

MINUTES
VOLUSIA FOREVER ADVISORY COMMITTEE
Wednesday, July 22, 2009
3:30p.m. - 5:30p.m.
VOTRAN BUS FACILITY
950 BIG TREE ROAD, SOUTH DAYTONA, FL 32119

Approved on September 23, 2009, as Amended

Board Members in Attendance:

Chris Schlageter, Vice-Chair
Barbara Coomber
Neil Harrington
Alan Long
Phil Maroney
Kevin O'Dwyer
Wanda Van Dam

Also in Attendance:

Douglas M. Weaver
Ed Isenhour
Randall Sleister
Stacey Manning
Jeanette Munson

Dennis Bayer
Dwight Lewis
Ann Brady
Jim Frost

Meeting Called to Order

Vice-Chair Chris Schlageter called the meeting to order at 3:30p.m.

Roll Call

Vice-Chair Chris Schlageter instructed the Recording Secretary to record the roll of the Members in attendance, in which seven (7) Members were present. Chair Anne Hallum and Member Thomas Fleishel were recorded as an Excused Absence.

Recognition of Former Members

Douglas Weaver stated that County staff would like to recognize Mr. Dwight Lewis for his contributions and support as a former Committee and County Council Member. A Certificate of Appreciation was presented to Mr. Lewis.

Mr. Dwight Lewis stated that it has been an honor to serve on the Committee. He added that the Volusia Forever Program was created because of an overwhelming approval by the citizens of the County and has been successful because of dedicated people who deem it important to preserve lands for future generations.

Douglas Weaver stated that County staff would also like to recognize Mr. Dennis Bayer for his contributions as a "founding" member and his leadership as Chair.

Mr. Dennis Bayer also stated that it has been an honor to serve on the Committee and to be part of a Program that is supported by the citizens of County along with County Council and County staff. He noted that other counties have seen how successful the Volusia Forever Program has been and are modeling their conservation programs after it.

Mr. Dwight Lewis added that the National Association of Counties (NACo) has nationally recognized the Volusia Forever Program for its conservation efforts. This recognition was possible because of the dedication and support of the Committee, County Council and County staff.

Vice-Chair Chris Schlageter added that other counties view the Volusia Forever Program as a model program and are trying to develop a similar program for their county. He stated that the Volusia Forever Program has been successful because of people like Dennis Bayer, Dwight Lewis, Alan Alshouse, and Reid Hughes, just to name a few, who believe in preserving the lands for our future generations.

Approval of Minutes

Member Phil Maroney requested that language be added to clarify why he declined the nomination for Vice-Chair. He explained that he had already served as Chair and Vice-Chair, and wanted to allow someone else the opportunity to serve in either capacity.

Vice-Chair Chris Schlageter called for a motion to approve the April 22, 2009, Minutes. Member Alan Long made a motion to **approve** the April 22, 2009, Minutes, as amended. Member Phil Maroney **seconded** the motion that **carried** by unanimous voice vote.

Discussion and Determination of Eligibility for Submitted Applications

Vice-Chair Chris Schlageter clarified that the Committee would be reviewing and determining the eligibility of the applications received during the 1st Cycle of 2009. He explained that the Committee would review each application, have discussion including public input and then vote on the eligibility of each property.

Ed Isenhour explained that five (5) applications were received during the 1st Cycle of 2009 (January 1 thru June 30, 2009). The Committee would be reviewing three (3) of these properties to determine whether they are eligible for further consideration under the Volusia Forever Program. County staff used the new criteria contained in Resolution 2009-91 to complete the "Initial Review Report." All properties that have been determined as eligible will be ranked on September 23, 2009, to determine their placement on either the Group "A" or "B" List. He reminded the Committee that Resolution 2009-91 states that a property should meet at least ten (10) of the 18 Primary Criteria, and is required to have an affirmative vote of at least five (5) Members in order for it to be determined as eligible.

1. **Nordstrom Property** - Ed Isenhour provided the following information about this property:
 - a. it is approximately 40 acres in size;
 - b. it is located on the west side of Tomoka Farms Road;
 - c. its southern boundary abuts the portion of the Longleaf Pine Preserve known as the Krol Property;
 - d. its northern boundary abuts the McDonald Property, a Volusia Forever Group "A" Project;
 - e. its western boundary abuts another portion of the Longleaf Pine Preserve;
 - f. it is a fee simple proposal; and
 - g. it meets 12 of the 18 Primary Criteria.

Member Kevin O'Dwyer asked if a power line easement crosses this property.

Ed Isenhour responded that a power line easement crosses the center portion of this property. He added that the property owners might retain ownership of the eastern portion of the property containing the pond/borrow pit.

Member Alan Long requested clarification regarding the affirmative answer to the Water Resources criteria, "Does the property contain or have frontage upon a waterbody, wetlands or waterway."

Ed Isenhour explained that an affirmative answer was given to this Water Resources criteria because the property contains wetlands near the power lines.

Vice-Chair Chris Schlageter noted that the eastern portion of the property appears to be cleared, and asked if there is a pond and potentially structures in this area.

Ed Isenhour explained that County staff had not been on the property, but the area in

question appears to be a pond and may contain some type of structure.

Randall Sleister added that at one time this area had been a part of a landfill with wetland violations. He could not verify whether the wetland violations had been resolved, but recalled that a portion of the cleared areas has been used as an ATV track.

Member Neil Harrington asked for clarification why an X with a question mark was used on the "Initial Review Report."

Randall Sleister explained that County staff had not been on the site to verify the existence of exotics, but deemed it likely because the cleared portion of the property was being used as an ATV track. However, that determination could change as the property owners might want to retain the cleared portion of the property.

Discussion ensued regarding the value of this property as it pertains to the potential acquisition of the McDonald Property, and what portion of the property is being offered for potential acquisition.

Member Phil Maroney asked if there would be access to this property from Tomoka Farms Road via Ideis Road.

Randall Sleister explained that access to this property could be obtained through the McDonald Property should the County acquire the portion fronting Tomoka Farms Road.

Ed Isenhour further explained that access to the Nordstrom Property might be obtained via woods road from Longleaf Pine Preserve.

Member Barbara Coomber noted that the potential for obtaining matching funds was low and asked for clarification.

Ed Isenhour responded that the St. Johns River Water Management District (District) has expressed interest in a funding partnership for the potential acquisition of the McDonald Property. Therefore, the potential for the District to be a funding partner for this property is likely, but not confirmed. He added that the District could use Florida Department of Transportation (FDOT) mitigation funds for these potential acquisitions instead of Florida Forever funds. Given the state of the current economic conditions, finding another funding partnership is unlikely.

Member Alan Long made a motion to **accept** the **Nordstrom Property** Application as an eligible project. Member Wanda Van Dam **seconded** the motion which **carried** by unanimous voice vote.

2. Albin Hagstrom and Son Property – Ed Isenhour provided the following information about this property:

- a. it is approximately 27 acres in size;
- b. it is located on the west side of Living Water Street in DeLeon Springs;
- c. it has water frontage on Spring Garden Lake;
- d. it is adjacent to but does not abut the County's Chuck Lennon Park; and
- e. it meets eight (8) of the 18 Primary Criteria.

Ed Isenhour presented additional photographs of the property that were provided by the property owners.

Douglas Weaver and Randall Sleister confirmed that this property has been used in

connection with a fernery operation.

Member Neil Harrington asked if the St. Johns River Water Management District (District) would be interested in a potential funding partnership.

Douglas Weaver replied that a potential funding partnership with the District was unlikely.

Member Phil Maroney made a motion to **accept** the **Albin Hagstrom and Son Property** Application as an eligible project. Member Barbara Coomber **seconded** the motion which **carried** by a roll call vote of five (5) to two (2) with Members Neil Harrington and Alan Long opposed.

3. David Strawn Lands Property – Ed Isenhour provided the following information about this property:

- a. it is approximately 157 acres in size;
- b. it is located on the east side of Lake Winona Road in the DeLeon Springs;
- c. it has water frontage on Lake Winona;
- d. it is adjacent to public lands (i.e., Heart Island Conservation Area); and
- e. it meets 13 of the 18 Primary Criteria.

Member Phil Maroney noticed that the maps show a possible in-holding and asked who owners this parcel.

Ed Isenhour replied that this parcel is owned by a different party and not part of this application.

Member Barbara Coomber requested clarification regarding the ownership of the parcels being considered as part of the David Strawn Lands application.

Ed Isenhour explained that David Strawn is the owner of the various companies who owns the parcels being considered for possible acquisition.

Member Kevin O'Dwyer asked if the in-holding parcel could adversely affect the conservation of this area and create an issue pertaining to access and/or management.

Douglas Weaver explained that the owner of the in-holding would be contacted for potential acquisition of the parcel, should the County and/or District acquire the David Strawn Lands property. With the acquisition of this in-holding, the access and management issues would be resolved.

Randall Sleister added that access issues could be resolved with an easement until the County and/or District could acquire the additional parcel.

Member Alan Long made a motion to **accept** the **David Strawn Lands Property** Application as an eligible project. Member Neil Harrington **seconded** the motion which **carried** by unanimous voice vote.

Lake George Conservation Area Property

1. **Lake George Fernery Property** – Ed Isenhour explained that an application was received during the 1st Cycle of 2009 for this 40 +/- acre tract of undeveloped land located south of Lake George Road. It is an in-holding of the Lake George Conservation Area which contains a fernery. Because it is within the Lake George Conservation Area, a Volusia Forever Group "A" List Project, an eligibility determination would not be necessary. This property would automatically become part of the Group "A" List.

Doris Leeper Spruce Creek Preserve Property

1. **Atlantic Center for the Arts, Inc. Property** – Ed Isenhour explained that an application was received during the 1st Cycle of 2009 for this 45+/- acre tract of land located within the Doris Leeper Spruce Creek Preserve. Because it is within the Doris Leeper Spruce Creek Preserve, a Volusia Forever Group “A” List Project, an eligibility determination would not be necessary. This property would automatically become part of the Group “A” List. He clarified that the campus area for the Atlantic Center for the Arts would be excluded from the proposed acquisition.

Jim Frost, representative for the property owners, was present to answer any questions and provide additional information.

Staff Updates –

Ed Isenhour provided the following updates:

1. **Resolution 2009-91** – On June 18, 2009, the County Council approved the Committees recommended changes to the ranking criteria as originally established in Resolution 2004-80. A copy of this resolution has been provided to the Committee for future reference.
2. **Resolution 2009-101** – On July 16, 2009, the County Council approved a resolution establishing a policy regarding persons serving on Council-appointed Advisory Boards. This resolution provides certain criteria for any person wishing to or is currently serving on an advisory board. All Members should read this resolution and take the necessary steps to ensure that they are in compliance. A grace period of sixty (60) days, which began upon its adoption by County Council, has been provided.

Stacey Manning, Assistant County Attorney, encouraged the Members to read the resolution and contact County staff for any assistance with potential issues within the grace period.

Discussion ensued regarding the policy as it relates to unresolved litigations and notification of any policy infractions.

3. **2008 2nd Cycle Ranking Summary (Group “A/B” List)** – Member Wanda Van Dam clarified that the 2008 2nd Cycle Ranking Summary (Group “A/B” List) was approved by the Committee and their recommendations were forward to the County Council. However, the County Council changed the Committee’s recommendation. She requested that County staff modify the note at the top of the listing to properly reflect the Committee and County Council’s actions.
 - a. **Otter Slough Property** - 270 +/- acre tract of undeveloped land located on the south side of Osteen Maytown Road within the Volusia Conservation Corridor near Osteen. On April 22, 2009, the Committee added this property to the Group “A” List of eligible properties. The property owners have now withdrawn this property from the Volusia Forever Program. It will be removed from the Group “A/B” List.
 - b. **Lake Moore Project (Ford/Mikol Properties)** – 121+/- acre tract of undeveloped land located between Dr. Martin Luther King, Jr. Beltway and Summit Avenue in the City of DeLand. This project consists of two (2) different landowners. After the project was moved to the Group “B” List, the majority landowner (Ford – 110 +/- acres) notified County staff that they were withdrawing their portion of the project from the Volusia Forever Program. The minor landowner (Mikol – 11 +/- acres) has been notified of this withdrawal. However, they have not indicated whether they would also like to withdraw their portion or remain on the Group “A/B” List. Once the minor landowner decides whether they want to withdraw from or remain on the Group “A/B” List, County staff would amend the list accordingly.

- c. **Pacetta Property** – 8+/- acre tract located on the west side of Sailfish Drive, south of Beach Street, in the Town of Ponce Inlet. On June 18, 2009, the County Council modified the Committee's ranking recommendation by moving this property from Group "B" to the Group "A" List.

4. **Other 2009 1st Cycle Application** – An additional application consisting of several parcels scattered throughout the County was received during this application cycle, but was not included for the Committee's review due to clarification issues associated with ownership of several of the submitted parcels. The applicant was notified of the issues, but has not contacted County staff to resolve them. Once these issues are resolved, the application could move forward in the application process (eligibility).

Vice-Chair Chris Schlageter asked if the application could be reviewed at the next meeting for eligibility and potentially ranking, if the issues are resolved before that time.

Douglas Weaver explained that a processing decision would be made after the issues have been resolved. He added that several parcels contained in this application are within areas that have been targeted by the Small Lot Acquisition Program.

5. **Miscellaneous** - Member Neil Harrington asked what the projected funding for the Volusia Forever Program would be for FY 2009/2010.

Douglas Weaver replied that the projected funding for the Volusia Forever Program would be around \$1 Million for FY 2009/2010. The Program's projected funding could be less for a couple of years before it should gradually increase with the change in the economy. Additionally, the Florida Forever Program could begin receiving funding, but it is has not been confirmed whether that will happen or when.

Douglas Weaver provided the following updates:

1. **Stanaki Property** – this property is within the Doris Leeper Spruce Creek Preserve (DLSCP). The City of Port Orange (City) acquired approximately 225+/- acres of the overall 450+/- acres. A citizen filed a lawsuit against the City regarding this acquisition, but did not prevail. Therefore, they have filed an appeal with the 5th District Court of Appeal. The County still wishes to be a funding partner, but will not enter into an agreement/contract until the lawsuit is resolved. Additionally, the City has received funding from Florida Communities Trust.
2. **Fatio Road Property** – an offer to purchase this 72+/- acre tract located at the intersection of Fatio and McGregor Roads in the southwest area of DeLand has been presented to the property owners. However, technical issues are still outstanding and needing to be resolved before the agreement for purchase is finalized. It is contiguous to Blue Springs State Park, the County's Lake Beresford Park, and the Hicks Joint Trust Property.
3. **Kagel/Butts (DLSCP) Property** – an offer to purchase this 4+/- acre tract of undeveloped land located on the southern shore of Spruce Creek within the Doris Leeper Spruce Creek Preserve has been presented to the property owners.
4. **Pacetta Property** – this 8+/- acre tract located on the west side of Sailfish Drive, south of Beach Street, in the Town of Ponce Inlet is in the beginning stages of the acquisition process.
5. **Hughes/Huntington Trust (Colony Park) Property**– this 42+/- acre tract owned by Huntington Trust is located off SR 44 in the New Smyrna Beach area. On June 18, 2009, County Council approved the Agreement for Purchase/Contract. This property should be in public ownership by September 2009. The City of New Smyrna Beach would be a funding partner at a funding level of \$100,000.00, but it is subject to the property's annexation into the City.
6. **Hart Property** – the St. Johns River Water Management District (District) has entered into

an agreement for purchase with the owners of approximately 1,400 acres located in New Smyrna Beach area. The District did not request funding assistance from the County for this acquisition. The District wishes to donate 189+/- acres of the total acquisition to the County. The property to be donated consists of non-contiguous lots, the majority of which are 2.5 acres located within Cape Atlantic Estates, an unrecorded antiquated subdivision east of Turnbull Hammock Conservation Area. The County's Small Lot Acquisition Program has been acquiring parcels in this area of Cape Atlantic Estates. The District has expressed an interest in contributing Florida Department of Transportation mitigation funds for the purchase of additional small parcels within Cape Atlantic Estates. County staff will be the lead agency for these additional acquisitions.

Discussion ensued regarding how this proposal came to fruition, and the level of funding that would be needed to fill in the gaps.

7. **Leffler Property** – this 4,700 +/- acre tract located within the Volusia Conservation Corridor, adjacent to the LeFils Property, has been appraised, and is being considered for potential acquisition by the County.
8. **Committee Remarks** - Vice-Chair Chris Schlageter explained that representatives from the St. Johns River Water Management District and Department of Environmental Protection gave positive comments and praise for the County's land management efforts, during a recent land management review/tour of the Longleaf Pine and Wiregrass Prairie Preserves. He also praised the County's land management efforts, and stated that County staff's hard work and attention to details shows.

Adjournment

Vice-Chair Chris Schlageter adjourned the meeting at 4:35p.m.

Minutes Approved _____

Minutes Approved With Amendments 9/23/09 _____

Amendments As Follows:

Page 5, Item 3 (Staff Updates), Paragraph 1, Last Sentence – first “to” corrected to “top.”

Chair

Date

Program Coordinator

Date