

**Personnel, Operations & Procedures Committee
Volusia Growth Management Commission**

MINUTES FOR
MEETING HELD
Thursday, April 7, 2016

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

The meeting was called to order at 10:30 a.m. by Committee Chairman, Gerald Brandon and roll was taken.

The following POP Committee Members were present: Committee Chairman Gerald Brandon, Robert Lovelace, Don Romanik, Robert Storke, Sid Vihlen and Rich Walton. Also in attendance were VGMC Chairman James Wachtel, VGMC Legal Counsel Heather Ramos, VGMC Planner James Sellen and VGMC Operations Manager Merry Smith.

Members of the public in attendance included: Deanie Lowe, Jim Cameron, Joe Yarborough, Scott Simpson, Hyatt Brown, Kent Sharples & John Duckworth.

NEW BUSINESS

1) Consider the revision or repeal of VGMC Resolution #2016-02, and the possible adoption of VGMC Resolution #2016-03 relating to proposed substantive amendments to the VGMC Consistency Certification Rules.

POP Committee Chairman Gerald Brandon brought the committee up to date on events which have occurred since the committee last met on March 23, 2016, and the various items which need to be considered by the committee members today. Mr. Brandon reported that language has been added to the proposed rules to address the School Board review process. He also stated there has been discussion to determine if the rules could be revised without requiring a charter amendment. Mr. Brandon stated the Charter Review Commission met this past Monday and expressed support of the latest version of the proposed rules amendments. He stated this version of the rules and resolution, if approved by the VGMC and County Council, would avoid the need for a charter amendment.

Mr. Brandon invited the Charter Review Commission Chairman (CRC), Hyatt Brown, to address the committee. Mr. Brown thanked the committee and commented that we are moving forward in a good direction as a result of the cooperation which has occurred amongst many of the individuals present at the meeting. He stated the CRC originally understood that an amendment to the charter would be required, however, as discussions continued relating to the rules revisions, Ms. Ramos stated she felt the rules could be revised in a manner that would be satisfactory to all parties and would not require a charter amendment. Mr. Brown stated the CRC

took a vote, and if the VGMC adopts the proposed rules and the County Council approves them by a 2/3 vote of the Council, then a charter amendment would not be necessary. He also commented favorably on the time, effort and cooperation that went into the proposal.

Mr. Brandon turned the floor over to Heather Ramos to provide a synopsis of the March 31, 2016 version of the rules which are before the committee today.

Ms. Ramos summarized the action previously taken by the commission on March 23rd. She stated the commission approved the set of rules on March 23rd and left it up to VGMC staff to discuss and work out the school board review language with the affected parties, and also to finalize minor issues with the business community and cities.

Ms. Ramos stated a meeting occurred which included herself (by telephone), the County Attorney, School Board Attorney, Scott Simpson, Mark Watts and Saralee Morrissey to discuss the school board review language. She stated the school board will continue to be a party to the VGMC process and they will review what is set forth in Section 206 of the Charter which primarily relates to capacity issues. Ms. Ramos stated all of the interested parties were in agreement, and language has been added to the current set of proposed rules to incorporate that provision. Ms. Ramos stated after she left the meeting, there was additional discussion among the attendees in which they concluded that it would be a good idea to try and move forward with a set of rules which would not require a charter amendment.

At the April 4th CRC meeting, Ms. Ramos stated the commission proposed two parallel paths with respect to the rules revisions. Presently, the POP Committee will not be considering revision or repeal of Resolution 2016-02 which was approved on March 23rd. Instead, this resolution will remain in place in case the Volusia County Council does not approve the alternate set of rules, which are the 'no charter amendment' rules, when they consider them on May 5th. If they do not approve them, then Resolution 2016-02 will go forward and a proposed charter amendment will go on the ballot at the November general election.

Mr. Wachtel pointed out that if the County Council does not approve the new resolution and we go forward with Resolution 2016-02 and a charter amendment, that the County Council would still need to approve the rules revisions set forth in Resolution 2016-02. Ms. Ramos concurred and stated that would be forwarded to the County Council following the general election if approved by the voters. Mr. Wachtel asked what would occur with respect to Resolution 2016-02 should the County Council approve the new resolution. Ms. Ramos responded that the new resolution which will go before the full VGMC on April 13th has not been drafted yet, however, a provision will be added repealing the old resolution if approved by the County Council.

For clarification, Mr. Romanik asked if the POP Committee would today be considering proposing approval of Resolution 2016-03 and the associated rules amendments that would not require a charter amendment. Mr. Brandon responded affirmatively. Assuming Resolution 2016-03 is approved by the VGMC, Mr. Romanik stated it would be forwarded to the County

Council for consideration and if they should reject it, the fallback would be Resolution #2016-02. Mr. Brandon concurred. Following further discussion, Mr. Wachtel clarified that the POP Committee would be voting on Resolution 2016-03 today, which will then be voted on by the full commission at the April 13th special meeting, and if approved by the commission, forwarded to the County Council for consideration at their May 5th meeting.

Referring to the March 31, 2016 (no charter amendment) version of the rules amendments, Ms. Ramos stated the primary difference from what was previously reviewed and approved by the commission is that the VGMC planning review of the small scale and JPA amendments has been expanded. She explained that the applicant local government still has the duty to submit notice of the amendment to the VGMC and other units of local government, and those amendments will still be presumed consistent unless a unit of local government files an objection within 21 days. However, unlike the prior rules revisions, VGMC planning staff will be reviewing these applications. Ms. Ramos stated staff will review the applications as submitted and will not request additional information. They will then issue a report that will be distributed to all units of local government and it will be up to the units of local government to determine whether or not they wish to file an objection.

Ms. Ramos stated under the previous rules revisions, VGMC staff would not have reviewed the small scale and JPA amendments, and the County Attorney had indicated a charter amendment would be required if there was no VGMC review. With the addition of the planning staff review and process within this latest version, she stated the County Attorney agreed that a charter amendment would not be necessary. Mr. Romanik commented that it is an advisory review, but a review on the record.

Mr. Wachtel asked if the school board review has been addressed in this latest version. Ms. Ramos responded affirmatively, adding that it is addressed in Section 90-37(d).

Mr. Romanik pointed out that "Commission" had been changed to "commission" (lower case) throughout much of the document and he felt that "commission" should be capitalized since it is a specific reference to the VGMC. Following brief discussion, it was determined that it was not consistent throughout the document and should be.

Mr. Romanik also asked about the reference to advertising in Section 90-37(i) on page 16 of the 3-31-16 draft. Ms. Smith responded that this relates to public hearings that are published in the newspaper. She stated the change in advertising in earlier sections of the rules relates to the notices of application which will no longer be published in the newspaper and instead will be posted on the VGMC website.

Mr. Wachtel asked if the POP Committee or commission needed to take any action on Resolution #2016-02. Ms. Ramos stated the revisions to the rules associated with that resolution were non-substantive so no further action would be necessary.

Discussion ensued regarding the proposed school board review provision. Ms. Ramos stated that this language was reviewed by and acceptable to several attorneys, including the School Board and County attorneys.

There were no further questions of Ms. Ramos relating to the 3-31-16 version at this time.

Ms. Ramos stated she met with Scott Simpson on April 4th following the Charter Review Commission meeting to discuss further changes requested by some of the cities. Another version of the rules dated 4-6-16 has been distributed to the committee members which includes these changes which Ms. Ramos stated were primarily for clean-up and clarification, and not substantive in nature. She then reviewed the changes as follows:

- 1) Page 1 – definition of “Commission” – Ms. Ramos stated that Scott Simpson pointed out that in several places within the rules it is difficult to determine whether it is the commission or staff taking action. Therefore, language has been added to definition of “Commission” to include staff.

Ms. Lowe stated at the last Charter Review Commission meeting, CRC member David Haas had several questions and she asked Ms. Ramos if Mr. Haas had been in touch with her. Ms. Ramos stated she spoke with him following the meeting to further explain the streamlined review process. He indicated he would look at it further and get back to her, however, she hadn't heard from him to date.

- 2) Page 6, subsection (b) has been clarified to reflect that all applicant jurisdictions need to submit the same information in the amendment package, regardless of whether it is a large scale or small scale amendment. Subsection (1)b. has also been clarified to reflect “unit of local government”.
- 3) Page 12 – Ms. Ramos stated that a concern was raised by Scott Simpson that in the past, a hearing could go forward even if the VGMC did not grant party status to an objecting party. She stated this section of the rules has been clarified so that if no other units of local government have party status, and if the VGMC does not have the ability to call for a public hearing, then the hearing will not proceed.
- 4) Page 14 – Ms. Ramos stated if an objection is not timely filed, then there is no right to object at a later point. She stated this section only spoke to small scale amendments in the past, therefore, the reference to small scale amendments has been deleted as the provision applies to all amendments.

Ms. Ramos stated that covers the changes in this 4-6-16 version of the proposed rules. Mr. Brandon stated this is the version of the rules that the POP Committee will be voting on today to bring forward in a recommendation to the full commission at the April 13th meeting.

With respect to the school board review, Mr. Walton asked what will occur if the school board determines there is not sufficient school capacity for a proposed amendment. Mr. Sellen stated the school board would issue their objection and a hearing could occur if necessary. Mr. Simpson added that it shouldn't get to that point since the local government should have already addressed it earlier in the process. He stated including the school board in the VGMC process creates a stop-gap in the event the local government did not address the school board issue as they should have earlier on.

Brief discussion ensued relating to Section 90-33(9)(c) – Page 4 – which provides that the commission could act as a mediator when requested by two or more local governments. It was agreed that this refers to mediation relating to comprehensive planning issues.

Mr. Sellen pointed out that even when a local government objects to an application, it doesn't always mean that a public hearing occurs. He stated when an objection is received, VGMC staff coordinates with the local governments to work out the issues which are often resolved without the need for a hearing.

Mr. Wachtel clarified for the record that the 4-6-16 version of the rules amendments include the revisions that were made in the 3-31-16 version. Ms. Ramos & Mr. Brandon both concurred.

Sid Vihlen made a motion to recommend adoption of the 4-6-16 version of the proposed rules amendments as presented and discussed; Robert Storke seconded the motion. The motion carried unanimously. Mr. Brandon stated the recommendation will be presented to the full commission at the April 13th special meeting as a motion and second from the POP Committee.

Mr. Wachtel asked if there will be a new resolution associated with this version of the proposed rules amendments. Ms. Ramos responded affirmatively, stating Resolution #2016-03 will be presented to the full commission on April 13th meeting. She added that the resolution will include language that if the County Council adopts the proposed amendments, then this resolution will repeal Resolution #2016-02 which was previously approved by the VGMC on March 23, 2016.

Ms. Lowe asked if David Haas came up with any proposed changes between now and the meeting on April 13th, that he could present those to the full commission at the meeting. Mr. Brandon and Mr. Wachtel stated that would be fine.

Mr. Brandon thanked everyone in attendance for their review and input.

OLD BUSINESS

None

OTHER BUSINESS

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:10 a.m.



POP Committee Chairman Date