

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

MINUTES FOR  
MEETING HELD  
**Wednesday, July 23, 2014**

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

The meeting was called to order at 6:00 p.m. by POP Committee Chairman, James Wachtel.

Also present: Sandy Lou Gallagher, Kenneth Kuhar, Robert Lovelace, Don Romanik, and Robert Storke, VGMC Chairman Gerald Brandon and VGMC Secretary Roger Sonnenfeld. Also in attendance were Paul Chipok, VGMC General Counsel and Merry Chris Smith, VGMC Operations Manager.

**Approval of Minutes – March 26, 2014 POP Committee Meeting**

Don Romanik made a motion to approve the minutes of the March 26, 2014 POP Committee meeting as presented; seconded by Robert Lovelace. Motion carried unanimously.

**Approval of Minutes – June 10, 2014 RSQ Committee Meeting**

Don Romanik made a motion to approve the minutes of the June 10, 2014 RSQ Committee meeting as presented; seconded by Robert Lovelace. Motion carried unanimously.

**Discussion Concerning Miller Legg Contract**

Paul Chipok reminded the committee that Barry Wilcox has accepted a position with the City of Tallahassee and is leaving Miller Legg. He explained the current contract with Miller Legg, which is a one year contract with the option for two one year renewals, states that if the named project manager leaves, the VGMC must approve a newly assigned project manager. In addition, he stated the contract gives both parties the right to terminate the contract with 30 days notice.

With Mr. Wilcox as the currently designated project manager leaving Miller Legg, Mr. Chipok stated a letter was sent to Miller Legg asking what their intentions were with respect to the contract. He stated Miller Legg responded that they are proposing Wesley Hoaglund as the replacement project manager.

Mr. Chipok stated there are several options to consider and decisions to be made. Specifically, the commission needs to consider: 1) Whether to accept the new project manager; 2) Whether to continue the Miller Legg contract beyond the first year which is scheduled to conclude on September 30, 2014; and 3) If the commission rejects the new project manager or elects not to renew the contract for a second year, how does the commission wish to bring a second planning firm on board.

Taking the issues one step at time, Mr. Chipok stated the first question is whether or not the committee wishes to interview Mr. Hoaglund. Mr. Wachtel state that Mr. Hoaglund was invited to attend tonight's meeting, however, he was out of state attending a funeral and was not able to attend. He further added that Jon Walls from Miller Legg offered to attend the meeting, however, he did not feel that would be productive since it is the proposed project manager the committee is interested in meeting.

Sandy Lou Gallagher joined the meeting.

Mr. Chipok commented that he wanted to be sure that whatever action is taken by the commission is legally supportable. He further stated that from a legal perspective, the safest course of action would be to offer Mr. Hoaglund the opportunity to interview. If the commission were to decide not to retain Miller Legg, rather than terminating the contract it would be better to continue the current contract through its scheduled conclusion of September 30, 2014, give Miller Legg notice now that the contract will not be renewed, and then open up the bid process for a second planner. He added this would allow Miller Legg the option to submit a proposal if they wished to. Mr. Chipok also stated that a caveat could be included that those firms who previously submitted a proposal under the pending RSQ #14-01, could submit a letter of continued interest without submitting an entirely new proposal.

Mr. Brandon commented in disagreement. Mr. Chipok stated he has recommended the proposed course of action because he would rather see the commission spend time on another bid process than potentially in litigation with Miller Legg over interpretation of the contract. With that said, Mr. Chipok stated he will follow whatever course of action the commission decides.

Mr. Wachtel asked if there are any applications pending with Miller Legg. Ms. Smith responded there is one application from the City of Orange City pending with Miller Legg.

With respect to non-renewal of the Miller Legg contract, Mr. Romanik asked if there are notice requirements for that provision. Mr. Chipok responded the contract is silent on that and suggested the better course of action would be to provide a 30-day notice of non-renewal. With the current contract scheduled to conclude within the next couple of months, several members agreed that a non-renewal of the current contract would make more sense than terminating the current contract. Mr. Sonnenfeld added there is no contractual agreement to forward new applications to Miller Legg through the balance of the current contract year.

General discussion ensued pertaining to the Orange City application that is presently under review by Miller Legg. Mr. Chipok provided an update on the status of the application, including that the City has requested the application go to public hearing at the August 27, 2014 regular meeting of the commission.

Ms. Gallagher asked what would happen with the Orange City application if we chose to terminate the contract with Miller Legg. Mr. Chipok responded that it would be assigned to another planner.

Mr. Brandon commented that he agreed with letting the current contract run its natural time frame through September, however, in reviewing Mr. Hoaglund's resume, he did not feel his experience ties into what the VGMC reviews. He further added that he is not comfortable keeping Miller Legg beyond the current contract year.

Mr. Wachtel commented that much of Mr. Hoaglund's experience is in areas outside of Volusia County and tended to agree with Mr. Brandon's assessment based upon the resume provided. Several members commented that Miller Legg would probably not have been selected for an interview if they had been considered along with the other firms under the pending RSQ.

There was general agreement to continue the Miller Legg contract through September 30, 2014 and send a 30-day notice of non-renewal.

Mr. Romanik asked if the committee should re-invite Mr. Hoaglund to address the committee. Mr. Chipok recommended the committee do so not only because the contract states the commission must approve a new project manager, but also it would give the committee an opportunity to evaluate him.

General discussion ensued relating to timing in terms of meeting with Mr. Hoaglund, issuing a notice of non-renewal and initiating another bid process. Mr. Chipok recommended not issuing a notice of non-renewal until the committee has had the opportunity to meet with Mr. Hoaglund. It was also stated that a notice of non-renewal should be provided 30 days in advance which would be at the end of August.

Mr. Storke joined the meeting.

Further discussion continued relating to the necessity and timing of initiating a second bid process for the Miller Legg contract if non-renewed. Mr. Chipok suggested that a clean notice of RSQ be initiated which opens it up to anyone to bid, and to include a caveat that firms who previously submitted a proposal could simply submit a letter of continued interest. Mr. Brandon questioned the need to go through the RSQ process again. He stated that we already received four proposals to the current RSQ and interviewed two of the four firms. VHB was ranked first and the committee already agreed to move forward in negotiating that contract. Littlejohn was ranked second and Mr. Brandon suggested bringing them in to replace Miller Legg effective October 1, 2014. Mr. Chipok discussed potential legal challenges if it is perceived that Miller Legg was precluded from bidding on the new contract.

With respect to timing, if the commission decided not to renew the Miller Legg at the August 27, 2014 regular meeting, the committee discussed sending the non-renewal notification to Miller Legg immediately following the August 27, 2014 regular meeting, at which the RSQ could be released as well.

The normal RSQ process from start to finish has generally taken approximately four months in the past. The committee agreed to keep the time frame for firms to submit proposals at 30 days from the date of release, and discussed various time frames for scheduling meetings and interviews thereafter in order to bring on a second planning firm as early as possible.

Ms. Gallagher suggested sending a courtesy letter to Littlejohn and the other two firms who submitted proposals to RSQ #14-01 to let them know another RSQ was being issued and if they wished to be considered they could submit a letter of continued interest without having to submit a new proposal. There was general agreement to do so and to send the letters no later than the release date of the RSQ. Mr. Chipok stated that we should also include language on the face of the RSQ that any firm who previously submitted a proposal has the option to submit a letter of continued interest and does not necessarily have to submit a new proposal.

Discussion ensued relating to the acceptance of Wesley Hoaglund as the replacement project manager, and the expectation that a planning report will need to be completed for the Orange City application if it goes to hearing at the August 27, 2014 commission meeting. There was general agreement to recommend the VGMC accept Wesley Hoaglund as the project manager through the remainder of the current Miller Legg contract based upon the written submitted credentials so the authority exists for Mr. Hoaglund to prepare and present a staff report on the Orange City application. Further discussion relating to the status and time line of the Orange City application occurred.

Mr. Lovelace and several other committee members commented in favor of bringing Mr. Hoaglund in for an interview. Mr. Storke stated he had questions to ask of him, including his experience in dealing with the Department of Economic Opportunity.

The committee discussed scheduling an interview with Mr. Hoaglund the week of Monday, August 4<sup>th</sup>. Mr. Wachtel requested Ms. Smith contact Miller Legg to coordinate his availability to meet that week. There was further discussion as to when a recommendation to accept Mr. Hoaglund as the replacement project manager would come before the full commission.

Sandy Lou Gallagher made a motion to recommend the commission accept Wesley Hoaglund as the project manager for Miller Legg through the remainder of the current contract, September 30, 2014. The motion died for a lack of second.

Roger Sonnenfeld made a motion to recommend the commission accept Wesley Hoaglund based on his credentials as presented within his resume tonight; seconded by Don Romanik.

Mr. Romanik asked if the recommendation should be made at tonight's meeting or at the August regular meeting. Mr. Chipok responded that by taking action at tonight's meeting, the work performed by Mr. Hoaglund, including a staff report for Orange City, is beyond reproach. Mr. Romanik stated he would still like to follow through with an interview of Mr. Hoaglund so the committee can become familiar with him. Mr. Chipok concurred and stated that by doing so, an item can be scheduled on the August agenda, after the anticipated Orange City public hearing, where the VGMC can discuss how they wish to move forward with the Miller Legg contract.

Mr. Romanik suggested that in order to keep the VGMC work moving along, the recommendation to accept Wesley Hoaglund as the project manager should be presented to the commission for consideration at tonight's regular meeting. Mr. Chipok added that after the

interview in early August, the committee will then have a better understanding of Mr. Hoaglund and whether or not to recommend renewal of the Miller Legg contract for a second year.

Mr. Kuhar asked if the commission decided to reject Mr. Hoaglund, would Miller Legg have the opportunity to propose another project manager. Mr. Romanik commented they appear have no other planners at this time. Mr. Brandon stated they could do that with a submittal under the new RSQ.

Mr. Wachtel called the question to the original motion. Mr. Sonnenfeld restated the motion is to recommend the commission accept Wesley Hoaglund based on his credentials as presented within his resume tonight. The motion carried unanimously.

Mr. Chipok stated the second part of the issue as to whether the committee will, or will not, recommend the Miller Legg contract be continued in the 2014-15 fiscal year will be deferred until after the interview, and that recommendation will be presented to the full commission at the August 27, 2014 regular meeting. The committee members concurred.

Mr. Wachtel stated the committee also needs to move forward with the recommendation to accept VHB as the top ranked firm under RSQ #14-01 and suggested moving forward with negotiating a contract with VHB. Mr. Chipok stated there is an RSQ update scheduled on tonight's regular meeting agenda where Mr. Wachtel can report that VHB ranked highest following the interviews and we will be moving forward to negotiate a contract to bring back for consideration by the full commission at the August 27, 2014 regular meeting. In response to a question raised by Mr. Romanik, Mr. Chipok clarified the August 27, 2014 agenda would include two individual agenda items relating to planning contracts, one to consider approval of the VHB contract under RSQ #14-01 for the 2014-15 fiscal year, and the other will be a recommendation from POP as to whether or not to renew the Miller Legg planning contract for the 2014-15 fiscal year.

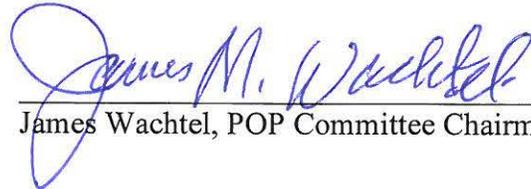
Mr. Brandon suggested that the committee also review the proposed VHB contract at the meeting to be scheduled the week of August 4<sup>th</sup> so that the recommendation can be formalized in advance of the August 27<sup>th</sup> regular commission meeting. The members concurred.

Mr. Brandon also commented that he was a bit irritated with the tone of one of the emails that came from Miller Legg recently with respect to the procedure of approving a new project manager. Several members commented and agreed.

As a last item, Mr. Wachtel stated that the consistency certification rules were modified several years ago and some items were changed, including rules relating to membership, and other recommended amendments were not. A copy reflecting the original recommended changes and those which were later adopted by the County Council were distributed. He asked the committee members to review the information so that we can determine if further amendments should be pursued.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:02 p.m.

  
James Wachtel, POP Committee Chairman