

# Volusia Growth Management Commission Meeting Notice and Agenda

7:00 p.m.

January 22, 2020

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

- I. Call Meeting to Order
- II. Roll Call
- III. Citizen Comments on matters other than scheduled hearings
- IV. Approval of Minutes:
  - 1) August 28, 2019 Regular Meeting
- V. Public Hearings
- VI. Report from Planning Consultant
- VII. Report from Legal Counsel
- VIII. Report from Commission Operations Manager
- IX. Report from Commission Chairman
- X. Reports from Committees:
  - 1) P.O.P. Report
    - a) Annual Performance Evaluation – VGMC Operations Manager
  - 2) Budget Report
    - a) 2019-20 Year to Date Expenses
    - b) 2020-21 Preliminary Proposed Budget Discussion
- XI. Old Business
- XII. New Business
  - 1) Consideration of VGMC Resolution #2020-01, Apportionment of Voting Weight
  - 2) Election of Officers
- XIII. Commissioner Requests or Remarks
- XIV. Adjournment

If a person decides to appeal any decision by the VGMC of any matter considered at such public meeting, (s)he will need to ensure that a verbatim record of such meeting is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with The Americans with Disabilities Act (ADA), if a person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, (s)he should contact the VGMC office at least 48 hours prior to the proceeding at 140 S. Beach, Suite #305, Daytona Beach, FL, 32114, (386) 947-1875.

\*There will be a meeting of the Budget Committee beginning at 6:30 p.m. in the Council Chambers Conference Room.

\*\*There will be a meeting of the POP Committee beginning at 6:30 p.m. in Conference Room in the Council Chambers Conference Room.

**Volusia Growth Management Commission**

**MINUTES FOR MEETING HELD**

**Wednesday, August 28, 2019**

Daytona Beach City Hall  
Conference Room #149A  
301 S. Ridgewood Avenue  
Daytona Beach, FL

MEMBERS PRESENT

Debbie Connors, Chair  
Loretta Arthur, Secretary  
Doug Gutierrez  
Larry Saffer  
Sid Vihlen, Jr.  
Mary Swiderski  
Joseph Hammett  
Robert Storke  
Harold Briley  
Christy Gillis  
Daniel Robins  
John Samuelson  
Jack Surette  
Thomas Wright

REPRESENTING

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

MEMBERS NOT PRESENT

Sandy Lou Gallagher  
Teresa Pope  
Paul Manning

Deltona  
Edgewater  
Ponce Inlet

NON-VOTING MEMBERS

Saralee Morrissey (not present)  
Steven Fitzgibbons (not present)

Volusia County School Board  
SJRWMD

OTHERS PRESENT

Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chair Debbie Connors called the meeting to order at 7:03 p.m.

### ROLL CALL

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

Chair Connors welcomed two new members, Daniel Robins and John Samuelson, representing Volusia County. She also announced several recent member reappointments: Sid Vihlen, Sandy Lou Gallagher and Christy Gillis. She stated Mark McGee of Oak Hill did not seek reappointment and that seat is currently vacant.

Ms. Connors also recognized Jim Wachtel who recently resigned from the commission after nearly ten years. She spoke of Mr. Wachtel's contributions to the commission and presented him with a plaque for his service. Mr. Wachtel addressed the commission and thanked everyone for the recognition.

### CITIZEN COMMENTS

There were no citizens present who wished to speak at this time.

### APPROVAL OF MINUTES

Mary Swiderski made a motion to approve the minutes of the March 27, 2019 meeting as presented; seconded by Loretta Arthur. Motion carried unanimously.

### PUBLIC HEARING

Chair Connors stated there were no items scheduled for public hearing.

She also stated that neither legal or planning staff would be present at the meeting, and therefore, there were no updates from them at this time.

### REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith provided a brief pending case update. She also stated the annual member travel reimbursements would be processed at the conclusion of the fiscal year, and members should expect to receive their check in mid-October.

### REPORTS OF COMMITTEES

POP Report: Chair Connors stated there have been recent discussions in the County regarding smart growth and that presentations are scheduled before the County Council and the Elected Officials Roundtable at upcoming meetings. She stated this topic was discussed at the earlier POP Committee meeting and whether the VGMC should offer itself up to participate in the current smart growth efforts since the commission already consists of representatives from each of the local governments.

Ms. Connors discussed the motion made by the POP Committee to recommend the VGMC notify the County that the VGMC is willing to participate in the current smart growth efforts and to present to the County Council. She stated the recommendation comes to the full commission as a motion and second from the POP Committee.

Ms. Connors commented that after thinking further on the motion, she feels it may be too early in the process to try to get on the County Council agenda since it has not been determined what direction this will take. She stated it may be best to monitor it for now, and also try to speak with some of the individuals involved in order to get an idea as to where they see the smart growth discussions will lead.

Commissioner Wright stated he felt the VGMC should notify the County immediately that we would be willing to participate and be the entity for smart growth. He added that the composition of the VGMC is fitting to serve as a smart growth board, as opposed to creating a similar entity for that purpose. Mr. Wright cautioned that if we wait to notify the County that the VGMC is willing to be part of the smart growth process, they will figure something different out.

Commissioner Surette stated it is currently not clear where the smart growth efforts are going, but commented that now would probably be the best time to notify the County that the VGMC looks at these sort of issues now and offer assistance in the smart growth process.

Commissioner Arthur commented that the Volusia Growth Management Commission already exists, and it would make sense for this body to help facilitate the interests of smart growth.

Commissioner Swiderski agreed the VGMC should be the body involved, but also agreed with Chair Connors earlier comments that it may be too early to reach out to the County Council. She spoke relating to past efforts to eliminate the VGMC and commented that the current intent of the commission relating to smart growth may be perceived as a threat to some elected officials. Ms. Swiderski feels that we need to proceed cautiously and suggested Chair Connors reach out to some of the local leaders to determine how they view the current smart growth efforts and what role the VGMC could play.

Discussion ensued relating to prior matters that came before the commission in which the VGMC was not viewed favorably by some of the local economic development leaders and others, as well as the Charter Review Commission review of the VGMC which resulted in changes to the consistency certification rules and regulations. Commissioner Vihlen commented that prior to the charter review, the VGMC was viewed by many local governments as a hindrance and there was much support at the time to eliminate the commission. He added that through the efforts of the many parties who reviewed and revised the rules, he feels that the local governments have a new respect for the VGMC.

Commissioner Vihlen stated he was the one that made the motion relating to smart growth which was approved in the earlier POP Committee meeting. He clarified the intent of the motion was

not for the VGMC to take a leadership role, but rather to send a letter to the County Council informing them that we are willing to participate in the smart growth efforts, and to present that to members of the County Council at an appropriate time.

Following further discussion, the motion was clarified. The motion is to move forward with sending a letter to the County Council informing them the VGMC is willing to participate in the smart growth efforts, and at an appropriate time in the future, present the same at a County Council meeting. The motion comes to the commission as a motion and second from the POP Committee. The motion carried unanimously.

Budget Report: Budget Committee Chair, Loretta Arthur, provided an update relating to the 2019-20 VGMC budget. She reported that the County Council had approved the 2019-20 VGMC budget request with the only changes being the elimination of the \$10,000 litigation contingency, as well as several other minor adjustments to the personal services line items which are established by the County each year. Ms. Arthur stated there is no commission action necessary on this item.

#### OLD BUSINESS

There was no old business for discussion.

#### NEW BUSINESS

##### 1) Election of Vice Chair

Chair Connors reported that with the resignation of James Wachtel, the office of Vice Chair is currently vacant. She opened the floor for nominations to fill the office.

Mary Swiderski nominated Sid Vihlen Jr. to serve as Vice Chair of the VGMC. Mr. Vihlen accepted the nomination. There were no further nominations made.

Mary Swiderski made a motion to elect Sid Vihlen Jr. to serve as Vice Chair; motion was seconded by Doug Gutierrez and carried unanimously.

##### 2) Consider renewal of GrayRobinson legal services contract for 2019-20 FY

Chair Connors stated the only change in the proposed GrayRobinson 2019-20 contract is an increase of \$25 in the attorney's hourly rate and \$10 increase in the paralegal rate. She reported the POP Committee reviewed the contract and is recommending the commission approve the renewal contract as presented. The recommendation comes to the commission as a motion and second from the POP Committee.

Commissioner Hammett stated the City Attorney for Lake Helen is paid \$150 per hour and he feels the proposed percentage of increase and the rate are high.

Commissioner Swiderski stated the POP Committee discussed this during their earlier meeting. She stated the last rate increase by GrayRobinson was in 2016. Ms. Swiderski also commented that GrayRobinson is a large firm with an excellent reputation, and stated that the hourly rate would be the same with GrayRobinson for any VGMC attorney needs, including such areas as litigation.

Chair Connors stated the total number of monthly hours billed has been reduced considerably in the past several years, and the rate increase should not affect the budget.

Commissioner Wright stated he believed the County Attorney's office would handle any litigation matters. Ms. Swiderski responded that the VGMC is independent of the County and retains independent legal representation separate from the County. Mr. Wright stated the way the contract is written, the standard hourly attorney rate does not necessarily apply to litigation. Ms. Smith responded that historically when the VGMC was involved in litigation, the GrayRobinson litigation attorney rate has always been the same rate as written in the contract. Additionally, she stated that the County Attorney's office does not represent the VGMC in litigation matters. If the County is a party to the litigation, the County Attorney's office would be involved on behalf of the County's interests, however, VGMC is represented by its own attorneys.

Commissioner Wright reiterated his belief that the contract does not bind litigation representation to \$225 per hour. Ms. Smith stated that over at least the past 15 years, we've always paid the same hourly rate to GrayRobinson, whether it was for day-to-day representation or litigation representation.

There being no further discussion on this matter, Chair Connors called the question and the motion to approve the proposed 2019-20 GrayRobinson contract as written carried unanimously.

3) Consider renewal of S&ME planning services contract for 2019-20 FY

Chair Connors stated there are no changes to the current rates or terms in the proposed 2019-20 S&ME planning contract. She reported the POP Committee reviewed the contract and is recommending the commission approve the renewal contract as presented. The recommendation comes to the commission as a motion and second from the POP Committee.

The motion to approve the proposed 2019-20 S&ME contract as written carried unanimously.

4) Consider renewal of VHB planning services contract for 2019-20 FY

Chair Connors stated VHB serves primarily as a back-up planner to the VGMC, although we do send cases to them for review periodically. She reported the POP Committee reviewed the contract and is recommending the commission approve the renewal contract as presented. The recommendation comes to the commission as a motion and second from the POP Committee.

The motion to approve the proposed 2019-20 VHB contract as written carried unanimously.

Mr. Wachtel explained the purpose for having two planning firms is to avoid any potential conflicts that could arise.

COMMISSIONER REQUESTS OR REMARKS

Mr. Wachtel addressed the commission regarding his resignation from the VGMC and spoke favorably relating to the current leadership and membership of the commission. Commission members thanked him for his service.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 p.m.

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
Chair

DRAFT

## Pending VGMC Applications as of January 8, 2020

File #- Applicant	Acres	Location & Applicant	Existing Use	Proposed Use	Large/ Small	App Received/ Complete	Status
19-049 Daytona Beach	120 & Text	S side of Granada Blvd, E of Rima Ridge Rd, approx.. 2 miles W of I-95; Amend Neighborhood V to allow add'l dwelling units & reduce non-residential entitlements	Low Intensity Urban	Mixed Use	Large	9/30/19	2 Requests for public hearing filed – 2/26/20 Hearing Date
19-066 Daytona Beach	62.9 & Text	NE quadrant of the Williamson Blvd/ Strickland Range Rd intersection & amend Neighborhood S policy to reduce FAR	Level 1 Residential	Mixed Use	Large	11/12/19	Request for public hearing filed – 2/26/20 Hearing Date
19-069 Daytona Beach	54	SE of intersection of International Golf Dr & LPGA Blvd	Golf & Level 2 Residential	Level 1 Residential	Large	12/2/19	RAI Issued – time tolled at day 14
19-072 DeBary	Text	Amend Transportation & Capital Improvement Elements for Mobility Plan & Fees	N/A	N/A	Large	12/16/19	Reviewing
19-073 New Smyrna Beach	Text	Updates to the Public Schools Facilities Element	N/A	N/A	Large	12/16/19	Reviewing
19-074 Ponce Inlet	Text	Amend FLUE & Coastal Mgmt Element removing language and pols prohibiting residential dev in Riverfront Commercial	N/A	N/A	Large	12/26/19	Reviewing
19-075 Volusia County	Text	Amendment updates to Coastal Element	N/A	N/A	Large	12/26/19	Reviewing

File #- Applicant	Acres	Location & Applicant	Existing Use	Proposed Use	Large/ Small	App Received/ Complete	Status
20-001 Daytona Beach	3	NE intersection of Grand Preserve Way & LPGA Boulevard & amend Neighborhood K to establish permitted uses for subject property	Professional/ Office	Low Intensity Commercial	Small	1/6/20	Reviewing
20-002 New Smyrna Beach	2.51	2565 Glencoe Farms Rd	County Rural	City Rural	Small	1/8/20	Reviewing
20-003 New Smyrna Beach	2.51	S side of Glencoe Farms Rd, W of S Glencoe Rd, N of Cone Lake Rd	County Rural	City Rural	Small	1/8/20	Reviewing
20-004 New Smyrna Beach	.76	1086 Corbin Park Rd	County Urban Low Intensity	City Low Density Residential	Small	1/8/20	Reviewing



## Volusia Growth Management Commission

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TO: VGMC Members & Staff

FROM: Merry Chris Smith, Operations Manager

DATE: January 9, 2020

RE: 2020-21 Preliminary Proposed Budget

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Attached please find the current YTD expenses incurred by the VGMC through January 6, 2020, along with a draft preliminary proposed budget for 2020-21.

The Budget Committee is scheduled to meet immediately prior to the regular meeting to review these items, and they will be brought forward for discussion by the full commission at the regular meeting. No formal action is necessary by the commission at the January 22, 2020 meeting. The Budget Committee will bring a recommendation relating to the 2020-21 proposed budget for consideration by the full commission at the next regular meeting.

If you have any questions in the meantime, please do not hesitate to contact me.

**VGMC Budget Worksheet**  
**2019-20 Budget Expenses as of January 6, 2020**

<b>Object Code</b>	<b>Short Description</b>	<b>Original Budget</b>	<b>Amended Budget</b>	<b>Total Expenses</b>	<b>Budget Balance</b>	<b>% of Budget</b>
1201	Salaries	\$27,650	\$27,650	\$5,579	\$22,071	20%
2100	FICA	\$2,132	\$2,132	\$305	\$1,827	14%
2200	Retirement	\$2,368	\$2,368	\$473	\$1,895	20%
2301	Group Insurance	\$4,500	\$4,500	\$4,500	\$0	100%
2302	Life Insurance	\$308	\$308	\$55	\$253	18%
2303	Dental Insurance	\$176	\$176	\$0	\$176	0%
<b>Totals</b>	<b>Personal Services</b>	<b>\$37,134</b>	<b>\$37,134</b>	<b>\$10,912</b>	<b>\$26,222</b>	<b>29%</b>

<b>Object Code</b>	<b>Short Description</b>	<b>Original Budget</b>	<b>Amended Budget</b>	<b>Total Expenses</b>	<b>Budget Balance</b>	<b>% of Budget</b>
3320	Comm. Fees	\$250	\$250	\$0	\$250	0%
3400	Contract Services	\$130,000	\$130,000	\$13,216	\$116,784	10%
3710	Computer Replacemen	\$816	\$816	\$816	\$0	100%
3810	Training & Education	\$200	\$200	\$0	\$200	0%
3820	Registration Fees	\$250	\$250	\$0	\$250	0%
4000	Travel	\$4,410	\$4,410	\$0	\$4,410	0%
4100	Communications	\$600	\$600	\$300	\$300	50%
4211	Postage	\$1,500	\$1,500	\$89	\$1,411	6%
4250	Mileage	\$300	\$300	\$0	\$300	0%
4400	Rent	\$9,000	\$9,000	\$3,998	\$5,002	44%
4510	Liability Insurance	\$281	\$281	\$281	\$0	100%
4700	Printing	\$500	\$500	\$0	\$500	0%
4711	Xerox - Copier	\$1,000	\$1,000	\$0	\$1,000	0%
4910	Legal Ads	\$4,000	\$4,000	\$0	\$4,000	0%
5100	Office Supplies	\$1,000	\$1,000	\$0	\$1,000	0%
5102	Office Equipment	\$500	\$500	\$0	\$500	0%
5230	Food & Dietary	\$500	\$500	\$0	\$500	0%
<b>Totals</b>	<b>Operating</b>	<b>\$155,107</b>	<b>\$155,107</b>	<b>\$18,700</b>	<b>\$136,407</b>	<b>12%</b>

<b>TOTAL</b>	<b>VGMC Budget</b>	<b>\$192,241</b>	<b>\$192,241</b>	<b>\$29,612</b>	<b>\$162,629</b>	<b>15%</b>
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Contract Services YTD Actual Expenses Paid break down as follows:

\$ 1,306 Legal - GrayRobinson

\$11,030 Planning - SME

\$ 880 Planning - VHB

Currently \$1,010 pending Contract Services expenses



## Volusia Growth Management Commission

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TO: Members of the VGMC Budget Committee

FROM: Merry Chris Smith, Operations Manager

DATE: January 7, 2020

RE: Preliminary Draft 2020-21 Proposed Budget

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Attached please find a preliminary budget package for the 2020-21 fiscal year for your review and discussion.

Many of the proposed budget figures are consistent with the current 2019-20 approved budget, with a few minor revisions described below.

The first page of the attached package is a worksheet which provides a 5-year budget history, the current approved budget, and preliminary proposed budget figures for the 2020-21 fiscal year. Page two is a budget justification form which provides more specific detail relating to the individual line items. Page three provides the objectives, measurements, and budget request overview. The final page is information that is included in the program book when the County presents the budget to the Council next year.

Following are additional comments/information relating to some of the individual line items that I would like to specifically expand upon:

- 1) Object Codes 1201 thru 2303: The Personal Services category relates specifically to the Operations Manager position. The County Human Resources division calculates all of the individual line items within this category. The proposed 2020-21 budget figures are based upon the current approved budget and will likely be modified somewhat by the County.
- 2) Object Code 3400: The Contract Services budget of \$120,000 is based upon estimates provided by VGMC staff and breaks down as follows: GrayRobinson (\$25,000 + \$15,000 litigation contingency), S&ME (\$65,000) & VHB (\$15,000\*). \*I am currently awaiting the VHB budget estimate and will update this if necessary. The total proposed contract services budget of \$120,000 represents a \$10,000 reduction from the current approved budget and is a result of a \$10,000 decrease in the legal budget estimate.

Memo to Budget Committee

January 7, 2020

Page 2

- 3) I've included slight reductions in the Postage (4211), Printing (4701) and Legal Ads (4910) budgets.

Based upon the figures included in the attached worksheet, the total preliminary proposed budget for 2020-21 is \$180,441 which represents an approximately \$12,000 reduction from the current budget.

If you have any questions in advance of the meeting, please do not hesitate to contact me.

Thank you.

cc: Debbie Connors, VGMC Chair

## VGMC Budget Worksheet

Object Code	Short Description	Actuals 2014-15	Actuals 2015-16	Actuals 2016-17	Actuals 2017-18	Actuals 2018-19	Adopted 2019-20	5 Year Average	Proposed 2020-21
1201	Salaries	\$24,412.00	\$25,873.00	\$25,435.00	\$26,057.00	\$27,258.00	\$27,650.00	\$25,807.00	\$27,650.00
2100	FICA	\$1,453.00	\$1,528.00	\$1,453.00	\$1,461.00	\$1,498.00	\$2,132.00	\$1,478.60	\$2,132.00
2200	Retirement	\$1,791.00	\$1,899.00	\$1,943.00	\$2,090.00	\$2,269.00	\$2,368.00	\$1,998.40	\$2,368.00
2301	Group Insurance	\$4,774.00	\$5,214.00	\$5,520.00	\$5,520.00	\$5,516.00	\$4,500.00	\$5,308.80	\$4,500.00
2302	Life Insurance	\$250.00	\$255.00	\$249.00	\$255.00	\$267.00	\$308.00	\$255.20	\$308.00
2303	Dental Insurance	\$0.00	\$5.00	\$60.00	\$0.00	\$0.00	\$176.00	\$13.00	\$176.00
	Personal Services	\$32,680.00	\$34,774.00	\$34,660.00	\$35,383.00	\$36,808.00	\$37,134.00	\$34,861.00	\$37,134.00
3320	Comm., Fees	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	\$250.00	\$175.00	\$250.00
3400	Contract Services	\$75,553.00	\$160,898.00	\$69,024.00	\$85,533.00	\$60,992.00	\$130,000.00	\$90,400.00	\$120,000.00
3710	Computer Replacement	\$792.00	\$792.00	\$918.00	\$808.00	\$808.00	\$816.00	\$823.60	\$816.00
3810	Training & Education	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$200.00	\$0.00	\$200.00
3820	Registration Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$250.00	\$0.00	\$250.00
4000	Travel (Members)	\$3,850.00	\$4,970.00	\$1,645.00	\$1,540.00	\$1,540.00	\$4,410.00	\$2,709.00	\$4,410.00
4100	Communications	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00	\$600.00
4211	Postage - CNTY	\$1,202.00	\$1,341.00	\$1,044.00	\$864.00	\$606.00	\$1,500.00	\$1,011.40	\$1,000.00
4250	Mileage	\$125.00	\$175.00	\$43.00	\$0.00	\$0.00	\$300.00	\$68.60	\$300.00
4400	Rent	\$7,588.00	\$7,569.00	\$7,747.00	\$7,778.00	\$8,090.00	\$9,000.00	\$7,754.40	\$9,000.00
4510	Liability Insurance	\$0.00	\$0.00	\$324.00	\$566.00	\$633.00	\$281.00	\$304.60	\$281.00
4701	Printing C/R	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	\$0.00	\$200.00
4711	Xerox - C/R	\$644.00	\$1,158.00	\$434.00	\$386.00	\$242.00	\$1,000.00	\$572.80	\$1,000.00
4910	Legal Ads	\$14,920.00	\$12,765.00	\$702.00	\$986.00	\$729.00	\$4,000.00	\$6,020.40	\$3,000.00
5100	Office Supplies	\$223.00	\$570.00	\$288.00	\$165.00	\$314.00	\$1,000.00	\$312.00	\$1,000.00
5102	Office Equipment	\$117.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	\$23.40	\$500.00
5230	Food & Dietary	\$139.00	\$200.00	\$94.00	\$0.00	\$15.00	\$500.00	\$89.60	\$500.00
5440	Software	\$0.00	\$0.00	\$0.00	\$0.00	\$328.00	\$0.00	\$65.60	\$0.00
	Operating Totals	\$105,928.00	\$191,213.00	\$83,038.00	\$99,401.00	\$75,072.00	\$155,107.00	\$110,930.40	\$143,307.00
	<b>Totals</b>	<b>\$138,608.00</b>	<b>\$225,987.00</b>	<b>\$117,698.00</b>	<b>\$134,784.00</b>	<b>\$111,880.00</b>	<b>\$192,241.00</b>	<b>\$145,791.40</b>	<b>\$180,441.00</b>

**Volusia Growth Management Commission (VGMC)  
Budget Justification – FY 2020-21**

<b>Object Code/ Description</b>	<b>Budget Amount</b>	<b>Justification</b>
1201-Salaries	\$27,650	ALL LINE ITEMS DETERMINED BY THE COUNTY
2100-FICA	\$2,132	
2200-Retirement	\$2,368	
2301-Group Insurance	\$4,500	
2302-Life Insurance	\$308	
3203-Dental Insurance	\$176	
3320-Comm. Fees	\$250	
3400-Contract Services	\$120,000	\$ 40,000 -- Legal Staff \$ 80,000 -- Planning Staff (\$65,000-SME; \$15,000-VHB)
3710-Computer Replacement	\$816	Desktop and laptop computer replacement program -- this amount is established by the County
3810-Training & Education	\$200	Fees for administrative staff to attend education/training class relating to records management
3820-Registration Fees	\$250	Fees for Chair or other designated member to attend VCARD sponsored events
4000-Travel	\$4,410	Member travel reimbursements – Calculated at 21 members, 6 meetings per year at a rate of \$35/meeting
4100-Communications	\$600	Broadband Internet Connection -- \$50/month
4211-Postage	\$1,000	Postage Costs for VGMC mailings
4250-Mileage	\$300	Mileage expense reimbursement for travel related to VGMC activities
4400-Rent	\$9,000	- Annual rent for VGMC office space (currently \$615.00/month) - Rental expense for offsite storage of VGMC files
4510-Liability Insurance	\$281	Liability insurance charged back from the County
4701-Printing C/R	\$200	Reproduction of VGMC materials (outside)
4711-Xerox – C/R	\$1,000	Use of County copier
4910-Legal Ads	\$3,000	Advertising hearings, meetings, etc.
5100-Office Supplies	\$1,000	Projected cost for VGMC office supplies
5102-Office Equipment	\$500	Budgeting for purchase of small office equipment
5230-Food & Dietary	\$500	To cover miscellaneous items such as meeting refreshments

# Volusia Growth Management Commission

## FY 2020-21 Annual Budget Request

### Key Objectives:

Review the Comprehensive Plans and any plan amendments thereto for each governmental entity in Volusia County to insure intergovernmental coordination and cooperation.

### Performance Measures:

	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20 (est.)	2019-20 YTD (1/7/20)	FY 2020-21 (est.)
Applications Reviewed	49	78	63	90	25	70

### Mission Statement:

To provide an effective means for coordinating the plans of municipalities and the County, in order to provide a forum for units of local government in Volusia County to coordinate decision making related to land use, the environment and public services for the citizens of Volusia County.

### Budget Request Overview:

The number of new applications reviewed by the VGMC has remained consistent over the past several years. In 2016, the VGMC Consistency Certification Rules were amended. While the standard of review by the VGMC remains the same, the changes, in part, limited the ability of the commission to independently request additional information and/or request a public hearing in many cases.

The requested VGMC budget represents anticipated expenses to be incurred by the VGMC to carry out the duties of the commission under the current rules and regulations.

#### Program Book Information:

The Volusia Growth Management Commission (VGMC) is established by Section 202.3 of the Volusia County Code and is comprised of 21 voting and two non-voting members. The voting members include one representative appointed by each of the 16 municipalities in Volusia County, and five members appointed by the County Council to represent the unincorporated area of Volusia County. The two non-voting members represent the Volusia County School Board and the St. Johns Water Management District.

The VGMC's primary duty and responsibility is to review the comprehensive plans and any plan amendments thereto for each governmental entity in Volusia County to determine the extent to which it is consistent with the comprehensive plans of adjacent and/or affected jurisdictions, and to insure intergovernmental coordination and cooperation. The Commission utilizes contract legal and planning services, and also has one permanent staff member.

Heather M. Ramos

407-244-5670

HEATHER.RAMOS@GRAY-ROBINSON.COM

December 12, 2019

Debbie Connors, Chair  
Volusia Growth Management Commission  
140 S. Beach Street, Suite 305  
Daytona Beach, FL 32114

Re: Legal Representation and Revised Budget Estimate for Fiscal Year 2020/2021  
GR Client-Matter No. 40080-1

Dear Ms. Connors:

This letter is sent in response to the Volusia Growth Management Commission's budget estimate for the fiscal year 2020/2021 for our firm's continued legal representation of the Volusia Growth Management Commission ("Commission"). I understand that this budget estimate will be reviewed by the Budget Committee in February 2020.

Over the years, it has been our experience that things go more smoothly if we have a clear understanding of your needs and the role we need to play. The purpose of this engagement letter is to confirm an agreement concerning representation and the payment of our fees and expenses. This engagement letter will govern all subsequent matters in which we may become involved on your behalf unless a separate arrangement is made.

We will do our very best to meet your needs in any matters we undertake for you, but as you know, we cannot and do not make any representations or warranties concerning the outcome. We will give you our best advice, render opinions, and seek to obtain the desired result. In this regard, it is most important that we communicate regularly.

As general counsel to the Commission, our duties will include:

- (i) Attendance at all meetings of the full Commission as directed by the Commission Chair and provide oral or written reports on legal activities;
- (ii) Analyze and comment on applications to the Commission for consistency certification when a request for comment is received from planning staff;
- (iii) Prepare draft resolutions regarding consistency certification applications for consideration by the Commission;

Debbie Connors, Chair  
December 12, 2019  
Page 2

(iv) Consult with the Commission Operations Manager and chairman on procedural matters and prepare procedural memorandums as so directed in the Commission's Rules of Procedure;

(v) Upon prior approval from the chairman, meet with the local governments and proponents of a comprehensive plan change to discuss and review legal issues on particular applications to the Commission; in the event there are exigent circumstances to attend such a meeting and prior approval from the chairman is not possible, authorization to attend said meeting may be obtained from the vice chairman or the secretary to the Commission;

(vi) Attend the Commission's committee meetings as directed by the committee chair;

(vii) Undertake special projects and prepare reports as directed by the Commission;  
and

(viii) Immediately address and respond to new litigation matters so as to preserve jurisdiction of the Commission and subsequently present the litigation matter to the full Commission for direction on the litigation position of the Commission and for direction as to whether general counsel shall pursue such litigation on behalf of the Commission.

GrayRobinson will begin performance of the above services on the date written authorization to proceed is received. The duration of this continuing services Agreement shall be one (1) year. The Commission shall have the option of extending this Agreement for two additional one (1) year terms; however, this Agreement will revert to a month-to-month contract under the current terms until such time as a new Agreement is reached.

In the event GrayRobinson elects to withdraw from representation, or if the Commission, by a weighted majority vote of the Commission, elects to terminate the services of GrayRobinson, a minimum of 90 days written notice will be provided to the affected party.

GrayRobinson strives to maintain the highest ethical standards. GrayRobinson is governed by the Florida Bar's Rules of Professional Conduct, including but not limited to, Rule 4-1.7, Conflict of Interest, Current Clients, and Rule 4-1.9, Conflict of Interest, Former Client, and represents that GrayRobinson will at all times perform any and all services under this Agreement in compliance with the Rules of Professional Conduct.

GrayRobinson agrees that, if changes, including additions, to the facts disclosed by it prior to execution of this Agreement, occur during performance of this Agreement, it shall make an immediate and full disclosure of such changes in writing to the Commission. GrayRobinson shall not undertake any representation of other clients which may result in a conflict of interest, without first obtaining written informed consent from each affected client(s), including the Commission, prior to commencement of such representation consistent with Rule of Professional Conduct 4-1.7(b).

Debbie Connors, Chair  
December 12, 2019  
Page 3

I am submitting the following arrangements with our firm regarding fees and costs:

1. Our fees will be based on an hourly rate of \$225.00 for attorneys and \$105.00 for paralegals. As you are aware, this hourly attorney and paralegal rate is considerably below the hourly rates normally charged our clients. I will be primarily responsible for your work, and will be assisted by other legal staff as necessary.

2. Our statement for fees and costs will be submitted on a monthly basis and are normally to be paid within thirty days of receipt of the statement. Enclosed, please find a copy of our firm's "Additional Understanding Regarding Representation". All conditions in that document are incorporated by reference as a part of this letter. Also enclosed is a copy of our current cost recovery rates/charges. Mileage will be computed at 44.5 cents per mile for all travel related to the Commission per Section 112.061(7)(d)1, Florida Statutes.

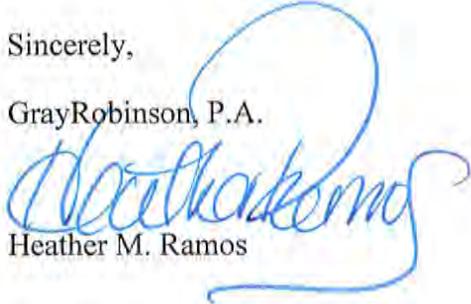
We estimate our fees will be approximately \$25,000.00 for the Commission's 2020/2021 fiscal year. If there is no longer a separate contingent amount for litigation, we would recommend including an additional \$15,000.00 for litigation into the budgeted amount.

If the foregoing meets with the approval of you and the Commission, please have the Commission's authorized representative execute this letter agreement in the space provided, and return it to me. Your acceptance of our representation will include our agreement regarding fees and costs.

Our firm looks forward to continuing to work with you and all the Commissioners in the future. If you have any questions regarding this representation letter or any other matter, do not hesitate to call me.

Sincerely,

GrayRobinson, P.A.

  
Heather M. Ramos

HMR/sdh

Enclosures

Debbie Connors, Chair  
December 12, 2019  
Page 4

ACCEPTED BY:

**VOLUSIA GROWTH MANAGEMENT COMMISSION**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

Date: \_\_\_\_\_

# **Additional Understanding Regarding Representation**

## **Payment of Invoices**

In the event that our invoices are not timely paid, or that payment terms satisfactory to us are not established, we reserve the right to renegotiate the terms of this engagement and/or to pursue our other remedies, including the right to charge you interest of 1<sup>1</sup>/<sub>2</sub>% per month for any invoice which has not been paid within 30 days of the date the invoice is mailed or emailed to you. We also reserve the right to withdraw as your counsel in the event you fail to honor your agreement with respect to our legal fees or for any just reason as permitted or required under the Florida Code of Professional Responsibility or as permitted by the rules of courts of the State of Florida. In the event of our withdrawal, you will promptly pay for all services rendered by us prior to the date of withdrawal.

## **Electronic Data**

This will serve as our disclosure that the Firm does presently and will continue to maintain confidential and privileged information in electronic form. This practice will be followed in our work on this matter. The Firm does take measures that it understands to be reasonable and consistent with current business practices to protect that information.

## **Outcome or Result**

We will strive to do our best to meet your needs in this and other any matter we subsequently undertake for you. Either at the commencement, or during the course of our representation, we may express opinions or beliefs concerning the litigation or various courses of action and the results that might be anticipated. Any such statement made by any attorney, consultant or employee of our Firm is intended to be an expression of opinion only, based on information available to us at the time, and should not be construed as a promise or guarantee. We cannot and do not make any representations, warranties or guarantees concerning the outcome of this or any representation we undertake. We will give you our best advice, render opinions, and seek to obtain the desired result. In this regard, it is most important that we communicate regularly.

## **File Retention**

Following the termination of the representation/engagement, any otherwise nonpublic information you have supplied to the Firm (unless previously removed or destroyed by specific request) will be retained by us and kept confidential in accordance with applicable rules of professional conduct, and the Firm reserves the right to send such materials to off-site storage at any time. Any retrieval of material once the file is closed may incur an expense for which you will be responsible. The Firm's retention policy provides that we retain stored and closed files for a period of ten (10) years after which they may be destroyed. Thus, if there are any documents which you need from those we possess, we recommend that you obtain them at the conclusion of our work on this matter. Failure to do so will waive and indemnify the Firm from any liability for the destruction of materials.

In representing the Volusia Growth Management Commission, our firm could be deemed to be “acting on behalf” of the Commission as contemplated under section 119.0701 of the Florida Statutes. In an abundance of caution, we have always complied in such representations with the letter and spirit of Florida’s Public Records Act, Chapter 119 of the Florida Statutes including specifically subsection 119.0701(2), which requires the firm to:

- a. Keep and maintain public records required by the Commission to perform the services under this Agreement.
- b. Upon request from the Commission’s custodian of public records, provide the Commission with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119 of the Florida Statutes or otherwise provided by law.
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of the Agreement if the firm does not transfer the records to the Commission.
- d. Upon completion of the Agreement, transfer, at no cost, to the Commission all public records in our possession or keep and maintain public records required by the Commission to perform the services under this Agreement. If the firm transfers all public records to the Commission upon the expiration or termination of this Agreement, the firm shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the firm keeps and maintains public records upon the expiration or termination of this Agreement, the firm shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Commission, upon request from the Commission’s custodian of public records, in a format that is compatible with the information technology systems of the Commission.

IF GRAYROBINSON HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO GRAYROBINSON’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO GRAYROBINSON’S LEGAL REPRESENTATION OF THE VGMC, GRAYROBINSON SHOULD CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT [VGMC@VOLUSIA.ORG](mailto:VGMC@VOLUSIA.ORG) (386) 947-1875, VOLUSIA GROWTH MANAGEMENT COMMISSION, 140 S. BEACH STREET, #305, DAYTONA BEACH, FL 32114.

## **CLIENT CHARGES**

Reproduction Costs (copier) – \$.20 per copy (Black & White)  
– \$.60 per Copy (Color)

Express Mail (Federal Express) – Fed Ex discounted charges.

Express Mail (UPS) – Actual UPS Charges.

Computerized Research (Lexis/Westlaw) – Actual charges.

Courier Service – Actual charges.

Postage and Handling – Actual postage.

Long Distance Calls – Actual charges.



December 17, 2019

Merry Chris Smith  
Operations Manager  
Volusia Growth Management Commission  
140 S. Beach Street, #305  
Daytona Beach, FL 32114

Reference: Volusia Growth Management Commission 2020-2021 Budget  
Project No. 20140535

Dear Ms. Smith:

S&ME is pleased to present our estimated budget for fiscal year 2020-2021. After discussions with VGMC staff, review of the previous year budget versus actual expenses, continued increase in economic growth and development activities in Volusia County, S&ME has prepared an estimated budget of \$65,000.00 for fiscal year 2020-2021. We understand that the actual expenses are based upon the number and complexity of the amendments to be reviewed in 2020-2021. We hope that this estimated budget will be helpful to you in budgeting for the next fiscal year.

If you should have any questions regarding the projected budget, please feel free to contact me at (407) 975-1273 or at [cdougherty@smeinc.com](mailto:cdougherty@smeinc.com). We look forward to assisting the Commission with next year's upcoming endeavors.

Sincerely,

**S&ME, Inc.**

A handwritten signature in blue ink, appearing to read "Chris R. Dougherty".

Chris R. Dougherty, AICP  
VGMC Planner

## RESOLUTION 2020-01

A RESOLUTION OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION; SUPERSEDING SECTION 2 OF RESOLUTION 2019-01; MODIFYING AND APPORTIONING THE VOTING WEIGHT OF THE VOLUSIA GROWTH MANAGEMENT COMMISSION; PROVIDING FOR RATIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE VOLUSIA GROWTH MANAGEMENT COMMISSION:

**SECTION 1. FINDINGS.** The Volusia Growth Management Commission makes the following findings:

(1) Section 202.3 of the Volusia County Home Rule Charter establishes a Growth Management Commission and provides for representation on the basis of population;

(2) Section 202.3 of the Volusia County Charter provides that each voting member of the Growth Management Commission shall have a weighted vote based upon the percentage of population that each municipality and the unincorporated area bears to the total population of the entire County, and that the Growth Management Commission shall determine annually the weighted vote; and

(3) Section 202.3 of the Volusia County Charter delegates to the Growth Management Commission the method to determine the population amounts, and the Growth Management Commission hereby finds that most recent annual estimate of population amounts available from the Bureau of Economic and Business Research of the University of Florida ("BEBR") as of April 1, 2019, is a proper method for determining the population of each municipality and the unincorporated area.

**SECTION 2. MODIFICATION AND RE-ESTABLISHMENT OF WEIGHTED VOTES.** Based upon the most recent population numbers provided by BEBR, and in accordance with Section 202.3 of the Volusia County Charter, each municipality and the unincorporated area shall have a vote weighted according to the percentages set out below:

		<b>Population</b>	<b>Percentage</b>
Daytona Beach		67,351	12.50
Daytona Beach Shores		4,372	0.81
DeBary		21,176	3.93
DeLand		35,763	6.64
Deltona		91,520	16.99
Edgewater		23,455	4.35
Holly Hill		12,153	2.26

		<b>Population</b>	<b>Percentage</b>
Lake Helen		2,773	0.51
New Smyrna Beach		27,173	5.04
Oak Hill		2,041	0.38
Orange City		12,103	2.25
Ormond Beach		41,289	7.66
Pierson		1,739	0.32
Ponce Inlet		3,151	0.58
Port Orange		61,617	11.44
South Daytona		12,819	2.39
Unincorporated Area*		118,268	21.95
	<b>TOTAL:</b>	<b>538,763</b>	<b>100.0%</b>

\* There are five (5) unincorporated Volusia County representatives. Each representative is a voting member and is accorded one-fifth (1/5) proportionate percentage equaling 4.39% per representative.

**SECTION 3. RESOLUTION NO. 2019-01 SUPERSEDED; PAST ACTS OF VOLUSIA GROWTH MANAGEMENT COMMISSION RATIFIED.** Section 2 of Resolution No. 2019-01 is hereby declared superseded and replaced by the weighted votes set forth in Section 2 of this Resolution. To avoid any possible confusion, the Volusia Growth Management Commission hereby declares all its past resolutions setting weighted votes ratified and confirmed except to the extent inconsistent with Section 2 of this Resolution. Notwithstanding anything to the contrary contained in prior resolutions setting weighted votes, the weighted votes set forth in Section 2 of this Resolution shall control unless and until superseded by future such resolutions as contemplated by the Volusia County Charter.

[SPACE INTENTIONALLY LEFT BLANK]

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

RESOLVED this 22nd day of January 2020.

VOLUSIA GROWTH MANAGEMENT  
COMMISSION

By: \_\_\_\_\_  
Debbie Connors, Chair

ATTEST:

\_\_\_\_\_  
Loretta Arthur, Secretary

APPROVED AS TO FORM, CONTENT AND  
LEGALITY FOR USE AND RELIANCE OF  
THE VOLUSIA GROWTH MANAGEMENT  
COMMISSION ONLY.

\_\_\_\_\_  
GrayRobinson, P.A.  
General Counsel to the Volusia Growth  
Management Commission

Dated: \_\_\_\_\_

FILED WITH THE SECRETARY THIS \_\_\_\_\_ DAY OF JANUARY, 2020.