

Volusia Growth Management Commission

MEETING MINUTES FOR
REGULAR MEETING HELD
Wednesday, March 28, 2012

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

MEMBERS PRESENT

Steve Katz, Chairman
Gerald Brandon, Vice Chairman
Dwight Lewis, Secretary
Richard Walton
Carla Page
Danny Allen (Excused)
Sandy Lou Gallagher (Excused)
Jason Floyd (Excused)
John Heaphy
Roger Sonnenfeld
Rick Tresher
Robert Storke
Don Romanik
Debbie Connors
Joan Spinney
James Wachtel
Kenneth Kuhar
David Michael Halpin

REPRESENTING

DeLand
Ormond Beach
Volusia County
Daytona Beach
Daytona Beach Shores
DeBary
Deltona
Edgewater
Holly Hill
Lake Helen
New Smyrna Beach
Orange City
Ponce Inlet
Port Orange
South Daytona
Volusia County
Volusia County
Volusia County

NON-VOTING MEMBERS

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

REPRESENTING

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

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

CALL TO ORDER

VGMC Chairman Steven Katz called the meeting to order at 7:08 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

Jerry Brandon made a motion to approve the minutes of the regular meeting held on January 25, 2012 as presented; seconded by Debbie Connors. Motion carried unanimously.

REMARKS OF INTERESTED CITIZENS

There were no citizens present who wished to speak.

REPORTS OF COMMISSION COORDINATOR

Ms. Smith provided an update on the current pending cases. She also reported additional VGMC records have been moved to offsite storage, scanning of records continues, and that she is also working on updates to the office operations manual. Ms. Smith stated that several members' terms are scheduled to expire on June 30, 2012 and she will be sending a letter to those jurisdictions, with a copy to the respective member, regarding the term expiration.

REPORTS OF COMMISSION CHAIRMAN

Chairman Katz reported the application process has been streamlined and the applications are moving through the process rapidly. He also discussed efforts he's made to get the VGMC name out. Mr. Katz reported that he, Mr. Brandon and Mr. Lewis had met on two occasions at publicly noticed meetings to discuss matters they want to bring back to the full commission, including modifications to the Rules of Procedure that the POP committee will look at.

Chairman Katz also stated that Mr. Lewis recently spoke with the County Attorney, Dan Eckert, regarding the County's continuing request to add a provision in the procedural amendments which would limit the members' terms to two years and also allow for the member to be removed by the appointing jurisdiction at any time. Mr. Katz stated that this has never been in the charter. Mr. Lewis commented that Mr. Eckert has a differing opinion on the issue. Mr. Lewis stated that he, Chairman Katz and possibly Mr. Tresher should all visit with Mr. Eckert to discuss the issue further so it can be clarified.

Chairman Katz asked Ms. Smith to distribute copies of the 1986 and current charter provisions, Section 202.3 (see Exhibit 1). Mr. Katz reviewed several specific paragraphs of the charter relating to member terms. He pointed out that paragraph three of the charter states "The term of office of the commission members shall be fixed by the Rules of Procedures of the commission but shall not exceed four years." In addition, he pointed out the references to rules of procedure in paragraphs five & six relate to the consistency certification rules, and not the operating rules. Mr. Katz stated that membership is addressed in the commission's operating rules of procedure

and the terms are set at 3 years, which is consistent with the charter requirement that the terms of office not exceed four years.

Mr. Katz also commented on the proposed consistency certification rules amendments and the authority of the County Council as per the charter. He also stated the POP Committee would be reviewing and updating the operating rules of procedure and bring amendments back to the commission for consideration.

Commissioner Connors pointed out the charter states that a non-voting member is appointed by the Volusia County Business Development Corporation and that organization is no longer in existence. Mr. Lewis stated that issue would have to be addressed through a charter amendment.

Commissioner Tresher asked if the original consistency certification rules were adopted within 120 days as required in the original charter. Chairman Katz responded affirmatively.

REPORTS OF COMMITTEES

POP Report: Committee Chairman Brandon reported the POP Committee had met briefly immediately prior to this meeting. Mr. Brandon stated the committee discussed potential changes to the operating rules of procedure and would be discussing in more detail at their next scheduled meeting. He also stated the committee will work on putting together an RSQ (Request for Statement of Qualifications) and will bring it back to the full commission with a recommendation.

Budget Report: Committee Chairman Lewis reported on year-to-date budget expenses through 2/29/12. Overall, Mr. Lewis commented that we are well within budget.

NEW BUSINESS

Consideration of VGMC Resolution #2012-01, Apportionment of Voting Weight:

Paul Chipok, General Counsel to the VGMC, addressed the commission regarding the Weighted Vote Resolution. Mr. Chipok explained that per the charter, we are required to update the weighted vote annually based on current population projections. He stated the current and historical methodology utilized to calculate the voting weight is the Bureau of Economic and Business Research of the University of Florida (BEBR). There were no questions from the commission members.

Dwight Lewis made a motion to approve VGMC Resolution #2012-01 as presented; seconded by Robert Storke. Motion carried unanimously.

Consider approval of the 2012-13 Proposed VGMC Budget:

Budget Committee Chairman Dwight Lewis addressed the commission. He stated the changes to the proposed budget discussed at the last commission meeting are reflected in the budget

proposal included in the current agenda package. Mr. Lewis summarized the changes as follows: 1) The contract services budget was reduced from \$250,000 to \$225,000; 2) The \$25,000 litigation contingency was removed; and 3) The legal ad budget was reduced from \$20,000 to \$15,000. He indicated the changes reduce the original proposed budget by a total of \$55,000, and also represent a 10% reduction from the current 2011-12 approved budget.

Mr. Lewis stated the Budget Committee met prior to the regular meeting and voted to recommend approval of the proposed 2012-13 budget as presented. Chairman Katz stated the recommendation of the Budget Committee serves as a motion and second. The motion to approve the proposed 2012-13 budget as presented carried by a unanimous vote of the commission.

REPORTS FROM STAFF

Mr. Chipok provided the commission with a legal update. He stated the commission presently has two pending litigation matters:

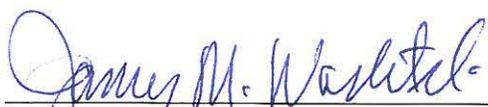
- 1) The Edgewater Restoration amendment – Mr. Chipok stated this remains on appeal, all documents have been filed, and we await the 5th DCA to render a decision. He added that the appeal is on a procedural matter, not substantive matter.
- 2) The Volusia County Farmton amendment – Mr. Chipok stated that an affirmative recommendation of approval was received from the hearing officer on the proposed recommended order. He stated it has been submitted to the Department of Economic Opportunity and we await the results. Commissioner Walton asked who the litigants are in this matter. Mr. Chipok responded that the Defendants are Volusia County, Miami Corporation and the VGMC, adding that DCA was previously part of the proceeding, however, when the new legislation passed, they pulled out of the litigation. He stated the plaintiffs are Barbara Herrin, ECARD, and the Sierra Club.

OTHER BUSINESS AND REQUESTS OF COMMISSION MEMBERS

Chairman Katz commented that he hopes next month the commission will have some form of resolution to the Consistency Certification Rules amendments, and also that the POP Committee may have something to present relating to the Rules of Procedure.

ADJOURNMENT

The meeting was adjourned at 7:35 p.m.



Attest: Secretary



Chairman