

Volusia Growth Management Commission

**MEETING MINUTES FOR  
REGULAR MEETING HELD  
Wednesday, March 27, 2013**

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

MEMBERS PRESENT

Gerald Brandon, Chairman  
Jack Hayman, Vice Chairman  
James Wachtel, Secretary  
Richard Walton  
Jack Lenzen  
Roger Sonnenfeld  
Kenneth Bohannon  
Robert Storke  
Don Romanik  
Debbie Connors  
Richard Kane  
David Michael Halpin

REPRESENTING

Ormond Beach  
Edgewater  
Volusia County  
Daytona Beach  
DeBary  
Lake Helen  
New Smyrna Beach  
Orange City  
Ponce Inlet  
Port Orange  
South Daytona  
Volusia County

MEMBERS NOT PRESENT

Sandy Lou Gallagher  
John Heaphy  
Kenneth Kuhar

Deltona  
Holly Hill  
Volusia County

NON-VOTING MEMBERS

Sara Lee Morrissey (not present)  
Cathy Foerster (not present)

Volusia Co. School Board  
SJRWMD

OTHERS PRESENT

Paul Chipok, GrayRobinson, General Counsel  
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

VGMC Chairman Gerald Brandon called the meeting to order at 7:00 p.m.

### ROLL CALL

Roll call was taken and it was determined there was a quorum present. Chairman Brandon announced that Joan Spinney recently resigned from the commission after representing the City of South Daytona for over 16 years, and that Carla Page who represented the City of Daytona Beach Shores had also resigned. In addition, Chairman Brandon welcomed new member Richard Kane who was recently appointed to represent the City of South Daytona.

### CITIZEN COMMENTS

There were no citizens present who wished to speak.

### APPROVAL OF MINUTES

Debbie Connors made a motion to approve the minutes of the regular meeting held on January 23, 2013 as presented; seconded by Kenneth Bohannon. The motion carried unanimously.

### REPORT FROM PLANNING CONSULTANT

None

### REPORTS FROM LEGAL COUNSEL

Mr. Chipok stated there are no pending VGMC litigation matters. He also reported that his firm is representing Total Wine and More relating to a zoning matter for property located in the City of Daytona Beach. Mr. Chipok stated the work is not related to comprehensive planning and no conflict exists. He added that a notification of representation has been submitted to the Chairman. There were no questions or comments from the commission.

### REPORTS OF COMMISSION COORDINATOR

Ms. Smith provided an update to the pending case log. Since the last update of March 14<sup>th</sup>, she stated that no comments or objections were received on cases #13-004 through #13-011 and those eight applications have been letter certified. With respect to #13-012 for the City of Daytona Beach, she reported that no objections have been received to date and VGMC staff has not identified any issues, however, we are still within the comment period. If no objections are received, she stated this application will be eligible for certification next week. In addition, Ms. Smith reported that four new amendment applications have been received and are presently under review.

### REPORTS OF COMMISSION CHAIRMAN

No report at this time.

### REPORTS OF COMMITTEES

POP Committee Report: Jack Hayman, Chairman of the POP Committee, stated the committee had met immediately prior to the regular meeting. Mr. Hayman reported the committee discussed the RSQ for consultant planning services which they have been working on for some time, and the final changes had been made. He stated the committee is prepared to recommend the commission approve the final RSQ. The recommendation comes before the commission in the form of a motion and second from POP. Mr. Hayman provided an overview of the final changes and stated the final version will come back to the commission at the next meeting. Mr. Walton pointed out the scheduled release date is April 15<sup>th</sup> which is prior to the next meeting. Mr. Chipok stated that if it is the intent to bring the RSQ back to the full commission for approval at the April 24<sup>th</sup> regular meeting, then the release date and proposed schedule will have to be pushed back. Robert Storke moved to withdraw the motion and second recommending the commission approve the RSQ; seconded by Richard Walton. Motion carried unanimously.

Mr. Hayman also reported the committee reviewed the job description of the VGMC Coordinator. He explained the coordinator works very closely with not only the POP Chairman, but the Chairman and Secretary of the commission. Mr. Hayman stated the duties and title of the position need to be further reviewed and also need to be included within the VGMC Rules of Procedure. In the POP meeting discussions today, Mr. Hayman stated the committee concluded the delineation of reporting should be well defined in the Rules of Procedure, and there was agreement that this position should report directly to the Chairman of the Commission. In addition, the committee agreed that the duties and responsibilities reviewed by the POP committee were adequate to move forward and recommend approval by the full commission at the next meeting. He stated between now and then the committee will also be reviewing the job title to more accurately reflect the actual duties of the position and will bring forward a recommendation relating to this matter as well.

Chairman Brandon thanked Mr. Hayman and the POP Committee for their efforts.

Budget Report: Jim Wachtel, Chairman of the Budget Committee, reported the committee met immediately prior to the regular meeting. Referring to current YTD expenditures, he stated we are presently 45% through the current fiscal year, and the salaries and FICA budget expenses are reflective of that. Mr. Wachtel also stated we contacted the County relating to the worker's compensation expense and status of coverage, and he asked Ms. Smith to comment. Ms. Smith stated the question was raised to the County's Risk Manager who advised he requested the County Legal Department review the Florida Statutes to determine the employment status between Volusia County and the VGMC. At this point in time, Ms. Smith stated we are awaiting their response. Mr. Wachtel stated if it is determined that the coordinator position is not covered under the County's worker's compensation insurance, then the commission needs to investigate other options for providing this coverage.

Mr. Hayman commented this matter is the start to identifying the employee status and relationship of the VGMC Coordinator position with respect to Volusia County. Throughout the course of resolving the worker's compensation issue, he stated the POP Committee will be

moving forward to clarify the employment status of the Coordinator on not only wage and worker's compensation matters, but also with respect to benefits such as retirement, medical insurance, sick and vacation leave. Mr. Hayman commented there are part-time employees at the County that receive considerably more benefits than the VGMC Coordinator and that our quest is for parity.

#### OLD BUSINESS

None

#### NEW BUSINESS

##### Consider Approval of the 2013-14 Proposed Budget:

Mr. Wachtel reported that the Budget Committee reviewed the proposed budget as presented in the agenda package and are recommending the commission approve the 2013-14 proposed budget. The recommendation comes to the commission as a motion and second.

Mr. Wachtel also stated several questions and comments were raised during committee discussion. With respect to the \$25,000 litigation contingency, he stated this is submitted with the proposed VGMC budget each year but is generally removed from the budget by the County. He asked whether it is deleted by the County administrative staff or the County Council. Mr. Chipok addressed the commission and stated the litigation contingency is generally taken out of the VGMC budget by County staff. Ms. Smith added that her experience has been the litigation contingency has been pulled from the budget prior to it getting to the County Council.

Mr. Wachtel also commented on the contract services budget. He stated the proposed budget is slightly higher than the five year average, however, 2012 was a relatively light year in terms of comp plan amendment activity. In addition, he stated future activity is unknown and the committee felt it would be best to request a \$225,000 budget since any unused monies go back to the County at the end of the year.

Mr. Bohannon asked how many computers the VGMC has. Ms. Smith responded there is one desktop and one laptop that are part of the County's lease program. She stated the computer replacement budget is set by the County and the computers are replaced every four years.

Mr. Hayman raised a question concerning the rent budget. Ms. Smith stated this line item includes the office rent as well as off-site storage for VGMC records.

Chairman Brandon called the question on the motion and second from the Budget Committee recommending approval of the 2013-14 budget as proposed. The motion carried unanimously.

Chairman Brandon thanked Mr. Wachtel and the Budget Committee for their work on the budget.

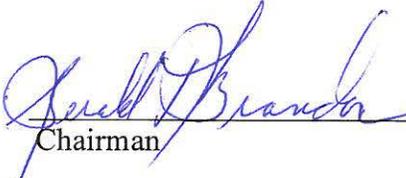
OTHER BUSINESS AND REQUESTS OF COMMISSION MEMBERS

Chairman Brandon recognized former member Joan Spinney for her 16 years of service to the VGMC. He presented her with a plaque from the VGMC as well as a Proclamation from Volusia County. Ms. Spinney addressed the commission, giving many thanks and stating she would miss everyone.

ADJOURNMENT

With there being no further business, the meeting was adjourned at 7:40 p.m.

  
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Attest: Secretary

  
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Chairman