

Volusia Growth Management Commission

MEETING MINUTES FOR
Wednesday, January 24, 2007

The Trails Clubhouse
201 Main Trail
Ormond Beach, FL

MEMBERS PRESENT

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

REPRESENTING

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

NON-VOTING MEMBERS

Sara Lee Morrissey Present
Peter Brown (not present)

REPRESENTING

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

Paul Chipok, GrayRobinson, P.A.
Tom Cloud, GrayRobinson, P.A.
Megan Wimer, MSCW
Jim Sellen, MSCW
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

Chairman Brandon called the meeting to order at 6:10 p.m. Chairman Brandon also announced that refreshments would be served following the meeting, compliments of Jim Sellen. He invited all members and guests in attendance to stay.

ROLL CALL

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

Chairman Brandon introduced and welcomed Steve Katz as the newest member of the commission appointed by the City of DeLand.

Chairman Brandon announced that Ann Caneer, Ponce Inlet, had submitted her resignation from the Commission. Mr. Brandon stated that Ms. Caneer is the longest serving member of the Commission, with her appointment in 1988. He further added that she is a past Chair of the Commission and served on committees as well. Mr. Brandon asked VGMC Coordinator Merry Chris Smith to read a copy of the appreciation letter which is being sent to Ms. Caneer.

APPROVAL OF MINUTES

John Heaphy moved to approve the minutes of the November 29, 2006 meeting; seconded by Joan Spinney. Motion carried unanimously.

PUBLIC HEARING

- 1) Consideration of VGMC Resolution 2007-01, Apportionment of Voted Weight

Joan Spinney moved to approve VGMC Resolution 2007-01; seconded by Steve Katz. Motion carried unanimously

REMARKS OF INTERESTED CITIZENS

None

REPORTS OF OFFICERS

None

REPORTS FROM CONSULTANTS

Megan Wimer, MSCW, reviewed the pending case log and provided an update. Ms. Wimer noted that requests for additional information have been issued on a number of the cases, and time is tolled pending responses from the respective jurisdictions. She also stated that several of the cases listed have recently been recommended for consistency certification, while others are still within the review period. Saralee Morrissey asked if a response had been received from DeBary with respect to the RAI issued on VGMC Case 06-073. Ms. Wimer responded no response has been received to date.

Jim Sellen advised the Commission that by state law and charter, all jurisdictions will be required to have a school element and these would come through the VGMC for consistency review and certification.

Commissioner Joan Lee asked how we handle those large scale applications which contain more than one amendment/property. Ms. Wimer explained that an application can be split if there are some amendments eligible for certification and others that have issues to be resolved. This allows the applicant jurisdiction to move forward with those amendments which can be certified.

REPORTS OF COMMITTEES

- 1) POP Committee: Robert Pascoe, Chairman of the POP Committee, reported the committee met prior to the regular meeting to discuss suggestions made in the past of hiring an independent planner to handle small scale amendments. Mr. Pascoe reported the POP Committee is recommending in the form of a motion and a second that the Commission authorize Chairman Brandon to negotiate a contract with Don Sikorski for POP approval and consideration by the full commission at a later date.

Commissioner Lee raised a question concerning the timing of hiring an additional consultant as it relates to the budget. Chairman Brandon stated the purpose of hiring an independent planner to handle the small scale amendment applications is not only for cost measures, but also to relieve MSCW of some of the caseload.

Several members raised questions regarding hiring someone from within the County and the potential for conflict. Jim Sellen stated if a conflict existed, MSCW would handle the application. Mr. Sellen added that he sees this change as more of a cost cutting tool for VGMC, with oversight on the part of MSCW.

Chairman Brandon commented on Mr. Sikorski's experience and credentials. Mr. Sellen commented that with his experience working for Volusia County and with other cities within the County, Mr. Sikorski brings into context and perspective an understanding of Volusia County. Mr. Sellen stated he feels that Mr. Sikorski is qualified and capable of doing the job.

Tom Cloud added that during the charter review process, comment was made that the VGMC did not use anyone in the County, and he felt this action would be an appropriate resolve to that issue. He added that MSCW would still maintain oversight.

Commissioner Becky Mendez commented that the City of Deltona has worked with Mr. Sikorski and that he has a lot of experience in the County. Ms. Mendez felt it would be a benefit for the Commission to utilize him.

Mr. Sellen clarified that Mr. Sikorski's review would not necessarily be limited to just small scale amendments.

The motion to authorize Chairman Brandon to negotiate a contract with Don Sikorski for the Commission's consideration carried unanimously.

- 2) Budget Committee: Committee Chair Joan Spinney reported that the committee met prior to the regular meeting to preliminarily review the proposed budget. In summary, she stated we are looking at a small increase over the current year approved budget. Ms. Spinney reported that we are awaiting information back from the landlord concerning a rent increase which is scheduled for April 1, 2007. Additionally, she stated we are including \$600 to cover broadband internet service to the VGMC office, and we anticipate increased postage and legal ad costs. Ms. Spinney stated more detailed information would be presented to the Commission at the February meeting.

UNFINISHED BUSINESS

Commissioner Mendez asked if there were any updates on the Pinder amendment. Mr. Chipok responded that we have not heard anything from the court.

Commissioner Mendez also asked if a City missed the opportunity to issue comments on another jurisdiction's amendment application where there is a pending RAI, have they missed the opportunity for a public hearing on the matter. Mr. Chipok reviewed the criteria for requesting a public hearing. Mr. Cloud added if there is an RAI pending, anyone can request a public hearing.

NEW BUSINESS

Discussion of VGMC Vision: Tom Cloud provided a PowerPoint presentation to the Commission discussing the history of the past 20 years and options the VGMC could consider moving forward.

Mr. Cloud stated that fear of the unknown as it relates to citizens, cities, investment landowners and the County contributed to the issues which transpired during the charter review process. He added that the key issues dealt with annexations, sprawl, consolidation and takings of land.

Asking the question "Is 'smart' growth the answer", Mr. Cloud stated it depends on what "smart" means and who's asking the question. Mr. Cloud further added that cities tend to decay without growth, and states tend to decay without consensus.

Mr. Cloud then discussed the players involved during the charter review process as being the County, the cities, the developers and the citizens. He further stated that the cities and County tended to be diametrically opposed on the issues, and likewise between the developers and citizens. In the end, Mr. Cloud stated, the developers and cities became allies.

Mr. Cloud then reviewed different factors which lead to the origination of the VGMC in 1986, as well as issues and challenges of the Commission during the first 10 years of existence. Mr. Cloud also stated that an attempt was made by a handful of development lawyers to abolish the VGMC during the 1996 charter review process. At the time, Mr. Cloud stated there was no real support from either the County Council or the cities, and the charter review commission buried the attempt. Mr. Cloud reviewed the charges levied against the VGMC in 1996, along with responses to the charges.

Moving into the second decade of the VGMC (1997-2006), Mr. Cloud discussed the issues surrounding the Consolidated Tomoka application, which was the first case ever denied by the VGMC. Mr. Cloud also discussed action taken relating to the 472 DRI. He reported that the VGMC successfully negotiated an interlocal agreement with DCA and the County for intergovernmental coordination. Mr. Cloud also stated the VGMC has dealt awkwardly with citizen participation in the past and improvement can be made. He further added that during this time frame, the VGMC created a means for the County to create smart growth despite the court decision, however, the VGMC was later blamed for the loss of urban growth boundaries.

Mr. Cloud then discussed several news articles that were published over the past several years. He further reviewed the charges of the recent Charter Review Commission with respect to the VGMC and our response to these charges. Additionally, Mr. Cloud discussed specific statements and recommendations made by the CRC Environmental Core Subcommittee.

Mr. Cloud discussed issues that occurred in the few months prior to the November, 2006 election, as well as what's to follow.

Mr. Cloud discussed the relevance of the VGMC and advised that we will have a positive influence on school concurrency and we need to find a way to have that same positive influence on the smart growth debate.

Mr. Cloud raised questions for the members to consider and discussed the commission's options moving forward. He emphasized the need to change the perception of the VGMC and redefine the commission's role. Mr. Cloud stated we need a seat at the growth debate table and we need to monitor it. Additionally, he proposes the VGMC should participate in developing solutions.

Mr. Cloud discussed several final observations and encouraged the commission to help find solutions, dispel fear and take the lead.

Mr. Sellen commented that he feels it is important for the Commission to be proactive in participating in the smart growth discussions which are taking place and to provide solutions up front rather than being the last to see them when they come to the Commission.

Chairman Brandon thanked both Mr. Cloud and Mr. Sellen for the presentation and asked the members to think about this over the next month so that the Commission can discuss how they wish to move forward.

REPORTS AND REQUESTS OF COMMISSION MEMBERS

Saralee Morrissey advised that VCOG was sponsoring a school concurrency summit at the end of January and she asked them to send invitations to each VGMC member. Ms. Morrissey reported that the School Board initiated the effort to develop a unified school facility element so that all of the cities and the County would adopt the same school element. She added that there is one consultant that represents all of the cities, County and School Board in implementing school concurrency.

Commissioner Morrissey also stated she anticipates the VGMC would be getting draft elements sometime over the summer and advised if the commission is interested in getting additional information in advance of that, she would be happy to arrange for a presentation at an upcoming meeting. Mr. Sellen strongly encouraged the commission to hold a work session with Saralee. Ms. Morrissey suggested a presentation at the March or April VGMC meeting.

REPORTS AND REQUEST OF COMMISSION CHAIR

Chairman Brandon thanked Jim Sellen for furnishing the food and refreshments for the commission.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Attest:

Chairman