

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

MINUTES FOR
MEETING HELD
Thursday, August 24, 2016

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

The meeting was called to order at 6:00 p.m. by Committee Chairman, Gerald Brandon and roll was taken.

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

NEW BUSINESS

- 1) Approval of the minutes of the March 23, 2016 POP Committee meeting:

Sid Vihlen made a motion to approve the minutes of the March 23, 2016 POP Committee meeting as presented; seconded by Sandy Gallagher. Motion carried unanimously.

- 2) Approval of the minutes of the April 7, 2016 POP Committee meeting:

Sid Vihlen made a motion to approve the minutes of the April 7, 2016 POP Committee meeting as presented; seconded by Robert Storke. Motion carried unanimously.

- 3) Consider recommendation of renewal of GrayRobinson legal services contract for the 2016-17 fiscal year:

Mr. Brandon pointed out that the proposed contract includes an increase of \$25/hour for attorneys and \$5/hour for paralegals, adding that the last increase in legal fees was approximately six years ago. In response to several questions, Mr. Brandon stated the current hourly attorney rate is \$175 and the proposed is \$200, and that it is during the renewal process that any proposed rate increases would be considered.

Brief discussion ensued relating to the RSQ timeline of each of the three professional contracts. Ms. Smith provided a history of which contracts were put out to bid in the most recent years. She also stated that the Littlejohn contract was planned to go out for bid in the present fiscal year, however, given that the commission was being reviewed by the Charter Review Commission (CRC) and the outcome was uncertain at the time, it was decided to postpone any contract bids during the CRC process.

Several committee members commented very favorably on Ms. Ramos' performance and how quickly she adapted during the transition. There was also support expressed for approving the contract with the increase fees.

Robert Storke made a motion to recommend the VGMC approve the renewal contract with GrayRobinson for the 2016-17 fiscal year as proposed; motion seconded by Sandy Gallagher. Motion carried unanimously.

4) Consider recommendation of renewal of Littlejohn planning services contract for the 2016-17 fiscal year:

Mr. Brandon pointed out that the proposed contract includes an increase of \$10/hour for the project manager (Chris Dougherty). He asked Ms. Smith and Mr. Wachtel to share with the committee their experience in working with Chris. Ms. Smith and Mr. Wachtel both spoke very positive concerning his knowledge, thoroughness, timeliness and professionalism.

With respect to the Littlejohn fee schedule, Mr. Vihlen asked who determines if higher paid auxiliary staff are utilized for VGMC related matters. Mr. Brandon responded that staff notifies the VGMC in advance if they feel there is a need to bring in other senior professionals on VGMC matters. Mr. Wachtel stated that it generally would be for a specific area of expertise and often at the request of the VGMC, adding that the VGMC has the right to refuse or approve additional members of staff being involved.

Mr. Brandon also pointed out one correction to the contract on page 9, Article 7, Term – he stated that Littlejohn has corrected the term to reflect the agreement shall be through September 30, 2017.

Richard Walton made a motion to recommend the VGMC approve the renewal contract with Littlejohn for the 2016-17 fiscal year as proposed; motion seconded by Sandy Gallagher. Motion carried unanimously.

5) Consider recommendation of renewal of VHB planning services contract for the 2016-17 fiscal year:

Mr. Wachtel stated that Jim Sellen contacted the VGMC within the past few months to advise he was planning to retire and suggested not renewing the VHB contract. Given the institutional knowledge Mr. Sellen has with respect to the VGMC, and the idea of having only one planning firm in the event of a conflict of interest, Mr. Wachtel stated we have a general agreement with VHB that if the contract is renewed for the next fiscal year, that we would begin lessening the VHB workload and begin shifting more to Littlejohn. He added that VHB will likely not renew the contract thereafter.

Mr. Brandon stated he understood from his discussion with Jim Sellen that he plans to retire in the spring of 2017. He stated Mr. Sellen indicated he asked Erika and Tyler, the two planners

with VHB, if they were interested in continuing to work with the VGMC after his retirement and they indicated they were not too keen on continuing. Mr. Brandon stated the POP Committee will need to address the contract through the RSQ process beginning in approximately six months. In the meantime, he stated we need to renew the VHB contract for the 2016-17 fiscal year and VHB will essentially serve as a back-up planner for the VGMC during this time.

Mr. Walton asked how many hours Mr. Sellen generally is involved in with the VGMC. Ms. Smith responded that this past year he has primarily been involved with the charter review process and the meeting with Orange City, at the request of the VGMC. She added that he generally is not involved with the review of applications unless there is a question or controversy.

Committee member Robert Lovelace joined the meeting.

Mr. Romanik asked if Chris Dougherty with Littlejohn understood this change is occurring. Mr. Wachtel responded that they discussed the issue at a recent meeting they both attended with Orange City.

Following further discussion, Sandy Gallagher made a motion to recommend the VGMC approve the renewal contract with VHB for the 2016-17 fiscal year as proposed; motion seconded by Robert Storke. Motion carried unanimously.

Mr. Wachtel reported that he, Jim Sellen, Chris Dougherty and Heather Ramos met with Becky Mendez and Dale Arrington, the Planning Director and City Manager respectively for the City of Orange City. He explained that historically the city has utilized a mixed use land use designation within the city, and impacts were not able to be determined at the time of the land use change. As a result, and through VGMC resolution, Mr. Wachtel stated the city is required to submit each planned development (PD) to the VGMC for review and consistency certification. This process is burdensome to the city and it is their desire to eliminate the requirement of submitting every application to the VGMC for review.

Mr. Wachtel stated since approval of the original VGMC resolution establishing the PD review requirement, the city has adopted policies and completed a transportation study which has established impacts. Currently, City staff and VGMC staff are looking at this together to see if the actions taken by the city addresses the VGMC planning concerns, and whether they could bring something back to the commission for consideration which would alleviate the requirement.

Discussion ensued relating to the procedural process and the need to bring a recommendation back to the full commission for a final determination. Mr. Walton stated the same PD review requirement exists in some areas of Daytona Beach.

OLD BUSINESS

1) Discuss proposed revisions to the VGMC Rules of Procedure for Meetings, Membership and Operations:

Mr. Brandon stated the Rules of Procedures are the commission's internal operating rules. He stated that the draft included in the agenda package shows proposed changes to the rules, noting that anything in blue are proposed additions, and red are proposed deletions.

In addition to the proposed changes included in the draft amendments in the agenda package, Mr. Brandon reviewed several additional proposed changes that have since been raised. Specifically:

- a) Article II, Section 11 has been modified to clarify that the Secretary will "insure" that minutes are prepared.
- b) Article V, Section 1(a) has been modified to include language that specifically spells out that commission members should not contact VGMC legal or planning staff directly. Mr. Brandon emphasized that we need to make sure all contact is routed through the VGMC office.
- c) Article VII, Section 2 – the reference to "partial" terms for officers has been deleted. Mr. Brandon explained that if a member is elected as an officer of the commission mid-term, they should still be allowed to serve two consecutive full one-year terms if elected to do so by the commission.
- d) Article VII, Section 5 has also been modified to clarify that it is the duty of the Secretary to "insure" those duties that are typically delegated to administrative staff are carried out, such as preparing minutes, as opposed to the rules stating the Secretary will prepare the minutes.
- e) Article VIII – the references to "Executive Director" will be deleted. Mr. Brandon explained that when the VGMC was created, the rules were crafted to include the ability of the commission to hire an Executive Director. He stated the VGMC has never hired an Executive Director and he does not foresee the need in the future since the Operations Manager carries out all of the administrative duties. General discussion ensued relating to the possible reasons this provision was included in the rules originally, as well as the current Operations Manager position.

Mr. Brandon stated that proposed revisions will be brought before the commission for discussion at tonight's regular meeting of the VGMC. He stated a vote on the changes will occur at the next regularly scheduled meeting.

Robert Storke made a motion to recommend approval of the proposed amendments, including the five additional modifications reviewed by Mr. Brandon; motion seconded by Richard Walton.

Mr. Walton commented that future changes in the legislature could result in expanded review requirements in the comprehensive planning process. Mr. Brandon stated that since these rules

are internal to the VGMC, any changes that are made can be revisited by the commission at a later date.

Mr. Brandon asked Mr. Storke if he would include specific reference to the five additional modifications to the proposed rules revisions for the record.

Robert Storke amended his motion to recommend approval of the proposed amendments as further modified on Page 4, Section 11; Page 5, Article V, Section 1(a); Page 7, Article VII, Section 2; Page 8, Article VI, Section 5; and Pages 9 & 10, Article VIII. Mr. Walton seconded the amended motion. The motion carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

Mr. Brandon thanked everyone for attending. There being no further business, the meeting was adjourned at 6:48 p.m.



POP Committee Chairman Date