

**CHARTER REVIEW COMMISSION
VOLUSIA COUNTY, FLORIDA**

**MINUTES OF THE MEETING OF
November 9, 2015**

CALL TO ORDER

Chair Brown called the meeting to order at 5:31 p.m. in the Volusia Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.

ROLL CALL

Chair Brown welcomed those present at the meeting. Members present included Frank Bruno Jr., Frank Darden, Patricia Drago, Ambassador Stanley Escudero, Dr. Phillip Fleuchaus, David Haas, Peter Heebner, James Morris, Derek Triplett, Mark Watts and Lisa Ford Williams. Chair Brown advised that Dr. Bailey and Glenn Ritchey were still recovering from illness and Patricia Northey was unable to attend. Also present were County Attorney Dan Eckert, County Manager Jim Dinneen, county support staff and members of the public.

APPROVAL OF MINUTES

Ambassador Escudero made a motion to approve the minutes of the October 12, 2015 meeting. The motion was seconded by Derek Triplett. The motion was approved unanimously.

PUBLIC PARTICIPATION

Chair Brown opened the floor to public participation and reminded the audience that there is a three minute time limit for individuals, a six to ten minute limit for groups who were invited to speak, and the commission would not consider issues currently in litigation. Each member of the public was asked to complete a public participation form which included their name, address, and brief description of the topic they wished to address and allotted three minutes.

Michael Denis, 625 Lenox Ave, Daytona Beach, spoke on Article II Sec. 205 Unified Beach Regulations. Since the shift of responsibilities to the County, he noted examples of three vacated approaches of which two remain undeveloped. He continued by saying there is nothing that stops a developer from obtaining property and sitting on it for years.

Ken Strickland, 1208 N Halifax Avenue, Daytona Beach, approached the commission with a request to put the Let Volusia Vote Amendment on the ballot.

Martin Bates, 500 Buckles Road, Pierson, spoke on Article III Sec. 303.5 term limits of the council. He suggested to reduce the district terms from four to two years as is done at the federal and state level. He also noted that although a member cannot run for three terms, they can run for Chair or At-Large positions. He felt that the process does not provide enough change. In regards to the beach, he suggested that all issues have a 2/3 vote of the County Council as opposed to a majority vote.

Dr. Phillip Fleuchaus stated the original charter had two year terms and asked when the terms changed from two to four. Dan Eckert advised the group that it became effective in 2002.

Greg Gimbert, 255 Euclid Avenue, Daytona Beach, approached the commission asking for clarity on instructions.

Chair Brown stated that there would be no discussion on beach driving, however items within Sec. 205 were open for discussion. Chair Brown also reminded Mr. Gimbert that the commission would not be hearing issues currently in litigation.

Greg Gimbert asked Dan Eckert if it was within the rights of the chair to determine the content of his input.

Mr. Eckert deferred to the Commission

Chair Brown clarified that the seriousness of the litigation is recognized by the members of the commission and as noted in the minutes, beach driving would not be discussed. However, there is not intent to preclude Mr. Gimbert's input and suggested that if he would like to speak on another issue, he is welcome to do so.

Greg Gimbert continued by saying that he did not believe that it is the Speaker's or appointed body's place to determine what can or cannot be said during public input.

Discussion ensued between Dr. Fleuchaus, James Morris, and Frank Darden to further clarify the commission's position that the input should be relevant to the proceeding. Due to the fact that the proposed topic is in the courts, the commission cannot take action.

Greg Gimbert acknowledged the clarification provided by the commission. He then discussed restriction of issues placed on the ballot and asked the commission to look at Florida Statute 163.3167.

Public participation ended.

CODE OF ORDINANCES

Friday, February 05, 2016

Chair Brown advised the commission members that the web address for the County ordinances has been provided. He asked that each member review the ordinances, identify those they wish to speak about, and bring them to the next meeting.

DRAFT CHARTER SCHEDULE

Chair Brown reviewed the draft charter schedule and Dr. Fleuchaus moved for the approval of the minutes. The motion was seconded by Derek Triplett. James Morris spoke to the motion by first acknowledging that he was aware of the invitation for some commission members to attend a Volusia Growth Management Commission (VGMC) meeting and asked if there was anything planned for the VGMC to present to the commission.

Tammy Bong replied by stating that the VGMC meeting had already occurred and that information packets had been emailed to commission members for review.

Chair Brown stated that the topic will be addressed at the December meeting and asked if there were any guest speakers Mr. Morris would like in attendance.

Mr. Morris stated he just wanted to ensure that the issue is represented from all sides, but did not have a specific group or guest request.

Derek Triplett informed the group that he and Pat Drago attended the VGMC meeting. He also explained that the content of the emailed material was the same that would be presented to the commission.

After discussion, Chair Brown acknowledged the motion and without objection, the schedule was approved.

ARTICLE I

Chair Brown asked for discussion regarding Article I Sec. 101, 102, 103 and Article II Sec. 201. Discussion ensued in regards to council pay rates at which time Dan Eckert clarified that topic would be addressed later in the meeting.

ARTICLE II

Chair Brown asked for discussion regarding Article II Sec. 202, 202.1 and 202.2.

Ambassador Escudero addressed Sec. 202.2(3)(a) for clarification of what constitutes pollution or the occurrence of pollution.

Dan Eckert indicated that Sec. 202.2 imposes a positive duty on the County to enforce public nuisance actions and standards are further defined in following sections. Further discussion ensued regarding the application of the provision in the past, whether it was mandated, and the benefit versus liability based on the broad language.

Chair Brown asked that Dan Eckert come back to the commission with a recommendation for Sec. 202.2 at the December meeting. Chair Brown then asked for conversation on Sec. 202.4.

Patricia Drago questioned the consistency of the administration and enforcement of the minimum standards within the unincorporated area of the county and municipalities.

Conversation ensued with agreement that municipalities are consistent with enforcement. Chair Brown indicated that a second invitation would be extended to the Audubon and Sierra Club for the December meeting to present to the commission.

Kelli McGee, Director of Growth and Resource Management spoke to the enforcement of standards, the cooperation between the County and municipalities and highlighted the successful partnership process through which standards are evaluated and updated due to Sec. 202.4.

Chair Brown asked for discussion on Sec. 203 or 204. There was none.

Ambassador Escudero asked if there were any lawsuits currently in litigation that would be affected by any change proposed by the commission for Sec. 205.

Dan Eckert advised that current litigation is a challenge to an ordinance as adopted by the council under state law and he did not recommend postponing any recommendations based on the current lawsuit.

Chair Brown asked for discussion on Sections 205.1, 205.2, 205.3, 205.4, 205.5.

Conversation ensued regarding the language of cities providing services on the beach and whether it should be removed. A recommendation was made to preserve the section. It was noted that all routine services are handled by the County and there is mutual aid.

Chair Brown asked for discussion on Sec. 205.6.

Dr. Phillip Fleuchaus questioned the concern highlighted during public participation. Further conversation ensued about the three examples provided by Mr. Michael Denis indicating that the standards had been met.

Chair Brown asked for discussion on Sec. 206. There was none.

REPEAL OF INEFFECTUAL CHARTER PROVISIONS

Dan Eckert spoke to Article III Sec. 308 and the voting requirements of elected officials. Conversation ensued on the definitions of conflict of interest and how it is currently

applied. Chair Brown asked that the commission members review the full content and come back with anything they would like to discuss.

Dan Eckert noted Article VI Sec. 604 Administrative Code is not needed because the county council already fulfills this duty. Mr. Eckert proposed a title change for Article VII Sec. 701 and removal of redundant content in Article IX Sec. 904. Discussion ensued in regards to nonpartisan elections.

Article X Sec. 1007 was recommended for deletion as it not used and was implemented prior to the constitution which provides employee rights.

Article X Secs. 1008, and 1009 were renumbered. Sec. 1010 refers to a retirement system that no longer exists and was recommended for deletion.

Article XI Sec.1103.4 was recommended for deletion because the County Council is now the governing board of the special districts and the authority is no longer needed.

Article XI Sec. 1104.1 addresses bonds. Because there are no longer bonds outstanding, the recommendation was to delete this section.

Article XI Sec. 1104.2 and 1104.3 were renumbered.

Chair Brown requested an advisory vote to tentatively accept the changes recommended. Peter Heebner made the motion and the motion was seconded by Mr. Morris with unanimous favor.

REIMBURSE COUNTY COUNCIL MEMBERS DRAFT

Dan Eckert discussed changes to Article III Sections 304 and 307 in consideration of salary compensation and reimbursement of expenses incidental to performance of official business.

Ambassador Escudero made a motion to vote on the changes.

Chair Brown asked if County employees are reimbursed based on the IRS standard mileage and asked for clarification of a reference made to the mileage being taxable.

Dan Eckert confirmed the current rates are based on the IRS standard. He further explained the difference between that and mileage allowance which allows an employee to claim actual mileage against their mileage allowance with the balance being taxable.

Dr. Phillip Fleuchaus asked if management had a number on the estimated costs of Council expenses.

Mr. Bruno agreed with the reimbursement and indicated the costs vary by position and situation. He further stated that as Chairman of County Council, he incurred expenses totaling \$11,000 annually.

Mr. Dinneen indicated the importance of reimbursement for expenses versus providing an allowance. The amount of reimbursement should be relative to a council member's area of responsibility and the amount of interaction necessary to perform their duties. He stated that caps were not necessary and he was confident in the process of validating reimbursements; further noting that all expenses submitted would follow the same process and policies as County employees. He also stated that an exact number was not known but he did not anticipate the costs to reach excessive levels.

Discussion ensued on clarifying the difference between compensation, payment or reimbursement of expenses, and the amount of expenses that are currently incurred by council.

After clarification of the suggested wording changes to Dan Eckert, Chair Brown took an advisory vote. The motion was moved again by Ambassador Escudero, seconded by Mr. Morris and approved unanimously.

DISCUSSION

Chair Brown discussed the December meeting content and opportunity for discussions. He encouraged the commission to expand conversations beyond the special interests and take into consideration the largest employers in the County when handling this provision. He then asked for input from other commission members.

James Morris elaborated on his expectations in receiving input, noting that he agrees it should be a representation of all sides of the issue. He indicated that the Volusia Growth Management Commission (VGMC) should be allowed to discuss their position as well as provide a record of budgetary information and results analysis.

Peter Heebner agreed with Mr. Morris and included that we may not be seeing all the opportunities for the environmental and economic growth and further encouraged a look into alternatives.

Chair Brown asked Tammy Bong to have the VGMC to list in order by date, the number of conflicts in the last 10 years between a city and the County's comp plan only. He would like to have that information with time to disseminate and discuss prior to the December meeting. He advised the commission that each member should thoroughly prepare for the topic.

Conversation ensued on the frequency of hearings. Derek Triplett added that during VGMC the meeting he attended, it was noted that the effectiveness of the committee could not be determined by the number of hearings because their efforts go beyond the hearings.

Pat Drago followed up with a question about VGMC policies and procedures, the number of RFP for services, and the frequency of the meetings.

Chair Brown recommended that members review the information provided in the GRMC packet. There was additional conversation in regards to alternative solutions to the commission, budget and funding, and staffing components.

ADJOURNMENT

There being no further business for discussion, the meeting was adjourned at 7:36 p.m. The next meeting will take place on December 14, 2015 at 5:30 p.m. in the Volusia Room at the Daytona Beach International Airport, 700 Catalina Drive, Daytona Beach, Florida.