

Volusia Growth Management Commission

MEETING MINUTES FOR  
Wednesday, March 28, 2007

1<sup>st</sup> Floor Training Room #116  
Daytona Beach City Hall  
301 S. Ridgewood Avenue  
Daytona Beach, FL

MEMBERS PRESENT

Gerald Brandon , Chairman  
Robert Pascoe, Vice Chair  
Joan Spinney, Secretary      Excused  
Belinda Collins  
Jay Erndl  
Steve Katz  
Rebecca Mendez  
Karen Hall  
John Heaphy  
Ed Blackman                      Absent  
Sally MacKay  
James Kerr  
Donna Steinebach  
Doug Weaver  
Rachel Sieg                      Excused  
Tony Cole                        Excused  
Suzanne Steiner                Excused  
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  
Peter Brown                      (not present)

REPRESENTING

Volusia Co. School Board  
SJRWMD

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.

ROLL CALL

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

APPROVAL OF MINUTES

John Heaphy moved to approve the minutes of the February 28, 2007 meeting; seconded by Donna Steinebach. Motion carried unanimously.

PUBLIC HEARING

None

REMARKS OF INTERESTED CITIZENS

None

REPORTS OF OFFICERS

None

REPORTS FROM CONSULTANTS

Jim Sellen, MSCW, reported that the planning staff was moving forward with a staff recommendation relating to VGMC Case 06-073, City of DeBary. Paul Chipok, Gray-Robinson, reported that the VGMC has received numerous requests for public hearing from the public as well as Volusia County. Additionally, he stated VGMC staff is requesting a public hearing. Mr. Chipok reported the City of DeBary has advertised a public hearing and ordinance relating to this amendment and he has sent a letter to the City's Attorney recommending they postpone or cancel their hearing until the VGMC held their public hearing.

Commissioner Jay Erndl stated he received a call from the planner at the City of DeBary indicating the time had passed for the VGMC to request additional information. Mr. Chipok responded that a request for additional information was issued in November which was within the required timeframe. He further added there are provisions in our rules that state if an ORC report is issued after a consistency certification has been rendered, the local jurisdiction is required to forward it to the VGMC. If VGMC finds information in the report which they were not previously aware of, then the commission may reopen the matter and request a public hearing. Mr. Chipok stated this is not exactly the fact scenario in this situation since a certificate of consistency has not been issued. However, Mr. Chipok stated even if we had issued the certification, we would have the right to request a public hearing.

Chairman Brandon commented that we have received as many as 30 requests for public hearing which have come from as far away as St. Augustine. Mr. Sellen and Mr. Chipok stated we are planning to schedule the public hearing for the April 25<sup>th</sup> VGMC meeting. Mr. Chipok further

added the time has been tolled on this matter since the original request for additional information was issued in November, as the City has not responded to the VGMC.

Discussion ensued regarding the general contents of a staff report, the 20 working day rule and the submission of documentation.

Commissioner Steinebach raised a question as to why there is a pending application from Orange City which involves a PUD review. Mr. Chipok responded that it is part of a mixed use district which under the conditions of an earlier approval requires the PUD to come back before the VGMC.

With respect to the petition filed by RKH Investments relating to the Pinder amendment, Mr. Chipok reported that the court has issued an order to show cause which he is drafting and a response is due in 20 days. Mr. Chipok provided a background summary relating to the Pinder amendment, adding that one issue is whether or not RKH Investments has standing since they never filed a motion to intervene.

#### REPORTS OF COMMITTEES

1) POP Committee: Robert Pascoe, Chairman of the POP Committee, reported that Don Sikorski advised he no longer wished to be considered by the commission for planning consultant services. Mr. Pascoe reported the committee had met prior to the regular meeting and reviewed the proposals which were submitted last summer. Out of the six submitted, Mr. Pascoe stated the committee is recommending they schedule interviews with three of the firms. Specifically, Land Design Innovations, GAI and Planning Design Group, all of whom are from the Orlando area. Mr. Pascoe stated the committee discussed whether to look local or outside of the area and felt there was a greater risk of conflict with a local consultant. There being no objections, Mr. Pascoe directed the VGMC Coordinator to schedule interviews in Orange City, one hour apart, beginning at 9:00 a.m. He added that Commissioner Mendez will coordinate a list of interview questions with Commissioners Collins & Kerr. Mr. Sellen commented that he is familiar with each of the three firms and felt confident that any one of them could do the job.

2) Budget Committee: Chairman Brandon reported that the budget was approved at the last meeting and no further action is necessary.

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

At 7:30 p.m., Chairman Brandon announced a brief break while Saralee Morrissey set up her presentation. The meeting reconvened at 7:40 p.m.

School Concurrency Presentation: Saralee Morrissey distributed a handout relating to her presentation. Ms. Morrissey stated she sees two roles of the VGMC unfolding as the process

moves forward. She stated one is an imminent role as the comp plan amendments move ahead, and the other as a more ongoing and permanent role as implementation of both the school concurrency and the school charter amendment is carried out.

Ms. Morrissey explained the process being utilized in Volusia County relating to school concurrency, including the various committees and areas of primary focus. Ms. Morrissey stated that it has been a unified approach, in that all of the cities, the county and the school district hired one consultant to represent them all to develop the public school facilities element, as well as the intergovernmental coordination element and capital improvements element. The purpose for doing so is to provide a uniform and consistent element throughout the entire area.

Ms. Morrissey stated there is an existing interlocal agreement with most of the governmental jurisdictions within the county, however, that needs to be amended to address school concurrency. She pointed out that the school board does not have a comprehensive plan, that they only adopt the interlocal agreements. The implementers, she stated, are the local governments who have the comprehensive plans.

Ms. Morrissey discussed the level of service components and stated that Volusia has decided to utilize permanent capacity as the measurement tool for level of service. Ms. Morrissey discussed the items they are looking at to determine what the level of service will be set at, including backlogged student demand, growth allowance, as well as programs and transfers. She also commented on impacts from the class size reduction amendment.

Ms. Morrissey reviewed comparisons of student population to permanent capacity on a current basis, as well as projections for the 2010-11 school year, for both the entire county and several specific areas in the northwest and southwest areas of the county. She also stated they are exploring different options that relate to level of service and how the school board's capital work program could change the level of service in a given area.

Ms. Morrissey discussed the school concurrency service areas options that are currently under review and consideration by the technical committee. She also advised that attendance boundaries are being considered at least at the elementary level.

With respect to VGMC's overall involvement, Ms. Morrissey advised that the comp plan elements are scheduled to transmit over the summer, which is the approximate time frame in which the VGMC will receive them from the local governments for consistency review. She stated the VGMC has already been honoring the school board policy 613 in terms of their request to be involved in looking at density increases. With the new charter amendment, she stated this will be a requirement of all local governments as of September 30th.

General discussion ensued relating to the interlocal agreement which is expected to be amended to address school concurrency and the approved school charter amendment. Additional discussion ensued regarding school planning, impact on proposed developments, and level of service recommendations.

Discussion ensued regarding potential conflicts among jurisdictions where students residing in one jurisdiction attend a school in an area outside of their zone. Ms. Morrissey stated they are hearing that jurisdictions may want to approve another jurisdiction's development if they perceive that it would be taking away capacity from their own. She added if this becomes part of the interlocal agreement, this may be a mediation issue which would become part of VGMC's role. She also stated that the school board is a district and the attendance boundaries do not reflect jurisdictional boundaries.

Ms. Morrissey stated that every jurisdiction will be required to incorporate the school board's work program in their capital improvements element. She also discussed financial feasibility and revenue sources.

Commissioner Steinebach asked if the school board is looking at any adjustments to population generation based on the type of development. Ms. Morrissey responded they will be discussing this issue.

In closing, Ms. Morrissey stated they are narrowing down the issues, however, it's too early to know what the final recommendations will be.

A member of the audience, John Nicholson, commented concerning schools in the Daytona Beach area.

#### REPORTS AND REQUESTS OF COMMISSION MEMBERS

Commissioner Pascoe stated at the recent VCOG meeting, a school board member commented that they should be entitled to a vote on the VGMC. Mr. Chipok responded that membership of the VGMC is established by the charter and would require a charter amendment to change. Ms. Morrissey commented that she thinks the adoption of a Public Schools Facilities Element will take away some of the concern, adding that it's been by grace that the VGMC has addressed the school board's comments.

#### REPORTS AND REQUEST OF COMMISSION CHAIR

Chairman Brandon reported that approximately eight or nine members of the commission attended the VCOG Smart Growth Committee on March 26<sup>th</sup>, as well as Jim Sellen. Overall, Mr. Brandon felt it was a success, adding that a comment was made on the amount of material that comes out of the VGMC office with only a part-time staff person.

Commissioner Pascoe commented that he was pleased with the overall reaction of the VCOG Smart Growth Committee members and reported that VCOG is currently working on Map A & Map B zoning definitions and development standards. Mr. Sellen added that he understands one of the maps is an environmental mapping area and one was a sphere of influence map that they will try to get adopted by the jurisdictions. Mr. Sellen advised that one of the members of the VCOG committee asked if we believed the VGMC should have greater authority. Mr. Sellen stated to the commission that the powers of the VGMC are already very broad.

Commissioner Hall commented she agrees with being proactive and feels that we should become an educational tool for the general public. Commissioner Morrissey suggested the VGMC be part of the speakers bureau.

Mr. Chipok suggested the commission may want to propose a scope of work to the legal and planning staff, adding that the resources of the two firms are fairly unlimited and it's a matter of what the VGMC wants them to do and what the budget allows. He added that in the past we have taken a conservative approach in order to keep the budget down. Mr. Sellen stated the commission may want to be more aggressive next year with the budget in terms of providing education and developing strategies and policies.

Chairman Brandon commended Mr. Sellen on the information he has put together thus far in the commission's desire to become more proactive and suggested that he provide the commission with a more defined scope covering a 12 month period.

Chairman Brandon reviewed with the commission comments made at the VCOG Smart Growth Committee by several of the individual members. Specifically, Fred Costello of Ormond Beach spoke favorably of giving more oversight to the VGMC, using service area issues as an example. Greg Northrup of Daytona Beach Shores commented that it seemed through the Charter Review Process that a body with more teeth was necessary and asked how the VGMC felt of taking on additional responsibilities. Councilman Jack Hayman spoke favorably of having the VGMC orchestrate and prosecute smart growth. Councilman Art Giles stated during the Charter Review process, there were concerns raised of having governmental planning staff on the commission and suggested the VCOG committee look at that.

Mr. Sellen stated he felt the earlier question relating to having only one part-time staff person may have been more about what staff the VGMC has in order to carry out the smart growth strategies. He added that the VGMC has a staff in excess of 150 people with his firm alone.

Chairman Brandon reported that County Chair Frank Bruno has asked to meet with he and Jim Sellen and we are in the process of scheduling that. He also reported they had a meeting scheduled with Councilman Hayman next week as well. Commissioner Mendez commented on the importance of meeting with city representatives as well. Chairman Brandon encouraged all members to talk with their respective governmental leaders as well as their VCOG representatives.

#### ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

---

Attest:

---

Chairman