos read the statement of procedures into the record, including the order of the public hearing and the narrow scope of authority of the VGMC. She also reviewed the consistency certification criteria which the commission should consider in rendering a determination on the amendment.

Ms. Ramos further discussed ex parte communications and the due process component of the hearing. She asked if any member of the commission received an ex parte communication to disclose that at this time. No members of the commission reported they received an ex parte communication.

Consideration of Party Status:

Ms. Ramos stated that in order to establish standing, a substantially affected or aggrieved party must allege and make a prima facie showing. She stated the basic test for a substantially affected or aggrieved party is to establish that: 1) They are in close proximity the area under consideration for the amendment; and 2) They are affected by the amendment to a degree greater than the general public.

Ms. Ramos stated the commission will be considering standing for two groups who timely filed petitions with the VGMC: 1) DeLand Neighborhoods, Inc., and 2) Torbjorn Arnheim and Winscott Company, LLC. She explained the DeLand Neighborhoods, Inc. petition states the group is made up of residents of the University Terrace subdivision which abuts the subject property, and the petition filed by Torbjorn Arnheim and Winscott Company, LLC provides they are the developers of the subject property and the applicants on the underlying amendment.

Ms. Ramos reminded the commission members at this time they are only considering the issues of standing of the parties, and not the substantive matter of the amendment proposed by the City of DeLand. She then cited case law relating to matters of standing and measurements established in considering standing. Ms. Ramos stated anyone who is granted standing can participate as a party in the proceeding tonight which will allow them to present evidence and cross examine other witnesses to a limited degree through the Chairman. Additionally, if the decision made by the VGMC is appealed through the court, the VGMC will not object to them claiming to have standing to bring the appeal. If anyone is denied standing, Ms. Ramos stated the individuals can still participate in the hearing as a member of the public.

At this time, all individuals who planned to present testimony at the hearing were sworn in by the VGMC Operations Manager.

1) DeLand Neighborhoods Inc.

Dana Crosby-Collier, 1000 Legion Place, Orlando, Fl, attorney representing DeLand Neighborhoods Inc. addressed the commission. Ms. Crosby-Collier stated the petitioning group consists of residents of the University Terrace subdivision which abuts the subject property. She stated the petitioners feel they are substantially affected with standing to request and participate as a party in the public hearing for several reasons, including: 1) The density impact on their neighborhood if the proposed change is granted; 2) The proposed land use change is incompatible with the neighboring and abutting properties; 3) The intensity of the proposed land use will have a negative impact to the transportation network in the area, including a negative impact to pedestrian safety; and 4) As abutting neighbors to the subject property, the petitioners interests exceed interests of the community as a whole.

Commissioner Vihlen asked what the proposed density allows compared to the current density of the petitioner's neighborhood. Ms. Crosby-Collier responded that the low density residential land use designation allows 5.8 units per acre, and the proposed medium density residential land

use category allows 12 units per acre. She added that the northern boundary of the petitioner's neighborhood is contiguous to the southern boundary of the subject property.

Commissioner Walters asked Ms. Crosby-Collier what the distance was between the petitioning neighbor's property and the subject site. Ms. Crosby-Collier responded it was within a city block. In response to a question raised by Commissioner Sonnenfeld, Ms. Crosby-Collier displayed a map of the area and described the location of the neighborhood to that of the subject property.

Commissioner Storke commented on the addresses listed for the petitioners. Chairman Wachtel asked if it would be fair to say that a number of the addresses listed in the petition are contiguous to the subject property. Ms. Crosby-Collier responded that the entire subdivision is contiguous to the subject property.

Commissioner Lovelace asked what the established purpose of the DeLand Neighborhoods Inc. is, whether it is a homeowner's association, and if the membership of the group is solely residents of the subdivision. Ms. Crosby-Collier responded that DeLand Neighborhoods Inc. is a non-profit association created to preserve the historic nature of the subdivision. She stated initially, with the exception of one, all members were residents of the subdivision, however, since this matter occurred, membership has expanded to include other interested people within the City of DeLand.

Chairman Wachtel asked how long DeLand Neighborhoods has been incorporated. Ms. Crosby-Collier responded approximately 6-8 weeks ago.

Roger Sonnenfeld made a motion to grant party status to DeLand Neighborhoods Inc.; seconded by Sandra Walters. Following a roll call vote, the motion carried unanimously.

2) Torbjorn Arnheim and Winscott Company, LLC

Mark Watts, CobbCole, 351 East New York Avenue, DeLand, FL, attorney representing Torbjorn Arnheim and Winscott Company, LLC addressed the commission. Mr. Watts stated his clients are the applicant to the City of DeLand on the proposed amendment and they presently have the subject property under contract. He stated Mr. Arnheim and Winscott Company have incurred considerable costs in the application and project, and also have a substantial interest in the outcome of the commission's decision.

Mr. Vihlen commented that while the VGMC does not review individual land planning, he did note with interest that there did not appear to be a particular land plan on file. Mr. Watts responded that there is a planned development application pending with the City of DeLand that is presently scheduled to go before the City on October 5th.

Gerald Brandon made a motion to grant party status to Torbjorn Arnheim and Winscott Company, LLC; seconded by Robert Storke. Following a roll call vote, the motion carried unanimously.

Consideration of VGMC Case #15-031, City of DeLand small scale amendment, and VGMC Resolution #2015-03:

Chris Dougherty, Littlejohn, planning consultant to the VGMC addressed the commission. Mr. Dougherty first clarified for the record that the hearing does not include VGMC Case #15-030. He stated the City submitted one application which included two amendments which were individually reviewed by VGMC staff. On page two of application, there are references to SMLU-15-29 (VGMC #15-030), however, that amendment was reviewed, letter certified, and is not subject to this hearing.

Mr. Dougherty made a power point presentation outlining the request, and the planning review findings and recommendation relating to the proposed amendment. He reported there were no objections from adjacent jurisdictions received during the review period. Mr. Dougherty stated the subject property is wholly within the limits of the City of DeLand and all surrounding properties are also within the City of DeLand. He discussed the size of the property, the current low density residential land use and the proposed medium density residential land use. He also showed a map of the area, providing both a description and location of the subject property.

Mr. Dougherty stated the analysis utilized in the planning review was based upon maximum development potential under the current and proposed land uses. Under the current low density residential land use, Mr. Dougherty stated the maximum development potential is 19 single family units, and under the proposed medium density residential land use, the maximum development potential is 39 multi-family units. Based upon the analysis, Mr. Dougherty stated there will be slight increases or potential demand on services, however, the applicant has indicated there are existing utilities within the proximity of the site, there are no current deficiencies in those utilities, and no new public utilities will be necessary. Additionally, he stated the proposed amendment is not anticipated to degrade public facilities below the adopted or current levels of service.

With respect to transportation, Mr. Dougherty stated the proposed land use generates an increase in incremental traffic, however, it is within the adopted level of service standard, meaning that the impact is small enough that the roadway network can handle those new trips. He reviewed a table which looked at average daily trips and PM peak hour trips. This analysis showed 181 average daily trips under the current land use, and 259 average daily trips under the proposed land use, which equates to a total of 78 new average daily trips. The analysis also showed 19 peak hour trips under the current land use and 24 under the proposed land use, for a total of 5 new trips during the rush hour period.

Based upon their review and analysis of the application, Mr. Dougherty stated the concerns raised by the petitioners are beyond the VGMC scope of review and cannot be addressed by the consistency certification criteria. In conclusion, Mr. Dougherty stated the proposed amendment is found to be consistent with the VGMC consistency criteria and Littlejohn staff recommends the commission issue a finding of consistency.

Commissioner Sonnenfeld asked for clarification in terms of what roadways were impacted by the increased trips. Mr. Dougherty stated the traffic information was a thumbnail analysis and distribution of trips was not reviewed.

Commissioner Walters asked why no traffic study was done and commented on what she considered vague wording in the City's staff report with respect to transportation. She also commented that she understands Volusia County did not object to the amendment, however, she asked if the County blessed it. Ms. Walters stated information relating to speed limits, plans for traffic calming devices, driveways, etc. is lacking and feels that what we don't know could hurt somebody.

Chairman Wachtel asked Mr. Dougherty if he knew why a traffic study was not completed. Mr. Dougherty responded that he does not know why it was not requested by the City, however, in looking at the thumbnail analysis, Littlejohn did not ask for a traffic study because they did not feel it was warranted based upon the small increase in trips.

Chairman Wachtel also asked when a VGMC application is sent out to other local governments, do they normally submit an approval of the amendment, or do they simply not respond if they don't have objections. Mr. Dougherty responded that typically there is no response, and no response is considered an affirmative response. Chairman Wachtel stated then it is not unusual not receive a positive response from an adjacent jurisdiction on an application. Mr. Dougherty concurred.

Mike Holmes, Planning Director for the City of DeLand addressed the commission. He stated they are prepared to discuss the issue of impacts on adjacent jurisdictions and not the internal neighborhood issue since that is an issue for consideration by the City. Mr. Holmes stated the City made sure Volusia County was aware of the application, particularly since Amelia Avenue is a county road.

With respect to a transportation study, Mr. Holmes stated the Volusia Transportation Planning Organization, n/k/a River 2 Sea TPO, requires local governments to utilize the same transportation analysis methodology which requires projects generating over 1,000 trips per day to prepare a detailed transportation study. In this case, he stated we are looking at less than 300 trips per day and a detailed transportation analysis is not required. He further added that we are dealing with an additional 78 trips on a roadway that currently has 10,000 trips per day and is allowed to go up to 14,000 trips per day. Based upon the de minimis amount, the City did not require the applicant to prepare a more detailed transportation analysis.

Mr. Holmes stated utilities and all other services are provided by DeLand and will not impact Volusia County. He also discussed a regional visioning plan done by the City.

Referring to a map of the subject area, Commissioner Brandon asked what the land use is on property immediately west of the subject property. Mr. Holmes stated it is medium density residential and developed with apartments.

Commissioner Walters asked Mr. Holmes to confirm the City Planning Board had the June 17, 2015 City staff report and the City Planning Board recommended denial. Mr. Holmes responded affirmatively.

Mark Watts addressed the commission on behalf of Torbjorn Arnheim and Wescott Company, LLC. Mr. Watts stated their group has had prior communications with the DeLand neighbors and understands they have expressed concerns. He stated the majority of concerns raised in the petition to the VGMC relate to internal consistency issues within the City of DeLand which are not part of the commission's scope of review.

With respect to traffic, Mr. Watts stated the VGMC staff report accurately addresses the impacts as de minimis. He further stated that Amelia Avenue is a County arterial roadway and based upon the most recent trip counts published by the County, there is substantial capacity available for that roadway. Mr. Watts also reiterated earlier statements that no objections to the proposed amendment were raised or submitted by Volusia County. He then discussed specific segments of the roadway, the available trip capacity, and the small amount of additional trips generated by the proposed amendment.

In response to an earlier comment questioning why a transportation analysis was not provided, Mr. Watts stated a Transportation Impact Analysis (TIA) is not required at this time due to the small numbers related to this request. He stated the City's Land Development Regulations specify when a TIA is required, and how the review is coordinated with the City, County and any other affected jurisdictions. Mr. Watts further stated that the City's adopted procedures mirror the uniform method of traffic impact analysis adopted by the River 2 Sea TPO in 2007. He stated if and when the requirements of the TPO standard methodology are tripped, a TIA would be required and provided.

Mr. Watts concluded his presentation by stating they have experts in the audience available to provide additional testimony if necessary during rebuttal.

Chairman Wachtel called upon the petitioners, DeLand Neighborhoods Inc.

Dana Crosby-Collier, attorney representing the petitioners, addressed the commission on behalf of the Deland Neighborhoods Inc. and provided a power point presentation. Ms. Crosby-Collier showed a map of the subject area and pointed out the unincorporated Volusia County boundary which she stated was in close proximity to the proposed amendment site. She stated the petitioners see the impacts of the proposed amendment extending beyond the city limits into the County and are concerned of the extra jurisdictional impacts that will be created.

Ms. Crosby-Collier stated the proposed medium density residential land use will allow more than two times the dwelling units per acre than currently allowed. She stated the City's Planning Board found that the proposed student housing development was too intense for that area and roadway. She also commented on the importance of transportation in planning decisions of local governments.

Ms. Crosby-Collier stated that private student housing is not your standard multi-family residential unit. She commented on the type of occupancy, number of drivers per unit, the active nature of students and the impacts on transportation. Ms. Crosby-Collier also discussed a 2012 Florida Department of Transportation Study relating to student housing and submitted a copy of the report into the record.

Referring to the map of the area, Ms. Crosby-Collier stated there is presently multi-family housing on the east side of Amelia Avenue on the Stetson University campus, however, those properties are policed by the University and student residents have a code of conduct they must abide by. She stated those type of regulations would not apply in the proposed private student housing development.

Ms. Crosby-Collier commented on the comprehensive plans of both the City of DeLand and Volusia County and stated that development along Amelia Avenue needs to be coordinated with Volusia County, particularly since it is a County roadway. She also stated they have not seen or heard of any coordination with Volusia County on capital improvements.

In closing, Ms. Crosby-Collier stated they believe the proposed amendment is inconsistent with the comprehensive plans and future land use map of both the City of DeLand and Volusia County, and they are requesting the VGMC decline to issue a certification of consistency on the application.

Commissioner Sonnenfeld asked Ms. Crosby-Collier if anyone from the DeLand Neighborhoods Inc. has reached out to Volusia County during the process. Ms. Crosby-Collier responded that she has not met with the County personally and did not know if any of the petitioning members have.

Chairman Wachtel opened the floor to public comment for the two individuals who completed a request to speak.

Eugene Huskey, 415 Pennsylvania Avenue, DeLand, and member of the DeLand Neighborhoods Inc. group addressed the commission in opposition of the request. He commented in disagreement with an earlier statement by Mr. Holmes that Amelia Avenue is not conducive to low density residential. Mr. Huskey discussed traffic and parking issues along Amelia Avenue, along with other proposed development in the area.

Matt West, 611 North Cherokee Avenue, DeLand, and member of the DeLand Neighborhoods Inc. group addressed the commission in opposition of the request. Mr. West discussed the impact the development will have in forcing traffic off of Amelia Avenue and into the local neighborhoods. He stated changes need to be made to Amelia Avenue from a traffic and pedestrian perspective and now is the time to be discussing it.

Chairman Wachtel opened the floor for rebuttal by the applicant.

Mr. Watts restated the intergovernmental coordination process the cities and Volusia County have agreed on is that the TPO based process is the uniform process utilized to look at

transportation impacts, including capacity and pedestrian safety. He stated the applicant agrees they are important issues that will have to be looked at as the development project moves forward, and the framework to require that coordination is already in place.

In response to an earlier comment regarding the City's Planning Board recommendation of denial, Mr. Watts stated the development plan has significantly changed since the Planning Board review, and the City Commission chose to transmit the application.

With respect to comments made relating to other developments in the area that will contribute to traffic impacts, Mr. Watts stated those are existing apartments that have existed for 50 or more years and those impacts are already present.

In closing, Mr. Watts stated the concerns that have been raised are internal to the City of DeLand and do not impact any outside jurisdictions.

Chairman Wachtel closed the public hearing and opened up the floor for commission member discussion.

Commissioner Vihlen commented that he understands the neighborhood has concerns with student housing adjacent to their single family neighborhoods. However, he stated the VGMC is limited to determining impacts as effect across governmental jurisdictional lines. Mr. Vihlen stated he believes the concerns raised are isolated within the City of DeLand and do not extend beyond governmental jurisdictional lines.

Commissioner Arthur commented that she empathizes with the residents, however, feels their concerns are outside the VGMC's intergovernmental coordination review.

Commissioner Walters commented that based upon her experience on the VGMC, jurisdictions rarely respond to or object to another jurisdiction's comprehensive plan amendment. She added that although a traffic impact analysis is not necessarily required, she felt one should be provided in this situation.

Commissioner Connors concurred with comments from Commissioners Vihlen and Arthur. She stated the commission sympathizes with the residents, however, their concerns are outside of the purview of the VGMC.

Commissioner Gallagher agreed with the other comments, adding that the residents need to address their concerns with the City Planning Board and City Commission as they are not within the purview of the commission.

Commissioner Lovelace commented that he, too, empathizes with the resident's concern of more dense development near their homes. He stated, however, that within the context of the narrow scope of the VGMC consistency review criteria, the lack of objection from neighboring jurisdictions, and the VGMC planning recommendation, he is inclined to vote in favor of approving the amendment application.

Commissioner Brandon stated he understood the resident's concerns, however, he agreed with other commission members that they don't fall within the purview of the VGMC. He stated he would be voting in support of the proposed amendment.

Chairman Wachtel commented that this is an internal City of DeLand issue and the residents have multiple opportunities to raise their concerns to the City. With respect to transportation issues, Mr. Wachtel stated based on the information presented there is sufficient capacity on Amelia Avenue to support the minimal increase in trips the proposed development will bring. As far as Volusia County not submitting a response on the proposed amendment, Chairman Wachtel stated the VGMC application is distributed to all of the local governments and it is their choice as to whether or not they respond.

Debbie Connors made a motion to approve VGMC Resolution #2015-03 as presented; seconded by Sandy Gallagher. On a roll call vote, the motion carried with a 10-2 vote and 55.31% of the affirmative weighted vote. Commissioners Walters and Slay cast the dissenting votes.

Chairman Wachtel called for a brief recess at 8:35 p.m. and the meeting reconvened at 8:44 p.m.

REPORT FROM PLANNING CONSULTANT

Mr. Dougherty stated there has been lot of activity recently and he provided an update on VGMC applications. He stated in the last two weeks, the commission has certified six applications and presently have 10 pending cases. Mr. Dougherty stated that planning staff continues to coordinate with the local governments to address any issues.

REPORT FROM LEGAL COUNSEL

Ms. Ramos stated there were no legal reports at this time.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith reminded the commission members that the VCARD Icebreaker was scheduled for Wednesday, September 30th. She stated she already RSVP'd on behalf of several of the commission members and if there are any other members who would like her to RSVP for them, to let her know prior to Friday, September 25th which was the last day to RSVP.

Ms. Smith also reported that she would be submitting the annual member travel reimbursements to the County for processing and the members should expect to receive a check in the mid to latter part of October.

REPORTS OF COMMISSION CHAIRMAN

Chairman Wachtel stated at the October 28th VGMC meeting, there will be a presentation made by Paul Chipok and Jim Sellen talking about comprehensive planning and the role of the VGMC. He commented on the Oak Hill hearing, and stated he believes it is the commission's

responsibility to understand what a comprehensive plan is all about, how it affects others, and to fully understand what our responsibility is as members of the commission.

Chairman Wachtel also stated the County Charter Review Commission (CRC) is underway and several County Council members have expressed their opinion that the VGMC should be abolished. Mr. Wachtel stated he was not sure that VGMC would want to necessarily testify before the Charter Review Commission that the VGMC is a good thing or bad thing, however he suggested if any of the VGMC members have an opinion on the issue, they may want to individually express that to the members of the Charter Review Commission (CRC).

Commissioner Brandon suggested the VGMC members also reach out to the local government they represent and explain what the VGMC does. He stated in years past he's met with local government officials and some did not fully understand the purpose of the VGMC and its role in coordinating intergovernmental cooperation in the comprehensive planning process. Mr. Brandon stated the commission has saved the local governments litigation costs over the years. Through the VGMC process, staff has worked with the local governments over the years to address and resolve intergovernmental consistency issues ahead of time.

Chairman Wachtel stated that if the CRC decides to but a measure on the ballot to abolish the VGMC, the matter would go to the public for a vote. He commented that the majority of the general population does not understand what a comprehensive plan is and what role the VGMC plays.

Mr. Dougherty stated that when Littlejohn was considering submitting a proposal to provide planning services to the VGMC, they asked the local jurisdictions how the VGMC process worked and if they were happy with it. He stated every jurisdiction they spoke with at the staff level liked the process and wouldn't change it.

REPORTS OF COMMITTEES

POP Committee Report: Gerald Brandon, Chairman of the POP Committee, reported the committee has reviewed the legal and planning contracts and their recommendation is scheduled for consideration by the commission under new business. He also reported the committee had begun looking at updates to the Rules of Procedure and that project is ongoing.

Budget Report: Roger Sonnenfeld, Chairman of the Budget Committee, reported the committee met immediately prior to the regular meeting. Mr. Sonnenfeld provided an update on the 2014-15 year-to-date expenditures as of September 1, 2015. He stated there will be additional expenses incurred prior to the conclusion of the 2014-15 fiscal year and overall, the budget is in great shape.

With respect to the 2015-16 proposed budget, Mr. Sonnenfeld reported that the only deletion made by the County to the original VGMC recommended budget was the elimination of the $25,000 litigation contingency. He stated the County Council held their first budget hearing on September 10, 2015 and the second hearing is scheduled for September 24, 2015, and no changes are anticipated at the second hearing.

OLD BUSINESS

There was no old business for discussion.

NEW BUSINESS

1) RSQ #15-01 – Consider award of contract to GrayRobinson for contract legal services for the 2015-16 fiscal year

Mr. Brandon reported that the POP Committee had completed its review of the proposals submitted in response to the legal RSQ #15-01 and are recommending the commission award the contract to GrayRobinson for the 2015-16 fiscal year. He stated the recommendation comes to the commission as a motion and second from the POP Committee.

Commissioner Walters asked if there were any substantial changes in the contract from the current GrayRobinson contract. Mr. Brandon responded there are not.

Chairman Wachtel called the question and the motion and second from the POP Committee to award the legal contract to GrayRobinson for the 2015-16 fiscal year carried unanimously.

2) Consider renewal of VHB planning services contract for the 2015-16 fiscal year

Mr. Brandon reported that the POP Committee reviewed the proposed renewal contract submitted by VHB for the 2015-16 fiscal year and are recommending the commission approve it as presented. He stated the recommendation comes to the commission as a motion and second from the POP Committee.

Commissioner Romanik asked if this is the second year of the VHB contract. Following discussion, it was confirmed it is.

Chairman Wachtel called the question and the motion and second from the POP Committee to approve the 2015-16 renewal contract with VHB carried unanimously.

3) Consider renewal of Littlejohn planning services contract for the 2015-16 fiscal year

Mr. Brandon reported that the POP Committee reviewed the proposed renewal contract submitted by Littlejohn for the 2015-16 fiscal year and are recommending the commission approve it as presented. He stated the recommendation comes to the commission as a motion and second from the POP Committee.

Chairman Wachtel called the question and the motion and second from the POP Committee to approve the 2015-16 renewal contract with Littlejohn carried unanimously.

4) Election of Officers

Chairman Wachtel stated that pursuant to VGMC Rules, no officer can serve more than two consecutive terms. He reported that Mr. Sonnenfeld is completing his second consecutive term so a new Secretary is needed. He further reported that both he and Mr. Brandon are completing their first term so they are eligible to serve another term.

Gerald Brandon nominated James Wachtel to serve as the Chairman; nomination seconded by Roger Sonnenfeld. There being no further nominations, nominations were closed. James Wachtel was unanimously elected Chairman of the VGMC.

Sandy Gallagher nominated Gerald Brandon to serve as the Vice Chairman; nomination seconded by Debbie Connors. There being no further nominations, nominations were closed. Gerald Brandon was unanimously elected Vice Chairman of the VGMC.

Chairman Wachtel thanked Mr. Sonnenfeld for serving as Secretary for the previous two years. Mr. Sonnenfeld thanked Ms. Smith for her support while serving as Secretary and he nominated Debbie Connors to serve as Secretary. The nomination was seconded by Sandy Gallagher. There being no further nominations, nominations were closed. Debbie Connors was unanimously elected Secretary of the VGMC.

COMMISSIONER REQUESTS OR REMARKS

Commissioner Lovelace stated in recent discussions before the VGMC it was suggested that adjacent jurisdictions may not be responding to VGMC applications regarding their agreement with or objection to a proposed amendment. He asked if there is a mechanism in place that assures the adjacent jurisdictions are indeed receiving the applications, and that a lack of response from them is confirmation that they agree with the proposed amendment.

Mr. Dougherty stated that when planning staff receives the application, the application has already been forwarded to the adjacent jurisdictions. He stated if no comments or objections are received, the assumption is an affirmative they have no objections. Chairman Wachtel clarified that the applicant jurisdiction has the responsibility of notifying all of the local governments by copy of the application they submit to the VGMC. He further stated that more recently, some of the jurisdictions have opted to send their applications to the other local governments via email.

Mr. Lovelace asked if it is commonly the case that we do not receive responses from adjacent jurisdictions. Mr. Vihlen pointed out that both the City of Edgewater and County of Volusia were in attendance at the Oak Hill hearing and both testified they did not have objection to the application.

Following discussion relating to notice requirements, Mr. Lovelace commented he was more concerned about not getting responses from the local governments on the applications, even if just a confirmation there are no objections to an amendment. Mr. Brandon stated the POP Committee could look at the rules relating to this matter.

In response to a question from Mr. Sonnenfeld, Ms. Smith stated the use of email to send applications to other local governments is not prohibited in the VGMC rules and some jurisdictions have utilized that method of delivery. She stated the VGMC does not police the method of delivery, but rather verifies that the application submitted to the VGMC by the applicant local government indicates delivery has been effected. Additionally, she stated when an application is received by the VGMC, the VGMC sends a letter of acknowledgment to the applicant government with copies to the other local governments and agencies prescribed on the VGMC application.

Mr. Lovelace clarified that what was more concerning to him is whether or not the lack of response from an adjacent jurisdiction is sufficient for the VGMC to assume they have no objections, particularly with respect to amendments that may be contentious. Chairman Wachtel asked Ms. Ramos if there is a mechanism in place that requires an adjacent jurisdiction to provide a response on an application. Ms. Ramos responded that under the current VGMC rules, we cannot require a jurisdiction to submit a response, however, the commission could ask for a courtesy response. She further stated the only way to require adjacent jurisdictions to submit a response to applications would be to change the Consistency Certification Rules and Regulations.

Commissioner Sonnenfeld commented on the situation following the Oak Hill hearing in Daytona Beach where the City building was left unsecured. He suggested in the future, we make arrangements to have a Daytona Beach police officer present at the conclusion of the meeting to assure the doors are secured when everyone has left the building. Chairman Wachtel suggested we work with Daytona Beach security to have a procedure in place. Ms. Smith commented that it may also depend on how late the meeting is expected to run. In most cases, she said the City's custodial staff is still present when the VGMC meetings end and they take care of securing the building.

Chairman Wachtel announced that the October 28th regular meeting of the VGMC would be held in the County Council Chambers in Deland, not the City of Daytona Beach as originally scheduled.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:16 p.m.

Attest: Secretary

Chairman